Representative Smith, R.

A B I L L

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to amend for the purpose of codifying and changing 315
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131st General Assembly to section 123.211 of the 317
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of the 131st General Assembly, as subsequently 319
amended, Sections 125.10 and 125.11 of Am. Sub. 320
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subsequently amended, and Section 2 of Am. Sub. S.B. 1 of the 130th General Assembly, as subsequently amended; and to repeal Section 7 of Am. Sub. H.B. 52 of the 131st General Assembly to make operating appropriations for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of state programs.

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

Section 101.01. That sections 101.38, 102.02, 102.022, 102.03, 105.41, 107.031, 107.35, 109.572, 109.5721, 113.061, 119.06, 120.08, 120.33, 120.36, 121.22, 122.071, 122.08, 122.081, 122.17, 122.171, 122.174, 122.175, 122.85, 122.86, 123.20, 123.21, 124.23, 124.26, 124.27, 124.384, 124.93, 125.035, 125.04, 125.061, 125.18, 125.22, 125.28, 126.11, 126.22, 126.35, 131.23, 131.33, 131.44, 131.51, 133.022, 133.06, 149.43, 151.03, 152.08, 153.02, 154.11, 166.08, 166.11, 173.01, 173.14, 173.15, 173.17, 173.19, 173.20, 173.21, 173.22, 173.24, 173.27, 173.28, 173.38, 173.381, 173.42, 173.424, 173.48, 173.51, 173.541, 173.544, 173.55, 173.99, 183.51, 191.04, 191.06, 307.984, 313.01, 319.11, 319.54, 321.27, 323.01, 323.32, 329.03, 329.04, 329.051, 329.06, 340.03, 340.032, 340.033, 340.08, 503.56, 705.22, 709.023, 715.014, 715.691, 715.70, 715.71, 715.72, 718.01, 718.02, 718.04, 718.05, 718.051, 718.08, 718.27, 718.41, 763.01, 763.07, 901.43, 909.10, 911.11, 927.55, 939.02, 941.12, 941.55, 943.23, 947.06, 1121.10, 1121.24, 1121.30, 1123.01, 1123.02, 1123.03, 1155.07, 1155.10, 1163.09, 1163.13, 1181.06, 1503.05, 1503.141, 1505.09, 1506.23, 1509.01, 1509.02, 1509.071, 1509.11, 1509.34, 1513.08, 1513.18, 1513.182, 1513.20, 1513.25, 1513.27, 1513.28, 1513.30, 1513.31, 1513.32, 1513.33, 1513.37, 1514.03, 1514.051, 1514.06, 1514.071, 1514.11, 1514.46, 1521.06, 1521.063, 1561.14,
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sections 152.08 (123.011), 3742.49 (3742.44), 3742.50 (3742.45), 3742.51 (3742.46), 4731.081 (4731.08), 4731.091 (4731.09), 4731.092 (4731.091), 5124.25 (5124.26), and 5162.64 (5162.63) be amended for the purpose of adopting new section numbers as indicated in parentheses; and new sections 3319.229, 3742.43, 5124.25, and 5162.64, and sections 107.036, 107.71, 109.112, 125.32, 125.92, 126.071, 307.631, 307.632, 307.633, 307.634, 307.635, 307.636, 307.637, 307.638, 307.639, 314.01, 314.02, 314.03, 314.04, 314.05, 314.06, 314.07, 314.08, 314.09, 314.10, 314.11, 314.12, 314.13, 1121.29, 1501.08, 3311.27, 3313.011, 3313.6112, 3313.6113, 3313.904, 3319.236, 3333.0414, 3333.0415, 3333.051, 3333.45, 3333.94, 3333.951, 3333.98, 3345.062, 3345.59, 3365.072, 3365.091, 3701.12, 3721.033, 3721.081, 3745.018, 4501.07, 4561.40, 4715.70, 4729.021, 4729.23, 4729.24, 4731.04, 4744.02, 4744.04, 4744.041, 4744.06, 4744.07, 4744.10, 4744.12, 4744.14, 4744.16, 4744.18,
Sec. 101.38. (A) As used in this section, "relative" means a spouse, parent, parent-in-law, sibling, sibling-in-law, child, child-in-law, grandparent, aunt, or uncle.

(B) There is hereby created the Ohio cystic fibrosis legislative task force to study and make recommendations on issues pertaining to the care and treatment of individuals with cystic fibrosis. The task force shall study and make recommendations on the following issues:

(1) Use of prescription drug and innovative therapies under the program for medically handicapped children established under section 3701.023 of the Revised Code and the program for adults with cystic fibrosis administered by the department of health under division (G) of that section, and the program established under section 5160.51 of the Revised Code;

(2) Screening of newborn children for the presence of genetic disorders, as required under section 3701.501 of the Revised Code;
(3) Any other issues the task force considers appropriate.  

(C) The task force shall consist of the following members, each with the authority to vote on matters before the task force:  

(1) Three members of the senate: two appointed by the president of the senate from the majority party and one appointed by the minority leader of the senate;  

(2) Three members of the house of representatives: two appointed by the speaker of the house of representatives from the majority party and one appointed by the minority leader of the house of representatives;  

(3) Three members, at least two of whom have been diagnosed with cystic fibrosis or are relatives of individuals who have been diagnosed with cystic fibrosis, appointed by the president of the senate;  

(4) Three members, at least two of whom have been diagnosed with cystic fibrosis or are relatives of individuals who have been diagnosed with cystic fibrosis, appointed by the speaker of the house of representatives.  

Initial members shall be appointed not later than sixty days after the effective date of this section May 18, 2005.  

(D) Each member of the task force shall serve a one-year term that ends on the same day of the same month as did the term that it succeeds. Members may be reappointed.  

(E) A vacancy shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall hold office as a member for the remainder of that term.  

A member shall continue in office subsequent to the expiration date of the member's term until a successor takes
office or until a period of sixty days has elapsed, whichever occurs first.

(F) Members of the task force shall elect a chair to serve a term of one year. A vacancy of the chair position shall be filled by election.

(G) Members of the task force shall receive no compensation, except to the extent that serving as a member is part of the individual's regular duties of employment and except for the reimbursement of expenses that may be provided under division (H) of this section.

(H) The task force may solicit and accept grants from public and private sources. Grant funds may be used to reimburse members for expenses incurred in the performance of official task force duties and to pursue initiatives pertaining to the care and treatment of individuals with cystic fibrosis.

(I) A majority of the members of the task force constitutes a quorum for the conduct of task force meetings.

Sec. 102.02. (A)(1) Except as otherwise provided in division (H) of this section, all of the following shall file with the appropriate ethics commission the disclosure statement described in this division on a form prescribed by the appropriate commission: every person who is elected to or is a candidate for a state, county, or city office and every person who is appointed to fill a vacancy for an unexpired term in such an elective office; all members of the state board of education; the director, assistant directors, deputy directors, division chiefs, or persons of equivalent rank of any administrative department of the state; the president or other chief administrative officer of every state institution of higher education as defined in section 3345.011 of the Revised Code; the executive director and the members of the capitol square review and advisory board appointed or employed.
pursuant to section 105.41 of the Revised Code; all members of the 
Ohio casino control commission, the executive director of the 
commission, all professional employees of the commission, and all 
technical employees of the commission who perform an internal 
audit function; the individuals set forth in division (B)(2) of 
section 187.03 of the Revised Code; the chief executive officer 
and the members of the board of each state retirement system; each 
employee of a state retirement board who is a state retirement 
system investment officer licensed pursuant to section 1707.163 of 
the Revised Code; the members of the Ohio retirement study council 
appointed pursuant to division (C) of section 171.01 of the 
Revised Code; employees of the Ohio retirement study council, 
other than employees who perform purely administrative or clerical 
functions; the administrator of workers' compensation and each 
member of the bureau of workers' compensation board of directors; 
the bureau of workers' compensation director of investments; the 
chief investment officer of the bureau of workers' compensation; 
all members of the board of commissioners on grievances and 
discipline of the supreme court and the ethics commission created 
under section 102.05 of the Revised Code; every business manager, 
treasurer, or superintendent of a city, local, exempted village, 
joint vocational, or cooperative education school district or an 
educational service center; every person who is elected to or is a 
candidate for the office of member of a board of education of a 
city, local, exempted village, joint vocational, or cooperative 
education school district or of a governing board of an 
educational service center that has a total student count of 
twelve thousand or more as most recently determined by the 
department of education pursuant to section 3317.03 of the Revised 
Code; every person who is appointed to the board of education of a 
municipal school district pursuant to division (B) or (F) of 
section 3311.71 of the Revised Code; all members of the board of 
directors of a sanitary district that is established under Chapter
6115. of the Revised Code and organized wholly for the purpose of providing a water supply for domestic, municipal, and public use, and that includes two municipal corporations in two counties; every public official or employee who is paid a salary or wage in accordance with schedule C of section 124.15 or schedule E-2 of section 124.152 of the Revised Code; members of the board of trustees and the executive director of the southern Ohio agricultural and community development foundation; all members appointed to the Ohio livestock care standards board under section 904.02 of the Revised Code; all entrepreneurs in residence assigned by the LeanOhio office in the department of administrative services under section 125.65 of the Revised Code and every other public official or employee who is designated by the appropriate ethics commission pursuant to division (B) of this section.

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

(a) The name of the person filing the statement and each member of the person's immediate family and all names under which the person or members of the person's immediate family do business;

(b)(i) Subject to divisions (A)(2)(b)(ii) and (iii) of this section and except as otherwise provided in section 102.022 of the Revised Code, identification of every source of income, other than income from a legislative agent identified in division (A)(2)(b)(ii) of this section, received during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. If the person filing the statement is a member of the general assembly, the statement shall identify the amount of every source of income received in accordance with the
following ranges of amounts: zero or more, but less than one thousand dollars; one thousand dollars or more, but less than ten thousand dollars; ten thousand dollars or more, but less than twenty-five thousand dollars; twenty-five thousand dollars or more, but less than fifty thousand dollars; fifty thousand dollars or more, but less than one hundred thousand dollars; and one hundred thousand dollars or more. Division (A)(2)(b)(i) of this section shall not be construed to require a person filing the statement who derives income from a business or profession to disclose the individual items of income that constitute the gross income of that business or profession, except for those individual items of income that are attributable to the person's or, if the income is shared with the person, the partner's, solicitation of services or goods or performance, arrangement, or facilitation of services or provision of goods on behalf of the business or profession of clients, including corporate clients, who are legislative agents. A person who files the statement under this section shall disclose the identity of and the amount of income received from a person who the public official or employee knows or has reason to know is doing or seeking to do business of any kind with the public official's or employee's agency.

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

(iii) Except as otherwise provided in division (A)(2)(b)(iii) of this section, division (A)(2)(b)(i) of this section applies to attorneys, physicians, and other persons who engage in the practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required not to reveal, disclose, or use confidences of clients, patients, or other recipients of professional services except under specified circumstances or generally are required to maintain those types of confidences as privileged communications except under specified circumstances. Division (A)(2)(b)(i) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(b)(iii) of this section to disclose the name, other identity, or address of a client, patient, or other recipient of professional services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which legal, medical, or professional advice or other services were sought, or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services. Division (A)(2)(b)(i) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(b)(iii) of this section to disclose in the brief description of the nature of services required by division (A)(2)(b)(i) of this section any information pertaining to specific professional services rendered for a client, patient, or
other recipient of professional services that would reveal details of the subject matter for which legal, medical, or professional advice was sought or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services.

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

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

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

(f) The names of all persons residing or transacting business in the state, other than a depository excluded under division (A)(2)(c) of this section, who owe more than one thousand dollars to the person filing the statement, either in the person's own name or to any person for the person's use or benefit. Division (A)(2)(f) of this section shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 of the Revised Code, or patients of persons certified licensed under section 4731.14 of the Revised Code, nor the disclosure of debts owed to the person resulting from the ordinary conduct of a business or profession.

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

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

(i) Except as otherwise provided in section 102.022 of the Revised Code, identification of the source of payment of expenses for meals and other food and beverages, other than for meals and other food and beverages provided at a meeting at which the person participated in a panel, seminar, or speaking engagement or at a meeting or convention of a national or state organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or any political subdivision or any office or agency of a political subdivision pays membership dues, that are incurred in connection with the person's official duties and that exceed one hundred dollars aggregated per calendar year;

(j) If the disclosure statement is filed by a public official

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or employee described in division (B)(2) of section 101.73 of the Revised Code or division (B)(2) of section 121.63 of the Revised Code who receives a statement from a legislative agent, executive agency lobbyist, or employer that contains the information described in division (F)(2) of section 101.73 of the Revised Code or division (G)(2) of section 121.63 of the Revised Code, all of the nondisputed information contained in the statement delivered to that public official or employee by the legislative agent, executive agency lobbyist, or employer under division (F)(2) of section 101.73 or (G)(2) of section 121.63 of the Revised Code.

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

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

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

(b) A person who is a candidate for elective office shall file the statement no later than the thirtieth day before the primary, special, or general election at which the candidacy is to be voted on, whichever election occurs soonerst, except that a person who is a write-in candidate shall file the statement no later than the twentieth day before the earliest election at which the person's candidacy is to be voted on.

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

(d) A person who is appointed or employed after the fifteenth day of May, other than a person described in division (A)(4)(c) of this section, shall file an annual statement within ninety days
(5) No person shall be required to file with the appropriate ethics commission more than one statement or pay more than one filing fee for any one calendar year.

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

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

(B) The Ohio ethics commission, the joint legislative ethics committee, and the board of commissioners on grievances and discipline of the supreme court, using the rule-making procedures of Chapter 119. of the Revised Code, may require any class of public officials or employees under its jurisdiction and not specifically excluded by this section whose positions involve a substantial and material exercise of administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws and rules of the state or a county or city, or the execution of other public trusts, to file an annual statement under division (A) of this section. The appropriate ethics commission shall send the public officials or employees written notice of the requirement not less than thirty days before the applicable filing deadline unless the public official or employee is appointed after that date, in which case the notice shall be sent within thirty days after appointment, and the filing shall be made not later than ninety days after appointment.

Disclosure statements filed under this division with the Ohio ethics commission by members of boards, commissions, or bureaus of the state for which no compensation is received other than reasonable and necessary expenses shall be kept confidential.
Disclosure statements filed with the Ohio ethics commission under division (A) of this section by business managers, treasurers, and superintendents of city, local, exempted village, joint vocational, or cooperative education school districts or educational service centers shall be kept confidential, except that any person conducting an audit of any such school district or educational service center pursuant to section 115.56 or Chapter 117. of the Revised Code may examine the disclosure statement of any business manager, treasurer, or superintendent of that school district or educational service center. Disclosure statements filed with the Ohio ethics commission under division (A) of this section by the individuals set forth in division (B)(2) of section 187.03 of the Revised Code shall be kept confidential. The Ohio ethics commission shall examine each disclosure statement required to be kept confidential to determine whether a potential conflict of interest exists for the person who filed the disclosure statement. A potential conflict of interest exists if the private interests of the person, as indicated by the person's disclosure statement, might interfere with the public interests the person is required to serve in the exercise of the person's authority and duties in the person's office or position of employment. If the commission determines that a potential conflict of interest exists, it shall notify the person who filed the disclosure statement and shall make the portions of the disclosure statement that indicate a potential conflict of interest subject to public inspection in the same manner as is provided for other disclosure statements. Any portion of the disclosure statement that the commission determines does not indicate a potential conflict of interest shall be kept confidential by the commission and shall not be made subject to public inspection, except as is necessary for the enforcement of Chapters 102. and 2921. of the Revised Code and except as otherwise provided in this division.

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

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

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

(2) The statement required by division (A) of this section shall be accompanied by the following filing fee to be paid by the person who is elected or appointed to, or is a candidate for, any of the following offices:

For state office, except member of the state board of education $95
For office of member of general assembly $40
For county office $60
For city office $35
For office of member of the state board of education $35
For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board $30
For position of business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or educational service center $30

(3) No judge of a court of record or candidate for judge of a court of record, and no referee or magistrate serving a court of record, shall be required to pay the fee required under division
(E)(1) or (2) or (F) of this section.

(4) For any public official who is appointed to a nonelective office of the state and for any employee who holds a nonelective position in a public agency of the state, the state agency that is the primary employer of the state official or employee shall pay the fee required under division (E)(1) or (F) of this section.

(F) If a statement required to be filed under this section is not filed by the date on which it is required to be filed, the appropriate ethics commission shall assess the person required to file the statement a late filing fee of ten dollars for each day the statement is not filed, except that the total amount of the late filing fee shall not exceed two hundred fifty dollars.

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

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

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

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

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

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

(B) The source of each gift of over five hundred dollars received by the person in the officer's or employee's own name or by any other person for the officer's or employee's use or benefit during the preceding calendar year, except gifts received by will or by virtue of section 2105.06 of the Revised Code, received from parents, grandparents, children, grandchildren, siblings, nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or any person to whom the person filing the statement stands in loco parentis, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor.

Sec. 102.03. (A)(1) No present or former public official or employee shall, during public employment or service or for twelve months thereafter, represent a client or act in a representative capacity for any person on any matter in which the public official or employee personally participated as a public official or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion.

(2) For twenty-four months after the conclusion of service, no former commissioner or attorney examiner of the public utilities commission shall represent a public utility, as defined in section 4905.02 of the Revised Code, or act in a representative capacity on behalf of such a utility before any state board, commission, or agency.

(3) For twenty-four months after the conclusion of employment
or service, no former public official or employee who personally participated as a public official or employee through decision, approval, disapproval, recommendation, the rendering of advice, the development or adoption of solid waste management plans, investigation, inspection, or other substantial exercise of administrative discretion under Chapter 343. or 3734. of the Revised Code shall represent a person who is the owner or operator of a facility, as defined in section 3734.01 of the Revised Code, or who is an applicant for a permit or license for a facility under that chapter, on any matter in which the public official or employee personally participated as a public official or employee.

(4) For a period of one year after the conclusion of employment or service as a member or employee of the general assembly, no former member or employee of the general assembly shall represent, or act in a representative capacity for, any person on any matter before the general assembly, any committee of the general assembly, or the controlling board. Division (A)(4) of this section does not apply to or affect a person who separates from service with the general assembly on or before December 31, 1995. As used in division (A)(4) of this section "person" does not include any state agency or political subdivision of the state.

(5) As used in divisions (A)(1), (2), and (3) of this section, "matter" includes any case, proceeding, application, determination, issue, or question, but does not include the proposal, consideration, or enactment of statutes, rules, ordinances, resolutions, or charter or constitutional amendments. As used in division (A)(4) of this section, "matter" includes the proposal, consideration, or enactment of statutes, resolutions, or constitutional amendments. As used in division (A) of this section, "represent" includes any formal or informal appearance before, or any written or oral communication with, any public agency on behalf of any person.
(6) Nothing contained in division (A) of this section shall prohibit, during such period, a former public official or employee from being retained or employed to represent, assist, or act in a representative capacity for the public agency by which the public official or employee was employed or on which the public official or employee served.

(7) Division (A) of this section shall not be construed to prohibit the performance of ministerial functions, including, but not limited to, the filing or amendment of tax returns, applications for permits and licenses, incorporation papers, and other similar documents.

(8) Division (A) of this section does not prohibit a nonelected public official or employee of a state agency, as defined in section 1.60 of the Revised Code, from becoming a public official or employee of another state agency. Division (A) of this section does not prohibit such an official or employee from representing or acting in a representative capacity for the official's or employee's new state agency on any matter in which the public official or employee personally participated as a public official or employee at the official's or employee's former state agency. However, no public official or employee of a state agency shall, during public employment or for twelve months thereafter, represent or act in a representative capacity for the official's or employee's new state agency on any audit or investigation pertaining to the official's or employee's new state agency in which the public official or employee personally participated at the official's or employee's former state agency through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion.

(9) Division (A) of this section does not prohibit a nonelected public official or employee of a political subdivision...
from becoming a public official or employee of a different
department, division, agency, office, or unit of the same
political subdivision. Division (A) of this section does not
prohibit such an official or employee from representing or acting
in a representative capacity for the official's or employee's new
department, division, agency, office, or unit on any matter in
which the public official or employee personally participated as a
public official or employee at the official's or employee's former
department, division, agency, office, or unit of the same
political subdivision. As used in this division, "political
subdivision" means a county, township, municipal corporation, or
any other body corporate and politic that is responsible for
government activities in a geographic area smaller than that of
the state.

(10) No present or former Ohio casino control commission
official shall, during public service or for two years thereafter,
represent a client, be employed or compensated by a person
regulated by the commission, or act in a representative capacity
for any person on any matter before or concerning the commission.

No present or former commission employee shall, during public
employment or for two years thereafter, represent a client or act
in a representative capacity on any matter in which the employee
personally participated as a commission employee through decision,
approval, disapproval, recommendation, the rendering of advice,
investigation, or other substantial exercise of administrative
discretion.

(B) No present or former public official or employee shall
disclose or use, without appropriate authorization, any
information acquired by the public official or employee in the
course of the public official's or employee's official duties that
is confidential because of statutory provisions, or that has been
clearly designated to the public official or employee as
confidential when that confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving its confidentiality is necessary to the proper conduct of government business.

(C) No public official or employee shall participate within the scope of duties as a public official or employee, except through ministerial functions as defined in division (A) of this section, in any license or rate-making proceeding that directly affects the license or rates of any person, partnership, trust, business trust, corporation, or association in which the public official or employee or immediate family owns or controls more than five per cent. No public official or employee shall participate within the scope of duties as a public official or employee, except through ministerial functions as defined in division (A) of this section, in any license or rate-making proceeding that directly affects the license or rates of any person to whom the public official or employee or immediate family, or a partnership, trust, business trust, corporation, or association of which the public official or employee or the public official's or employee's immediate family owns or controls more than five per cent, has sold goods or services totaling more than one thousand dollars during the preceding year, unless the public official or employee has filed a written statement acknowledging that sale with the clerk or secretary of the public agency and the statement is entered in any public record of the agency's proceedings. This division shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 of the Revised Code, or patients of persons licensed under section 4731.14 of the Revised Code.

(D) No public official or employee shall use or authorize the use of the authority or influence of office or employment to
secure anything of value or the promise or offer of anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

(E) No public official or employee shall solicit or accept anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

(F) No person shall promise or give to a public official or employee anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

(G) In the absence of bribery or another offense under the Revised Code or a purpose to defraud, contributions made to a campaign committee, political party, legislative campaign fund, political action committee, or political contributing entity on behalf of an elected public officer or other public official or employee who seeks elective office shall be considered to accrue ordinarily to the public official or employee for the purposes of divisions (D), (E), and (F) of this section.

As used in this division, "contributions," "campaign committee," "political party," "legislative campaign fund," "political action committee," and "political contributing entity" have the same meanings as in section 3517.01 of the Revised Code.

(H)(1) No public official or employee, except for the president or other chief administrative officer of or a member of a board of trustees of a state institution of higher education as defined in section 3345.011 of the Revised Code, who is required to file a financial disclosure statement under section 102.02 of the Revised Code shall solicit or accept, and no person shall give to that public official or employee, an honorarium. Except as
provided in division (H)(2) of this section, this division and divisions (D), (E), and (F) of this section do not prohibit a public official or employee who is required to file a financial disclosure statement under section 102.02 of the Revised Code from accepting and do not prohibit a person from giving to that public official or employee the payment of actual travel expenses, including any expenses incurred in connection with the travel for lodging, and meals, food, and beverages provided to the public official or employee at a meeting at which the public official or employee participates in a panel, seminar, or speaking engagement or provided to the public official or employee at a meeting or convention of a national organization to which any state agency, including, but not limited to, any state legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues. Except as provided in division (H)(2) of this section, this division and divisions (D), (E), and (F) of this section do not prohibit a public official or employee who is not required to file a financial disclosure statement under section 102.02 of the Revised Code from accepting and do not prohibit a person from promising or giving to that public official or employee an honorarium or the payment of travel, meal, and lodging expenses if the honorarium, expenses, or both were paid in recognition of demonstrable business, professional, or esthetic interests of the public official or employee that exist apart from public office or employment, including, but not limited to, such a demonstrable interest in public speaking and were not paid by any person or other entity, or by any representative or association of those persons or entities, that is regulated by, doing business with, or seeking to do business with the department, division, institution, board, commission, authority, bureau, or other instrumentality of the governmental entity with which the public official or employee serves.
(2) No person who is a member of the board of a state retirement system, a state retirement system investment officer, or an employee of a state retirement system whose position involves substantial and material exercise of discretion in the investment of retirement system funds shall solicit or accept, and no person shall give to that board member, officer, or employee, payment of actual travel expenses, including expenses incurred with the travel for lodging, meals, food, and beverages.

(I) A public official or employee may accept travel, meals, and lodging or expenses or reimbursement of expenses for travel, meals, and lodging in connection with conferences, seminars, and similar events related to official duties if the travel, meals, and lodging, expenses, or reimbursement is not of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties. The house of representatives and senate, in their code of ethics, and the Ohio ethics commission, under section 111.15 of the Revised Code, may adopt rules setting standards and conditions for the furnishing and acceptance of such travel, meals, and lodging, expenses, or reimbursement.

A person who acts in compliance with this division and any applicable rules adopted under it, or any applicable, similar rules adopted by the supreme court governing judicial officers and employees, does not violate division (D), (E), or (F) of this section. This division does not preclude any person from seeking an advisory opinion from the appropriate ethics commission under section 102.08 of the Revised Code.

(J) For purposes of divisions (D), (E), and (F) of this section, the membership of a public official or employee in an organization shall not be considered, in and of itself, to be of such a character as to manifest a substantial and improper influence on the public official or employee with respect to that
person's duties. As used in this division, "organization" means a church or a religious, benevolent, fraternal, or professional organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3), (4), (8), (10), or (19) of the "Internal Revenue Code of 1986." This division does not apply to a public official or employee who is an employee of an organization, serves as a trustee, director, or officer of an organization, or otherwise holds a fiduciary relationship with an organization. This division does not allow a public official or employee who is a member of an organization to participate, formally or informally, in deliberations, discussions, or voting on a matter or to use the public official's or employee's official position with regard to the interests of the organization on the matter if the public official or employee has assumed a particular responsibility in the organization with respect to the matter or if the matter would affect that person's personal, pecuniary interests.

(K) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with division (B) of section 309.06 and section 2921.421 of the Revised Code, for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with sections 733.621 and 2921.421 of the Revised Code, for a township law director appointed under section 504.15 of the Revised Code to appoint assistants and employees in accordance with sections 504.151 and 2921.421 of the Revised Code, or for a coroner to appoint assistants and employees in accordance with division (B) of section 313.05 of the Revised Code.

As used in this division, "chief legal officer" has the same meaning as in section 733.621 of the Revised Code.

(L) No present public official or employee with a casino
gaming regulatory function shall indirectly invest, by way of an entity the public official or employee has an ownership interest or control in, or directly invest in a casino operator, management company, holding company, casino facility, or gaming-related vendor. No present public official or employee with a casino gaming regulatory function shall directly or indirectly have a financial interest in, have an ownership interest in, be the creditor or hold a debt instrument issued by, or have an interest in a contractual or service relationship with a casino operator, management company, holding company, casino facility, or gaming-related vendor. This section does not prohibit or limit permitted passive investing by the public official or employee.

As used in this division, "passive investing" means investment by the public official or employee by means of a mutual fund in which the public official or employee has no control of the investments or investment decisions. "Casino operator," "holding company," "management company," "casino facility," and "gaming-related vendor" have the same meanings as in section 3772.01 of the Revised Code.

(M) A member of the Ohio casino control commission, the executive director of the commission, or an employee of the commission shall not:

(1) Accept anything of value, including but not limited to a gift, gratuity, emolument, or employment from a casino operator, management company, or other person subject to the jurisdiction of the commission, or from an officer, attorney, agent, or employee of a casino operator, management company, or other person subject to the jurisdiction of the commission;

(2) Solicit, suggest, request, or recommend, directly or indirectly, to a casino operator, management company, or other person subject to the jurisdiction of the commission, or to an officer, attorney, agent, or employee of a casino operator,
management company, or other person subject to the jurisdiction of the commission, the appointment of a person to an office, place, position, or employment;

(3) Participate in casino gaming or any other amusement or activity at a casino facility in this state or at an affiliate gaming facility of a licensed casino operator, wherever located.

In addition to the penalty provided in section 102.99 of the Revised Code, whoever violates division (M)(1), (2), or (3) of this section forfeits the individual's office or employment.

Sec. 105.41. (A) There is hereby created in the legislative branch of government the capitol square review and advisory board, consisting of twelve members as follows:

(1) Two members of the senate, appointed by the president of the senate, both of whom shall not be members of the same political party;

(2) Two members of the house of representatives, appointed by the speaker of the house of representatives, both of whom shall not be members of the same political party;

(3) Four members appointed by the governor, with the advice and consent of the senate, not more than three of whom shall be members of the same political party, one of whom shall be the chief of staff of the governor's office, one of whom shall represent the Ohio arts council, one of whom shall represent the Ohio history connection, and one of whom shall represent the public at large;

(4) One member, who shall be a former president of the senate, appointed by the current president of the senate. If the current president of the senate, in the current president's discretion, decides for any reason not to make the appointment or if no person is eligible or available to serve, the seat shall...
remain vacant.

(5) One member, who shall be a former speaker of the house of representatives, appointed by the current speaker of the house of representatives. If the current speaker of the house of representatives, in the current speaker's discretion, decides for any reason not to make the appointment or if no person is eligible or available to serve, the seat shall remain vacant.

(6) The clerk of the senate and the clerk of the house of representatives.

(B) Terms of office of each appointed member of the board shall be for three years, except that members of the general assembly appointed to the board shall be members of the board only so long as they are members of the general assembly and the chief of staff of the governor's office shall be a member of the board only so long as the appointing governor remains in office. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. In case of a vacancy occurring on the board, the president of the senate, the speaker of the house of representatives, or the governor, as the case may be, shall in the same manner prescribed for the regular appointment to the commission, fill the vacancy by appointing a member. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the term. Any appointed member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

(C) The board shall hold meetings in a manner and at times prescribed by the rules adopted by the board. A majority of the board constitutes a quorum, and no action shall be taken by the board unless approved by at least six members or by at least seven
members if a person is appointed under division (A)(4) or (5) of this section. At its first meeting, the board shall adopt rules for the conduct of its business and the election of its officers, and shall organize by selecting officers other than a chairperson as it considers necessary. In odd-numbered years, the majority member from the senate shall serve as chairperson; in even-numbered years, the majority member from the house of representatives shall serve as chairperson. Board members shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.

(D) The board may do any of the following:

(1) Employ or hire on a consulting basis professional, technical, and clerical employees as are necessary for the performance of its duties. All employees of the board are in the unclassified service and serve at the pleasure of the board. For purposes of section 4117.01 of the Revised Code, employees of the board shall be considered employees of the general assembly, except that employees who are covered by a collective bargaining agreement on September 29, 2011, shall remain subject to the agreement until the agreement expires on its terms, and the agreement shall not be extended or renewed. Upon expiration of the agreement, the employees are considered employees of the general assembly for purposes of section 4117.01 of the Revised Code and are in the unclassified service and serve at the pleasure of the board.

(2) Hold public hearings at times and places as determined by the board;

(3) Adopt, amend, or rescind rules necessary to accomplish the duties of the board as set forth in this section;

(4) Sponsor, conduct, and support such social events as the board may authorize and consider appropriate for the employees of
the board, employees and members of the general assembly, employees of persons under contract with the board or otherwise engaged to perform services on the premises of capitol square, or other persons as the board may consider appropriate. Subject to the requirements of Chapter 4303. of the Revised Code, the board may provide beer, wine, and intoxicating liquor, with or without charge, for those events and may use funds only from the sale of goods and services fund to purchase the beer, wine, and intoxicating liquor the board provides;

(5) Purchase a warehouse in which to store items of the capitol collection trust and, whenever necessary, equipment or other property of the board.

(E) The board shall do all of the following:

(1) Have sole authority to coordinate and approve any improvements, additions, and renovations that are made to the capitol square. The improvements shall include, but not be limited to, the placement of monuments and sculpture on the capitol grounds.

(2) Subject to section 3353.07 of the Revised Code, operate the capitol square, and have sole authority to regulate all uses of the capitol square. The uses shall include, but not be limited to, the casual and recreational use of the capitol square.

(3) Employ, fix the compensation of, and prescribe the duties of the executive director of the board and other employees the board considers necessary for the performance of its powers and duties;

(4) Establish and maintain the capitol collection trust. The capitol collection trust shall consist of furniture, antiques, and other items of personal property that the board shall store in suitable facilities until they are ready to be displayed in the capitol square.
(5) Perform repair, construction, contracting, purchasing, maintenance, supervisory, and operating activities the board determines are necessary for the operation and maintenance of the capitol square;

(6) Maintain and preserve the capitol square, in accordance with guidelines issued by the United States secretary of the interior for application of the secretary's standards for rehabilitation adopted in 36 C.F.R. part 67;

(7) Plan and develop a center at the capitol building for the purpose of educating visitors about the history of Ohio, including its political, economic, and social development and the design and erection of the capitol building and its grounds.

(F)(1) The board shall lease capital facilities improved by the department of administrative services or financed by the treasurer of state pursuant to Chapter 154. of the Revised Code for the use of the board, and may enter into any other agreements with the department, the Ohio public facilities commission, or any other authorized governmental agency ancillary to improvement, financing, or leasing of those capital facilities, including, but not limited to, any agreement required by the applicable bond proceedings authorized by Chapter 154. of the Revised Code. Any lease of capital facilities authorized by this section shall be governed by Chapter 154. of the Revised Code.

(2) Fees, receipts, and revenues received by the board from the state underground parking garage constitute available receipts as defined in section 154.24 of the Revised Code, and may be pledged to the payment of bond service charges on obligations issued by the treasurer of state pursuant to Chapter 154. of the Revised Code to improve, finance, or purchase capital facilities useful to the board. The treasurer of state may, with the consent of the board, provide in the bond proceedings for a pledge of all or a portion of those fees, receipts, and revenues as the
treasurer of state determines. The treasurer of state may provide
in the bond proceedings or by separate agreement with the board
for the transfer of those fees, receipts, and revenues to the
appropriate bond service fund or bond service reserve fund as
required to pay the bond service charges when due, and any such
provision for the transfer of those fees, receipts, and revenues
shall be controlling notwithstanding any other provision of law
pertaining to those fees, receipts, and revenues.

(3) All moneys received by the treasurer of state on account
of the board and required by the applicable bond proceedings or by
separate agreement with the board to be deposited, transferred, or
credited to the bond service fund or bond service reserve fund
established by the bond proceedings shall be transferred by the
treasurer of state to such fund, whether or not it is in the
custody of the treasurer of state, without necessity for further
appropriation.

(G)(1) Except as otherwise provided in division (G)(2) of
this section, all fees, receipts, and revenues received by the
board from the state underground parking garage shall be deposited
into the state treasury to the credit of the underground parking
garage operating fund, which is hereby created, to be used for the
purposes specified in division (F) of this section and for the
operation and maintenance of the garage. All investment earnings
of the fund shall be credited to the fund.

(2) There is hereby created the parking garage automated
equipment fund, which shall be in the custody of the treasurer of
state but shall not be part of the state treasury. Money in the
fund shall be used to purchase the automated teller machine
quality dollar bills needed for operation of the parking garage
automated equipment. The fund shall consist of fees, receipts, or
revenues received by the board from the state underground parking
garage; provided, however, that the total amount deposited into
the fund at any one time shall not exceed ten thousand dollars. All investment earnings of the fund shall be credited to the fund.

(H) All donations received by the board shall be deposited into the state treasury to the credit of the capitol square renovation gift fund, which is hereby created. The fund shall be used by the board as follows:

1. To provide part or all of the funding related to construction, goods, or services for the renovation of the capitol square;

2. To purchase art, antiques, and artifacts for display at the capitol square;

3. To award contracts or make grants to organizations for educating the public regarding the historical background and governmental functions of the capitol square. Chapters 125., 127., and 153. and section 3517.13 of the Revised Code do not apply to purchases made exclusively from the fund, notwithstanding anything to the contrary in those chapters or that section. All investment earnings of the fund shall be credited to the fund.

(I) Except as provided in divisions (G), (H), and (J) of this section, all fees, receipts, and revenues received by the board shall be deposited into the state treasury to the credit of the sale of goods and services fund, which is hereby created. Money credited to the fund shall be used solely to pay costs of the board other than those specified in divisions (F) and (G) of this section. All investment earnings of the fund shall be credited to the fund.

(J) There is hereby created in the state treasury the capitol square improvement fund, to be used by the board to pay construction, renovation, and other costs related to the capitol square for which money is not otherwise available to the board. Whenever the board determines that there is a need to incur those costs.
costs and that the unencumbered, unobligated balance to the credit of the underground parking garage operating fund exceeds the amount needed for the purposes specified in division (F) of this section and for the operation and maintenance of the garage, the board may request the director of budget and management to transfer from the underground parking garage operating fund to the capitol square improvement fund the amount needed to pay such construction, renovation, or other costs. The director then shall transfer the amount needed from the excess balance of the underground parking garage operating fund.

(K) As the operation and maintenance of the capitol square constitute essential government functions of a public purpose, the board shall not be required to pay taxes or assessments upon the square, upon any property acquired or used by the board under this section, or upon any income generated by the operation of the square.

(L) As used in this section, "capitol square" means the capitol building, senate building, capitol atrium, capitol grounds, the state underground parking garage, and the warehouse owned by the board.

(M) The capitol annex shall be known as the senate building.

(N) Any person may possess a firearm in a motor vehicle in the state underground parking garage at the state capitol building, if the person's possession of the firearm in the motor vehicle is not in violation of section 2923.16 of the Revised Code or any other provision of the Revised Code. Any person may store or leave a firearm in a locked motor vehicle that is parked in the state underground parking garage at the state capitol building, if the person's transportation and possession of the firearm in the motor vehicle while traveling to the garage was not in violation of section 2923.16 of the Revised Code or any other provision of the Revised Code.
Sec. 107.031. Until the first committee appointed under division (C) of section 3317.012 of the Revised Code to reexamine the cost of an adequate education makes its report to the office of budget and management and the general assembly, the governor shall ensure that among the various budget recommendations made by the governor and the director of budget and management to the general assembly each biennium there are recommendations for appropriations to the Ohio school facilities construction commission, aggregating not less than three hundred million dollars per fiscal year, excluding recommendations for appropriations from the education facilities trust fund, created in section 183.26 of the Revised Code, for constructing, acquiring, replacing, reconstructing, or adding to classroom facilities, as such term is defined in section 3318.01 of the Revised Code.

Sec. 107.036. (A) For each business incentive tax credit, the main operating appropriations act shall contain a detailed estimate of the total amount of credits that may be authorized in each year, an estimate of the amount of credits expected to be claimed in each year, and an estimate of the amount of credits expected to remain outstanding at the end of the biennium. The governor shall include such estimates in the state budget submitted to the general assembly pursuant to section 107.03 of the Revised Code.

(B) As used in this section, "business incentive tax credit" means all of the following:

(1) The job creation tax credit under section 122.17 of the Revised Code;

(2) The job retention tax credit under section 122.171 of the Revised Code;
(3) The historic preservation tax credit under section 149.311 of the Revised Code;

(4) The motion picture tax credit under section 122.85 of the Revised Code;

(5) The new markets tax credit under section 5725.33 of the Revised Code;

(6) The research and development credit under section 166.21 of the Revised Code;

(7) The small business investment credit under section 122.86 of the Revised Code.

Sec. 107.35. Not later than December 31, 2014, the governor's office of workforce transformation, with staff support and assistance from the departments of job and family services and education and the Ohio board of regents, higher education, and the opportunities for Ohioans with disabilities agency, shall establish criteria to use for evaluating the performance of state and local workforce programs using basic, aligned workforce measures related to system efficiency and effectiveness. The office shall develop and make available on the internet through a web site a public dashboard to display metrics regarding the state's administration of primary workforce programs, including the following programs:

(A) The adult basic and literacy education program;


(C) State aid and scholarships within the Ohio board of regents administered by the department of higher education;

et seq., as amended "Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et seq.;


Sec. 107.71. (A) The Ohio institute of technology is established in the office of the governor. The office shall do at least all of the following:

(1) Formulate and implement a state strategy to identify methods for using technology, research, and development to create positive results for citizens and businesses of this state and to improve the operations of state government;

(2) Prioritize, coordinate, and focus all state-funded research including research funded by the department of higher education, department of administrative services, department of transportation, department of medicaid, department of job and family services, and opportunities for Ohioans with disabilities agency;

(3) Identify emerging technologies and advocate for the research and application of technologies that may have a significant positive impact on the economy or workforce of this state;

(4) Advocate for and coordinate research sponsored by state institutions of higher education regarding technologies that may have a significant positive impact on the economy or workforce of this state;

(5) Identify methods to increase collaboration between state institutions of higher education; private, not-for-profit entities; and other private entities to accelerate product or patent incubation and commercialization of new and leading
technologies in the state;

(6) Manage the continued implementation of the Ohio innovation exchange and the Ohio federal research network;

(7) Advise the governor on technology and issues relevant to the duties of the office; and

(8) Perform such other duties as may be prescribed by the governor.

The office shall issue a report to the governor and the members of the general assembly annually not later than the last day of December detailing the office's state strategy and the office's progress toward initial and updated goals established under the state strategy.

(B) The governor shall appoint a chief innovation officer to serve as executive director of the office, and such other staff as may be necessary to manage the office and perform or oversee the performance of the duties of the office. To qualify for appointment as chief innovation officer, an individual shall have significant expertise in as many of the following fields as possible: biotechnology, information technology, medicine, logistics and supply chain management, advanced manufacturing, advanced materials, chemistry, robotics and sensors, aerospace, cyber security, and transportation technologies.

(C) As used in this section, "state institution of higher education" has the meaning defined in section 3345.011 of the Revised Code.

Sec. 109.112. If the state of Ohio or any agency or officer of the state is named in a court order to be the recipient of any money collected or received by the attorney general under section 109.111 of the Revised Code, the attorney general shall notify the director of budget and management of the amount of money to be
collected or received under, and the terms of, the court order. The director, in consultation with the attorney general, shall determine the appropriate distribution of the money. Upon its collection or receipt, the attorney general shall transfer the money from the attorney general court order fund to the appropriate fund or funds as determined by the director.

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

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

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

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;
(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(2)(a) of this section.

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

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21,
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;

(b) Felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(c) A violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996;

(d) A violation of section 2923.01, 2923.02, or 2923.03 of the Revised Code when the underlying offense that is the object of the conspiracy, attempt, or complicity is one of the offenses listed in divisions (A)(3)(a) to (c) of this section;

(e) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in divisions (A)(3)(a) to (d) of this section.

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

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

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

(5) Upon receipt of a request pursuant to section 5104.013 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to
determine whether any information exists that indicates that the
person who is the subject of the request has been convicted of or
pledged guilty to any of the following:

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

(b) A violation of an existing or former law of this state,
any other state, or the United States that is substantially
equivalent to any of the offenses or violations described in
division (A)(5)(a) of this section.

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

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

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

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

(8) On receipt of a request pursuant to section 1321.37,
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised
Code, a completed form prescribed pursuant to division (C)(1) of
this section, and a set of fingerprint impressions obtained in the
manner described in division (C)(2) of this section, the
superintendent of the bureau of criminal identification and
investigation shall conduct a criminal records check with respect
to any person who has applied for a license, permit, or
certification from the department of commerce or a division in the
department. The superintendent shall conduct the criminal records
check in the manner described in division (B) of this section to
determine whether any information exists that indicates that the
person who is the subject of the request previously has been
convicted of or pleaded guilty to any of the following: a
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or
2925.03 of the Revised Code; any other criminal offense involving
theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities, as set forth in Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of the Revised Code; or any existing or former law of this state, any other state, or the United States that is substantially equivalent to those offenses.

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

(10) On receipt of a request pursuant to section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of
this section, and a set of fingerprint impressions obtained in the 1996
manner described in division (C)(2) of this section, the 1997
superintendent of the bureau of criminal identification and 1998
investigation shall conduct a criminal records check in the manner 1999
described in division (B) of this section to determine whether any 2000
information exists that indicates that the person who is the 2001
subject of the request previously has been convicted of or pleaded 2002
guilty to any criminal offense under any existing or former law of 2003
this state, any other state, or the United States. 2004

(11) On receipt of a request for a criminal records check 2005
from an appointing or licensing authority under section 3772.07 of 2006
the Revised Code, a completed form prescribed under division 2007
(C)(1) of this section, and a set of fingerprint impressions 2008
obtained in the manner prescribed in division (C)(2) of this 2009
section, the superintendent of the bureau of criminal 2010
identification and investigation shall conduct a criminal records 2011
test in the manner described in division (B) of this section to 2012
determine whether any information exists that indicates that the 2013
person who is the subject of the request previously has been 2014
convicted of or pleaded guilty or no contest to any offense under 2015
any existing or former law of this state, any other state, or the 2016
United States that is a disqualifying offense as defined in 2017
section 3772.07 of the Revised Code or substantially equivalent to 2018
such an offense.

(12) On receipt of a request pursuant to section 2151.33 or 2019
2151.412 of the Revised Code, a completed form prescribed pursuant 2020
to division (C)(1) of this section, and a set of fingerprint 2021
impressions obtained in the manner described in division (C)(2) of 2022
this section, the superintendent of the bureau of criminal 2023
identification and investigation shall conduct a criminal records 2024
check with respect to any person for whom a criminal records check 2025
is required under that section. The superintendent shall conduct 2026

the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.12, 2913.13, 2913.14, 2913.15, 2913.16, 2913.161, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;

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

(13) On receipt of a request pursuant to section 3796.12 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to the following:

(a) A disqualifying offense as specified in rules adopted under division (B)(2)(b) of section 3796.03 of the Revised Code if the person who is the subject of the request is an administrator or other person responsible for the daily operation of, or an owner or prospective owner, officer or prospective officer, or
board member or prospective board member of, an entity seeking a license from the department of commerce under Chapter 3796. of the Revised Code;

(b) A disqualifying offense as specified in rules adopted under division (B)(2)(b) of section 3796.04 of the Revised Code if the person who is the subject of the request is an administrator or other person responsible for the daily operation of, or an owner or prospective owner, officer or prospective officer, or board member or prospective board member of, an entity seeking a license from the state board of pharmacy under Chapter 3796. of the Revised Code.

(14) On receipt of a request required by section 3796.13 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to the following:

(a) A disqualifying offense as specified in rules adopted under division (B)(8)(a) of section 3796.03 of the Revised Code if the person who is the subject of the request is seeking employment with an entity licensed by the department of commerce under Chapter 3796. of the Revised Code;

(b) A disqualifying offense as specified in rules adopted under division (B)(14)(a) of section 3796.04 of the Revised Code if the person who is the subject of the request is seeking employment with an entity licensed by the state board of pharmacy under Chapter 3796. of the Revised Code.
(B) Subject to division (F) of this section, the superintendent shall conduct any criminal records check to be conducted under this section as follows:

(1) The superintendent shall review or cause to be reviewed any relevant information gathered and compiled by the bureau under division (A) of section 109.57 of the Revised Code that relates to the person who is the subject of the criminal records check, including, if the criminal records check was requested under section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4749.03, 4749.06, 4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code; any relevant information contained in records that have been sealed under section 2953.32 of the Revised Code;

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

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

(4) The superintendent shall include in the results of the criminal records check a list or description of the offenses listed or described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), or (14) of this section, whichever division requires the superintendent to conduct the criminal records check. The superintendent shall exclude from the results any information the dissemination of which is prohibited by federal law.

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

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

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

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

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

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

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

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

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

(F)(1) Subject to division (F)(2) of this section, all information regarding the results of a criminal records check conducted under this section that the superintendent reports or sends under division (A)(7) or (9) of this section to the director of public safety, the treasurer of state, or the person, board, or entity that made the request for the criminal records check shall relate to the conviction of the subject person, or the subject person's plea of guilty to, a criminal offense.

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

(G) As used in this section:

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

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

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

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

Sec. 109.5721. (A) As used in this section:

(1) "Employment" includes volunteer service.

(2) "Independent provider" has the same meaning as in section 5164.341 of the Revised Code.

(3) "Licensure" means the authorization, evidenced by a license, certificate, registration, permit, or other authority that is issued or conferred by a public office, to engage in a profession, occupation, or occupational activity, to be a foster caregiver, or to have control of and operate certain specific equipment, machinery, or premises over which a public office has jurisdiction.

(3)-(4) "Participating public office" means a public office that requires a fingerprint background check as a condition of employment with, licensure by, or approval for adoption by the public office and that elects to receive notice under division (C)-(D) of this section in accordance with rules adopted by the attorney general. "Participating public office" also means the department of medicaid if it elects to receive notices under
division (D) of this section regarding independent providers.

(4)(5) "Public office" has the same meaning as in section 117.01 of the Revised Code.

(5)(6) "Participating private party" means any person or private entity that is allowed to request a criminal records check pursuant to division (A)(2) or (3) of section 109.572 of the Revised Code.

(B) Within six months after August 15, 2007, the superintendent of the bureau of criminal identification and investigation shall establish and maintain a database of fingerprints of individuals on whom the bureau has conducted criminal records checks for either of the following purposes:

(1) To determine the individual's eligibility for employment with, licensure by, or approval for adoption by a public office or participating private party;

(2) To determine whether an applicant for a medicaid provider agreement as an independent provider is ineligible for the medicaid provider agreement because of section 5164.341 of the Revised Code.

(C) The superintendent shall maintain the database separate and apart from other records maintained by the bureau. The database shall be known as the retained applicant fingerprint database.

(D) When the superintendent receives information that an individual whose name is in the retained applicant fingerprint database has been arrested for, convicted of, or pleaded guilty to any offense, the superintendent shall promptly notify any the following of the individual's arrest, conviction, or guilty plea:

(1) Any participating public office or participating private
party that employs, licensed, or approved the individual of the
arrest, conviction, or guilty plea;

(2) The department of medicaid if the individual is an
independent provider. The

(E)(1) A participating public office or participating private
party that receives the notification under division (D) of this
section, and its employees and officers shall use the information
contained in the notification solely to determine the individual's
continued eligibility for continued employment the following:

(a) Employment with the participating public office or
participating private party, to retain licensure issued;

(b) Licensure by the participating public office, or to be
approved;

(c) Approval for adoption by the participating public office;

(d) A medicaid provider agreement as an independent provider.
The

(2) Except as provided in division (E) of section 5164.341 of
the Revised Code, in formation contained in the notification is
confidential and not a public record under section 149.43 of the
Revised Code and a participating public office or participating
private party, and its employees and officers, shall not disclose
that information to any person for any other purpose not specified
in division (E)(1) of this section.

(F) If an individual has submitted fingerprint impressions
for employment with, licensure by, or approval for adoption by a
participating public office or participating private party and
seeks employment with, licensure by, or approval for adoption by
another participating public office or participating private
county, the other participating public office or participating
private party shall reprint the individual. If an individual has
been reprinted, the superintendent shall update that individual's information accordingly.

(E) The bureau of criminal identification and investigation and the participating public office or participating private party shall use information contained in the retained applicant fingerprint database and in the notice described in division (C) of this section only for the purpose of employment with, licensure by, or approval for adoption by the participating public office or participating private party this section. This information is otherwise confidential and not a public record under section 149.43 of the Revised Code.

(F) The attorney general shall adopt rules in accordance with Chapter 119. of the Revised Code governing the operation and maintenance of the database. The rules shall provide for, but not be limited to, both of the following:

(1) The expungement or sealing of records of individuals the following:

   (a) Individuals who are deceased;

   (b) Individuals who are no longer employed, granted licensure, or approved for adoption by the participating public office or participating private party that required submission of the individual's fingerprints;

   (c) Individuals who are no longer independent providers.

(2) The terms under which a public office or participating private party may elect to receive notification under division (C) of this section, including payment of any reasonable fee that may be charged for the purpose.

(G) No public office or employee of a public office shall be considered negligent in a civil action solely because the public office did not elect to be a participating public office.
(H)(J)(1) No person shall knowingly use information contained in or received from the retained applicant fingerprint database for purposes not authorized by this section.

(2) No person shall knowingly use information contained in or received from the retained applicant fingerprint database with the intent to harass or intimidate another person.

(3) Whoever violates division (H)(J)(1) or (H)(J)(2) of this section is guilty of unlawful use of retained applicant fingerprint database records. A violation of division (H)(J)(1) of this section is a misdemeanor of the fourth degree. A violation of division (H)(J)(2) of this section is a misdemeanor of the first degree.

Sec. 113.061. The treasurer of state shall adopt rules in accordance with Chapter 119. of the Revised Code governing the remittance of taxes by electronic funds transfer as required under sections 3769.103, 5718.051, 5726.03, 5727.311, 5727.83, 5733.022, 5735.062, 5736.04, 5739.032, 5745.04, 5747.072, 5749.06, and 5751.07 of the Revised Code and any other section of the Revised Code under which a person is required to remit taxes by electronic funds transfer. The rules shall govern the modes of electronic funds transfer acceptable to the treasurer of state and under what circumstances each mode is acceptable, the content and format of electronic funds transfers, the coordination of payment by electronic funds transfer and filing of associated tax reports and returns, the remittance of taxes by means other than electronic funds transfer by persons otherwise required to do so but relieved of the requirement by the treasurer of state, and any other matter that in the opinion of the treasurer of state facilitates payment by electronic funds transfer in a manner consistent with those sections.

Upon failure by a person, if so required, to remit taxes by
electronic funds transfer in the manner prescribed under section 3769.103, 5718.051, 5726.03, 5727.83, 5733.022, 5735.062, 5736.04, 5739.032, 5745.04, 5747.072, 5749.06, or 5751.07 of the Revised Code and rules adopted under this section, the treasurer of state shall notify the tax commissioner of such failure if the treasurer of state determines that such failure was not due to reasonable cause or was due to willful neglect, and shall provide the tax commissioner with any information used in making that determination. The tax commissioner may assess an additional charge as specified in the respective section of the Revised Code governing the requirement to remit taxes by electronic funds transfer.

The treasurer of state may implement means of acknowledging, upon the request of a taxpayer, receipt of tax remittances made by electronic funds transfer, and may adopt rules governing acknowledgments. The cost of acknowledging receipt of electronic remittances shall be paid by the person requesting acknowledgment.

The treasurer of state, not the tax commissioner, is responsible for resolving any problems involving electronic funds transfer transmissions.

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

No adjudication order shall be valid unless an opportunity for a hearing is afforded in accordance with sections 119.01 to 119.13 of the Revised Code. Such opportunity for a hearing shall be given before making the adjudication order except in those situations where this section provides otherwise.

The following adjudication orders shall be effective without a hearing:
(A) Orders revoking a license in cases where an agency is required by statute to revoke a license pursuant to the judgment of a court;

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

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

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

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

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

Unless a hearing was held prior to the refusal to issue the license, every agency shall afford a hearing upon the request of a person whose application for a license has been rejected and to whom the agency has refused to issue a license, whether it is a renewal or a new license, except that the following are not required to afford a hearing to a person to whom a new license has been refused because the person failed a licensing examination: the state medical board, state chiropractic board, architects board, Ohio landscape architects board, and any section of the
Ohio occupational therapy, physical therapy, and athletic trainers board the state physical health services board with respect to licenses issued under Chapter 4755. of the Revised Code.

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

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

Sec. 120.08. There is hereby created in the state treasury the indigent defense support fund, consisting of money paid into the fund pursuant to sections 4507.45, 4509.101, 4510.22, and 4511.19 of the Revised Code and pursuant to sections 2937.22, 2949.091, and 2949.094 of the Revised Code out of the additional court costs imposed under those sections. The state public defender shall use at least eighty-eight per cent of the money in the fund for the purposes of reimbursing county governments for expenses incurred pursuant to sections 120.18, 120.28, and 120.33 of the Revised Code and operating its system pursuant to division (C)(7) of section 120.04 of the Revised Code and division (B) of section 120.33 of the Revised Code. Disbursements from the fund to county governments shall be made at least once per year and shall be allocated proportionately so that each county receives an equal percentage of its total cost for
operating its county public defender system, its joint county public defender system, its county appointed counsel system, or its system operated under division (C)(7) of section 120.04 of the Revised Code and division (B) of section 120.33 of the Revised Code. The state public defender may use not more than twelve seventeen per cent of the money in the fund for the purposes of appointing assistant state public defenders, providing other personnel, equipment, and facilities necessary for the operation of the state public defender office, and providing training, developing and implementing electronic forms, or establishing and maintaining an information technology system used for the uniform operation of this chapter.

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

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

(a) To select the person's own personal counsel to represent the person in any proceeding included within the provisions of the
(b) To request the court to appoint counsel to represent the person in such a proceeding.

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

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

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

(3) The board of county commissioners shall establish a schedule of fees by case or on an hourly basis to be paid to counsel for legal services provided pursuant to a resolution adopted under this section. Prior to establishing the schedule, the board of county commissioners shall request the bar association or associations of the county to submit a proposed schedule for cases other than capital cases. The schedule submitted shall be subject to the review, amendment, and approval of the board of county commissioners, except with respect to capital cases. With respect to capital cases, the schedule shall provide for fees by case or on an hourly basis to be paid to counsel in the amount or at the rate set by the capital case attorney fee council pursuant to division (D) of this section, and the board of county commissioners shall approve that amount or rate.

(4) Counsel selected by the indigent person or appointed by the court at the request of an indigent person in a county that
adopts a resolution to pay counsel, except for counsel appointed
to represent a person charged with any violation of an ordinance
of a municipal corporation that has not contracted with the county
commissioners for the payment of appointed counsel, shall be paid
by the county and shall receive the compensation and expenses the
court approves. With respect to capital cases, the court shall
approve compensation and expenses in accordance with the amount or
at the rate set by the capital case attorney fee council pursuant
to division (D) of this section. Each request for payment shall be
accompanied by include a financial disclosure form and an
affidavit of indigency that are completed by the indigent person
on forms prescribed by the state public defender.
Compensation and expenses shall not exceed the amounts fixed by
the board of county commissioners in the schedule adopted pursuant
to division (A)(3) of this section. No court shall approve
compensation and expenses that exceed the amount fixed pursuant to
division (A)(3) of this section.

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

The county auditor shall draw a warrant on the county
treasurer for the payment of counsel in the amount fixed by the court, plus the expenses the court fixes and certifies to the auditor. The county auditor shall report periodically, but not less than annually, to the board of county commissioners and to the state public defender the amounts paid out pursuant to the approval of the court. The board of county commissioners, after review and approval of the auditor's report, or the county auditor, with permission from and notice to the board of county commissioners, may then certify it to the state public defender for reimbursement. The state public defender may pay a requested reimbursement only if the request for reimbursement is accompanied by includes a financial disclosure form and an affidavit of indigency completed by the indigent person on forms a form prescribed by the state public defender or if the court certifies by electronic signature as prescribed by the state public defender that a financial disclosure form and affidavit of indigency have has been completed by the indigent person and are is available for inspection. If a request for the reimbursement of the cost of counsel in any case is not received by the state public defender within ninety days after the end of the calendar month in which the case is finally disposed of by the court, unless the county has requested and the state public defender has granted an extension of the ninety-day limit, the state public defender shall not pay the requested reimbursement. The state public defender shall also review the report and, in accordance with the standards, guidelines, and maximums established pursuant to divisions (B)(7) and (8) of section 120.04 of the Revised Code, prepare a voucher for fifty per cent of the total cost of each county appointed counsel system in the period of time covered by the certified report and a voucher for fifty per cent of the costs and expenses that are reimbursable under section 120.35 of the Revised Code, if any, or, if the amount of money appropriated by the general assembly to reimburse counties for the operation of
county public defender offices, joint county public defender offices, and county appointed counsel systems is not sufficient to pay fifty per cent of the total cost of all of the offices and systems other than costs and expenses that are reimbursable under section 120.35 of the Revised Code, for the lesser amount required by section 120.34 of the Revised Code.

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

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

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

     (D)(1) There is hereby created the capital case attorney fee council, appointed as described in division (D)(2) of this section. The council shall set an amount by case, or a rate on an hourly basis, to be paid under this section to counsel in a capital case.

     (2) The capital case attorney fee council shall consist of five members, all of whom shall be active judges serving on one of the district courts of appeals in this state. Terms for council members shall be the lesser of three years or until the member ceases to be an active judge of a district court of appeals. The initial terms shall commence ninety days after the effective date of this amendment September 28, 2016. The chief justice of the supreme court shall appoint the members of the council, and shall make all of the appointments not later than sixty days after the effective date of this amendment September 28, 2016. When any vacancy occurs, the chief justice shall appoint an active judge of a district court of appeals in this state to fill the vacancy for the unexpired term, in the same manner as prescribed in this division. The chief justice shall designate a chairperson from the appointed members of the council. Members of the council shall receive no additional compensation for their service as a member, but may be reimbursed for expenses reasonably incurred in service to the council, to be paid by the supreme court. The supreme court may provide administrative support to the council.

     (3) The capital case attorney fee council initially shall
meet not later than one hundred twenty days after the effective date of this amendment September 28, 2016. Thereafter, the council shall meet not less than annually.

(4) Upon setting the amount or rate described in division (D)(1) of this section, the chairperson of the capital case attorney fee council promptly shall provide written notice to the state public defender of the amount or rate so set. The amount or rate so set shall become effective ninety days after the date on which the chairperson provides that written notice to the state public defender. The council shall specify that effective date in the written notice provided to the state public defender. All amounts or rates set by the council shall be final, subject to modification as described in division (D)(5) of this section, and not subject to appeal.

(5) The capital case attorney fee council may modify an amount or rate set as described in division (D)(4) of this section. The provisions of that division apply with respect to any such modification of an amount or rate.

Sec. 120.36. (A)(1) Subject to division (A)(2), (3), (4), (5), or (6) of this section, if a person who is a defendant in a criminal case or a party in a case in juvenile court requests or is provided a state public defender, a county or joint county public defender, or any other counsel appointed by the court, the court in which the criminal case is initially filed or the juvenile court, whichever is applicable, shall assess, unless the application fee is waived or reduced, a non-refundable application fee of twenty-five dollars.

The court shall direct the person to pay the application fee to the clerk of court. The person shall pay the application fee to the clerk of court at the time the person files an affidavit of indigency or a financial disclosure form with the court, a state
public defender, a county or joint county public defender, or any other counsel appointed by the court or within seven days of that date. If the person does not pay the application fee within that seven-day period, the court shall assess the application fee at sentencing or at the final disposition of the case.

(2) For purposes of this section, a criminal case includes any case involving a violation of any provision of the Revised Code or of an ordinance of a municipal corporation for which the potential penalty includes loss of liberty and includes any contempt proceeding in which a court may impose a term of imprisonment.

(3) In a juvenile court proceeding, the court shall not assess the application fee against a child if the court appoints a guardian ad litem for the child or the court appoints an attorney to represent the child at the request of a guardian ad litem.

(4) The court shall not assess an application fee for a postconviction proceeding or when the defendant files an appeal.

(5)(a) Except when the court assesses an application fee pursuant to division (A)(5)(b) of this section, the court shall assess an application fee when a person is charged with a violation of a community control sanction or a violation of a post-release control sanction.

(b) If a charge of violating a community control sanction or post-release control sanction described in division (A)(5)(a) of this section results in a person also being charged with violating any provision of the Revised Code or an ordinance of a municipal corporation, the court shall only assess an application fee for the case that results from the additional charge.

(6) If a case is transferred from one court to another court and the person failed to pay the application fee to the court that initially assessed the application fee, the court that initially
assessed the fee shall remove the assessment, and the court to which the case was transferred shall assess the application fee.

(7) The court shall assess an application fee pursuant to this section one time per case. For purposes of assessing the application fee, a case means one complete proceeding or trial held in one court for a person on an indictment, information, complaint, petition, citation, writ, motion, or other document initiating a case that arises out of a single incident or a series of related incidents, or when one individual is charged with two or more offenses that the court handles simultaneously. The court may waive or reduce the fee for a specific person in a specific case upon a finding that the person lacks financial resources that are sufficient to pay the fee or that payment of the fee would result in an undue hardship.

(B) No court, state public defender, county or joint county public defender, or other counsel appointed by the court shall deny a person the assistance of counsel solely due to the person's failure to pay the application fee assessed pursuant to division (A) of this section. A person's present inability, failure, or refusal to pay the application fee shall not disqualify that person from legal representation.

(C) The application fee assessed pursuant to division (A) of this section is separate from and in addition to any other amount assessed against a person who is found to be able to contribute toward the cost of the person's legal representation pursuant to division (D) of section 2941.51 of the Revised Code.

(D) The clerk of the court that assessed the fees shall forward all application fees collected pursuant to this section to the county treasurer for deposit in the county treasury. The county shall retain eighty per cent of the application fees so collected to offset the costs of providing legal representation to indigent persons. Not later than the last day of each month, the
The county auditor shall remit twenty per cent of the application fees so collected in the previous month to the state public defender. The state public defender shall deposit the remitted fees into the state treasury to the credit of the client payment fund created pursuant to division (B)(5) of section 120.04 of the Revised Code. The state public defender may use that money in accordance with that section.

(E) On or before the twentieth day of each month beginning in February of the year 2007, each clerk of court shall provide to the state public defender a report including all of the following:

1. The number of persons in the previous month who requested or were provided a state public defender, county or joint county public defender, or other counsel appointed by the court;

2. The number of persons in the previous month for whom the court waived the application fee pursuant to division (A) of this section;

3. The dollar value of the application fees assessed pursuant to division (A) of this section in the previous month;

4. The amount of assessed application fees collected in the previous month;

5. The balance of unpaid assessed application fees at the open and close of the previous month.

(F) As used in this section:

1. "Clerk of court" means the clerk of the court of common pleas of the county, the clerk of the juvenile court of the county, the clerk of the domestic relations division of the court of common pleas of the county, the clerk of the probate court of the county, the clerk of a municipal court in the county, the clerk of a county-operated municipal court, or the clerk of a county court in the county, whichever is applicable.
"County-operated municipal court" has the same meaning as in section 1901.03 of the Revised Code.

**Sec. 121.22.** (A) This section shall be liberally construed to require public officials to take official action and to conduct all deliberations upon official business only in open meetings unless the subject matter is specifically excepted by law.

(B) As used in this section:

(1) "Public body" means any of the following:

(a) Any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution;

(b) Any committee or subcommittee of a body described in division (B)(1)(a) of this section;

(c) A court of jurisdiction of a sanitary district organized wholly for the purpose of providing a water supply for domestic, municipal, and public use when meeting for the purpose of the appointment, removal, or reappointment of a member of the board of directors of such a district pursuant to section 6115.10 of the Revised Code, if applicable, or for any other matter related to such a district other than litigation involving the district. As used in division (B)(1)(c) of this section, "court of jurisdiction" has the same meaning as "court" in section 6115.01 of the Revised Code.

(2) "Meeting" means any prearranged discussion of the public business of the public body by a majority of its members.

(3) "Regulated individual" means either of the following:

(a) A student in a state or local public educational
institution;

(b) A person who is, voluntarily or involuntarily, an inmate, patient, or resident of a state or local institution because of criminal behavior, mental illness, an intellectual disability, disease, disability, age, or other condition requiring custodial care.

(4) "Public office" has the same meaning as in section 149.011 of the Revised Code.

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

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

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

(1) A grand jury;

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

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

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

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

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

(7) The board of nursing when determining whether to suspend
a license or certificate without a prior hearing pursuant to
division (B) of section 4723.281 of the Revised Code;

(8) The state board of pharmacy when determining whether to
suspend a license without a prior hearing pursuant to division (D)
of section 4729.16 of the Revised Code;

(9) The state chiropractic board when determining whether to
suspend a license without a hearing pursuant to section 4734.37 of
the Revised Code;

(10) The executive committee of the emergency response
commission when determining whether to issue an enforcement order
or request that a civil action, civil penalty action, or criminal
action be brought to enforce Chapter 3750. of the Revised Code;

(11) The board of directors of the nonprofit corporation
formed under section 187.01 of the Revised Code or any committee
thereof, and the board of directors of any subsidiary of that
corporation or a committee thereof;

(12) An audit conference conducted by the audit staff of the
department of job and family services with officials of the public
office that is the subject of that audit under section 5101.37 of
the Revised Code;

(13) The occupational therapy section of the occupational
therapy, physical therapy, and athletic trainers board when
determining whether to suspend a license or limited permit without a hearing pursuant to division (D) of section 4755.11 of the Revised Code;

(14) The physical therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (E) of section 4755.47 of the Revised Code;

(15) The athletic trainers section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (D) of section 4755.64 of the Revised Code;

(16) Meetings of a drug overdose fatality review committee established under section 307.631 of the Revised Code.

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

(1) Marketing plans;
(2) Specific business strategy;
(3) Production techniques and trade secrets;
(4) Financial projections;
(5) Personal financial statements of the applicant or members of the applicant's immediate family, including, but not limited to, tax records or other similar information not open to public inspection.
The vote by the authority or board to accept or reject the application, as well as all proceedings of the authority or board not subject to this division, shall be open to the public and governed by this section.

(F) Every public body, by rule, shall establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings. A public body shall not hold a special meeting unless it gives at least twenty-four hours' advance notice to the news media that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members calling the meeting shall notify the news media that have requested notification immediately of the time, place, and purpose of the meeting.

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

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

(1) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official,
licensee, or regulated individual requests a public hearing. Except as otherwise provided by law, no public body shall hold an executive session for the discipline of an elected official for conduct related to the performance of the elected official's official duties or for the elected official's removal from office. If a public body holds an executive session pursuant to division (G)(1) of this section, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed in division (G)(1) of this section are the purposes for which the executive session is to be held, but need not include the name of any person to be considered at the meeting.

(2) To consider the purchase of property for public purposes, the sale of property at competitive bidding, or the sale or other disposition of unneeded, obsolete, or unfit-for-use property in accordance with section 505.10 of the Revised Code, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. No member of a public body shall use division (G)(2) of this section as a subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member of a public body that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers.

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

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

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

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

(6) Details relative to the security arrangements and emergency response protocols for a public body or a public office, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the public body or public office;

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

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

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

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

If a public body holds an executive session to consider any
of the matters listed in divisions (G)(2) to (8) of this section,
the motion and vote to hold that executive session shall state
which one or more of the approved matters listed in those
divisions are to be considered at the executive session.

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

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

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

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

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

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

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

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

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

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

(a) Interviewing an applicant for financial assistance under sections 5901.01 to 5901.15 of the Revised Code;

(b) Discussing applications, statements, and other documents described in division (B) of section 5901.09 of the Revised Code;

(c) Reviewing matters relating to an applicant's request for financial assistance under sections 5901.01 to 5901.15 of the Revised Code.

(2) A veterans service commission shall not exclude an applicant for, recipient of, or former recipient of financial assistance under sections 5901.01 to 5901.15 of the Revised Code, and shall not exclude representatives selected by the applicant, recipient, or former recipient, from a meeting that the commission conducts as an executive session that pertains to the applicant's, recipient's, or former recipient's application for financial assistance.

(3) A veterans service commission shall vote on the grant or denial of financial assistance under sections 5901.01 to 5901.15 of the Revised Code only in an open meeting of the commission. The minutes of the meeting shall indicate the name, address, and occupation of the applicant, whether the assistance was granted or
denied, the amount of the assistance if assistance is granted, and
the votes for and against the granting of assistance.

Sec. 122.071. (A) The TourismOhio advisory board is hereby
established to advise the director of development services and the
director of the office of TourismOhio on strategies for promoting
tourism in this state. The board shall consist of the chief
investment officer of the nonprofit corporation formed under
section 187.01 of the Revised Code or the chief investment
officer's designee, the director of the office of TourismOhio, and
nine members to be appointed by the governor as provided in
division (B) of this section. All members of the board, except the
director of the office of TourismOhio, shall be voting members.

(B)(1) The governor shall, within sixty days after the
effective date of this section September 28, 2012, appoint to the
TourismOhio advisory board one individual who is a representative
of convention and visitors' bureaus, one individual who is a
representative of the lodging industry, one individual who is a
representative of the restaurant industry, one individual who is a
representative of attractions, one individual who is a
representative of special events and festivals, one individual who
is a representative of agritourism, and three individuals who are
representatives of the tourism industry. Of the initial
appointments, two individuals shall serve a term of one year,
three individuals shall serve a term of two years, and the
remainder shall serve a term of three years. Thereafter, terms of
continued service shall be for three years. Each individual appointed to the
board shall be a United States citizen.

(2) For purposes of division (B)(1) of this section, an
individual is a "representative of the tourism industry" if the
individual possesses five years or more executive-level experience
in the attractions, lodging, restaurant, transportation, or retail
industry or five years or more executive-level experience with a destination marketing organization.

(C)(1) Each member of the TourismOhio advisory board shall hold office from the date of the member's appointment until the end of the term for which the member is appointed. Vacancies that occur on the board shall be filled in the manner prescribed for regular appointments to the board. A member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that predecessor's term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until sixty days have elapsed, whichever occurs first. Any member appointed to the board is eligible for reappointment.

(2) The governor shall designate one member of the board as chairperson.

(3) Members appointed to the board may be reimbursed for actual and necessary expenses incurred in connection with their official duties.

Sec. 122.08. (A) There is hereby created within the department of development **services agency** an office to be known as the office of small business **and entrepreneurship**. The office shall be under the supervision of a manager appointed by the director of development **services**.

(B) The office shall do all of the following:

(1) Act as liaison between the small business community and state governmental agencies;

(2) Furnish information and technical assistance to persons and small businesses concerning the establishment and maintenance of a small business, and concerning state laws and rules relevant
to the operation of a small business. In conjunction with these duties, the office shall keep a record of all proposed and currently effective state agency rules affecting small businesses, and may testify before the joint committee on agency rule review concerning any proposed rule affecting small businesses.

(3) Prepare and publish the small business register under section 122.081 of the Revised Code;

(4) Receive complaints from small businesses concerning governmental activity, compile and analyze those complaints, and periodically make recommendations to the governor and the general assembly on changes in state laws or agency rules needed to eliminate burdensome and unproductive governmental regulation to improve the economic climate within which small businesses operate;

(5) Receive complaints or questions from small businesses and direct those businesses to the appropriate governmental agency. If, within a reasonable period of time, a complaint is not satisfactorily resolved or a question is not satisfactorily answered, the office shall, on behalf of the small business, make every effort to secure a satisfactory result. For this purpose, the office may consult with any state governmental agency and may make any suggestion or request that seems appropriate.

(6) Utilize, to the maximum extent possible, the printed and electronic media to disseminate information of current concern and interest to the small business community and to make known to small businesses the services available through the office. The office shall publish such books, pamphlets, and other printed materials, and shall participate in such trade association meetings, conventions, fairs, and other meetings involving the small business community, as the manager considers appropriate.

(7) Prepare a description of the activities of the office for
inclusion in the department of development's development services agency's annual report to the governor and general assembly, a description of the activities of the office and a report of the number of rules affecting small businesses that were recorded by the office during the preceding calendar year;

(8) Operate the Ohio first-stop business connection to assist individuals in identifying and preparing applications for business licenses, permits, and certificates and to serve as the central public distributor for all forms, applications, and other information related to business licensing. Each state agency, board, and commission shall cooperate in providing assistance, information, and materials to enable the connection to perform its duties under this division.

(9) Provide information to individuals about the resources available on the OhioMeansJobs web site and through the local OhioMeansJobs one-stop systems established under section 6301.08 of the Revised Code that connect businesses with job seekers. As used in this division, "OhioMeansJobs" has the same meaning as in section 6301.01 of the Revised Code.

(C) The office may, upon the request of a state agency, assist the agency with the preparation of any rule that will affect small businesses.

(D) The director of development shall assign employees and furnish equipment and supplies to the office as the director considers necessary for the proper performance of the duties assigned to the office.

Sec. 122.081. (A) The office of small business and entrepreneurship in the department of development services agency shall prepare and publish a "small business register" or contract with any person as provided in this section to prepare and publish the register. The small business register shall contain the
following information regarding each proposed rule recorded by the office of small business and entrepreneurship:

(1) The title and administrative code rule number of the proposed rule;

(2) A brief summary of the proposed rule;

(3) The date on which the proposed rule was recorded by the office of small business and entrepreneurship; and

(4) The name, address, and telephone number of an individual or office within the agency that proposed the rule who can provide information about the proposed rule.

(B) The small business register shall be published on a weekly basis. The information required under division (A) of this section shall be published in the register no later than two weeks after the proposed rule to which the information relates is recorded by the office of small business and entrepreneurship. The office of small business shall furnish the small business register, on a single copy or subscription basis, to any person who requests it and pays a single copy price or subscription rate fixed by the office. The office shall furnish the chairpersons of the standing committees of the senate and house of representatives having jurisdiction over small businesses with free subscriptions to the small business register.

(C) Upon the request of the office of small business and entrepreneurship, the director of administrative services shall, in accordance with the competitive selection procedure of Chapter 125. of the Revised Code, let a contract for the compilation, printing, and distribution of the small business register.

(D) The office of small business and entrepreneurship shall adopt, and may amend or rescind, in accordance with Chapter 119. of the Revised Code, such rules as are necessary to enable it to properly carry out this section.
Sec. 122.17. (A) As used in this section:

(1) "Payroll" means the total taxable income paid by the employer during the employer's taxable year, or during the calendar year that includes the employer's tax period, to each employee or each home-based employee employed in the project to the extent such payroll is not used to determine the credit under section 122.171 of the Revised Code. "Payroll" excludes amounts paid before the day the taxpayer becomes eligible for the credit and retirement or other benefits paid or contributed by the employer to or on behalf of employees.

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

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

(4) "Excess payroll" means Ohio employee payroll minus baseline payroll.

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

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

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

(B) The tax credit authority may make grants under this section to foster job creation in this state. Such a grant shall take the form of a refundable credit allowed against the tax imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, or 5747.02 or levied under Chapter 5751. of the Revised Code. The credit shall be claimed for the taxable years or tax periods specified in the taxpayer's agreement with the tax credit authority under division (D) of this section. With respect to taxes imposed under section 5726.02, 5733.06, or 5747.02 or Chapter 5751. of the Revised Code, the credit shall be claimed in the order required under section 5726.98, 5733.98, 5747.98, or 5751.98 of the Revised Code. The amount of the credit available for a taxable year or for a calendar year that includes a tax
period equals the excess payroll for that year multiplied by the percentage specified in the agreement with the tax credit authority.

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

An application shall not propose to include both home-based employees and employees who are not home-based employees in the computation of Ohio employee payroll for the purposes of the same tax credit agreement. If a taxpayer or potential taxpayer employs both home-based employees and employees who are not home-based employees in a project, the taxpayer shall submit separate applications for separate tax credit agreements for the project, one of which shall include home-based employees in the computation of Ohio employee payroll and one of which shall include all other employees in the computation of Ohio employee payroll.

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

(a) The taxpayer's project will increase payroll;

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

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

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

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

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

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

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

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

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

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

(5) The pay increase factor to be applied to the taxpayer's baseline payroll;

(6) A requirement that the taxpayer annually shall report to the director of development services full-time equivalent employees, payroll, Ohio employee payroll, investment, the provision of health care benefits and tuition reimbursement if required in the agreement, and other information the director needs to perform the director's duties under this section;

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

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

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

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

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

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

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

(H) A taxpayer claiming a credit under this section shall submit to the tax commissioner or, if the taxpayer is an insurance company, to the superintendent of insurance, a copy of the director of development services' certificate of verification under division (D)(7) of this section with the taxpayer's tax report or return for the taxable year or for the calendar year that includes the tax period. Failure to submit a copy of the certificate with the report or return does not invalidate a claim for a credit if the taxpayer submits a copy of the certificate to the commissioner or superintendent within the time prescribed by section 5703.0510 of the Revised Code or within thirty days after the commissioner or superintendent requests it.

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

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

(K)(1) If the director of development services determines that a taxpayer who has received a credit under this section is not complying with the requirements of the agreement, the director shall notify the tax credit authority of the noncompliance. After receiving such a notice, and after giving the taxpayer an opportunity to explain the noncompliance, the tax credit authority may require the taxpayer to refund to this state a portion of the credit in accordance with the following:

(a) If the taxpayer fails to comply with the requirement under division (D)(3) of this section, an amount determined in accordance with the following:
(i) If the taxpayer maintained operations at the project location for a period less than or equal to the term of the credit, an amount not exceeding one hundred per cent of the sum of any credits allowed and received under this section;

(ii) If the taxpayer maintained operations at the project location for a period longer than the term of the credit, but less than the greater of seven years or the term of the credit plus three years, an amount not exceeding seventy-five per cent of the sum of any credits allowed and received under this section.

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

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

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

(3) In determining the portion of the tax credit to be refunded to this state, the tax credit authority shall consider the effect of market conditions on the taxpayer's project and whether the taxpayer continues to maintain other operations in this state. After making the determination, the authority shall certify the amount to be refunded to the tax commissioner or superintendent of insurance, as appropriate. If the amount is certified to the commissioner, the commissioner shall make an
assessment for that amount against the taxpayer under Chapter 5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the amount is certified to the superintendent, the superintendent shall make an assessment for that amount against the taxpayer under Chapter 5725. or 5729. of the Revised Code. The time limitations on assessments under those chapters do not apply to an assessment under this division, but the commissioner or superintendent, as appropriate, shall make the assessment within one year after the date the authority certifies to the commissioner or superintendent the amount to be refunded.

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

(M) There is hereby created the tax credit authority, which consists of the director of development services and four other members appointed as follows: the governor, the president of the senate, and the speaker of the house of representatives each shall appoint one member who shall be a specialist in economic development; the governor also shall appoint a member who is a specialist in taxation. Terms of office shall be for four years. Each member shall serve on the authority until the end of the term for which the member was appointed. Vacancies shall be filled in the same manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall
hold office for the remainder of that term. Members may be reappointed to the authority. Members of the authority shall receive their necessary and actual expenses while engaged in the business of the authority. The director of development services shall serve as chairperson of the authority, and the members annually shall elect a vice-chairperson from among themselves. Three members of the authority constitute a quorum to transact and vote on the business of the authority. The majority vote of the membership of the authority is necessary to approve any such business, including the election of the vice-chairperson.

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

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

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

(P) On or before the first day of January of 2019, the director of development services shall submit a report to the governor, the president of the senate, and the speaker of the house of representatives on the effect of agreements entered into
under this section in which the taxpayer included home-based employees in the computation of income tax revenue, as that term was defined in this section prior to the amendment of this section by H.B. 64 of the 131st general assembly. The report shall include information on the number of such agreements that were entered into in the preceding six years, a description of the projects that were the subjects of such agreements, and an analysis of nationwide home-based employment trends, including the number of home-based jobs created from July 1, 2011, through June 30, 2017, and a description of any home-based employment tax incentives provided by other states during that time.

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

(R) Original agreements approved by the tax credit authority under this section in 2014 or 2015 before the effective date of this division September 29, 2015, may be revised at the request of the taxpayer to conform with the amendments to this section and sections 5733.0610, 5736.50, 5747.058, and 5751.50 of the Revised Code by H.B. 64 of the 131st general assembly, upon mutual agreement of the taxpayer and the development services agency, and approval by the tax credit authority.

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

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

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

(c) "Income tax revenue" has the same meaning as under this
section as it existed before September 29, 2015, the effective date of the amendment of this section by H.B. 64 of the 131st general assembly.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The taxpayer employs at least five hundred full-time
equivalent employees or has an annual Ohio employee payroll of at
least thirty-five million dollars at the time the tax credit
authority grants the tax credit under this section;
(b) The taxpayer makes or causes to be made payments for the capital investment project of one of the following:

(i) If the taxpayer is engaged at the project site primarily as a manufacturer, at least fifty million dollars in the aggregate at the project site during a period of three consecutive calendar years, including the calendar year that includes a day of the taxpayer's taxable year or tax period with respect to which the credit is granted;

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

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

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

(4) "Ohio employee payroll" has the same meaning as in section 122.17 of the Revised Code.

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

(6) "Project site" means an integrated complex of facilities in this state, as specified by the tax credit authority under this section, within a fifteen-mile radius where a taxpayer is primarily operating as an eligible business.
(7) "Related member" has the same meaning as in section 5733.042 of the Revised Code as that section existed on the effective date of its amendment by Am. Sub. H.B. 215 of the 122nd general assembly, September 29, 1997.

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

(B) The tax credit authority created under section 122.17 of the Revised Code may grant a nonrefundable tax credit to an eligible business under this section for the purpose of fostering job retention in this state. Upon application by an eligible business and upon consideration of the determination of the director of budget and management, tax commissioner, and the superintendent of insurance in the case of an insurance company, and the recommendation and determination of the director of development services under division (C) of this section, the tax credit authority may grant the credit against the tax imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, 5747.02, or 5751.02 of the Revised Code.

The credit authorized in this section may be granted for a period up to fifteen taxable years or, in the case of the tax levied by section 5736.02 or 5751.02 of the Revised Code, for a period of up to fifteen calendar years. The credit amount for a taxable year or a calendar year that includes the tax period for which a credit may be claimed equals the Ohio employee payroll for that year multiplied by the percentage specified in the agreement with the tax credit authority. The credit shall be claimed in the order required under section 5725.98, 5726.98, 5729.98, 5733.98, 5747.98, or 5751.98 of the Revised Code. In determining the
percentage and term of the credit, the tax credit authority shall consider both the number of full-time equivalent employees and the value of the capital investment project. The credit amount may not be based on the Ohio employee payroll for a calendar year before the calendar year in which the tax credit authority specifies the tax credit is to begin, and the credit shall be claimed only for the taxable years or tax periods specified in the eligible business' agreement with the tax credit authority. In no event shall the credit be claimed for a taxable year or tax period terminating before the date specified in the agreement.

If a credit allowed under this section for a taxable year or tax period exceeds the taxpayer's tax liability for that year or period, the excess may be carried forward for the three succeeding taxable or calendar years, but the amount of any excess credit allowed in any taxable year or tax period shall be deducted from the balance carried forward to the succeeding year or period.

(C) A taxpayer that proposes a capital investment project to retain jobs in this state may apply to the tax credit authority to enter into an agreement for a tax credit under this section. The director of development services shall prescribe the form of the application. After receipt of an application, the authority shall forward copies of the application to the director of budget and management, the tax commissioner, and the superintendent of insurance in the case of an insurance company, each of whom shall review the application to determine the economic impact the proposed project would have on the state and the affected political subdivisions and shall submit a summary of their determinations to the authority. The authority shall also forward a copy of the application to the director of development services, who shall review the application to determine the economic impact the proposed project would have on the state and the affected political subdivisions and shall submit a summary of the
director's determinations and recommendations to the authority.

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

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

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

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

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

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

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

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

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

(4) A requirement that the taxpayer retain at least five hundred full-time equivalent employees at the project site and
within this state for the entire term of the credit, or a
requirement that the taxpayer maintain an annual Ohio employee
payroll of at least thirty-five million dollars for the entire
term of the credit.

(5) A requirement that the taxpayer annually report to the
director of development services full-time equivalent employees,
Ohio employee payroll, capital investment, and other information
the director needs to perform the director's duties under this
section.

(6) A requirement that the director of development services
annually review the annual reports of the taxpayer to verify the
information reported under division (E)(5) of this section and
compliance with the agreement. Upon verification, the director
shall issue a certificate to the taxpayer stating that the
information has been verified and identifying the amount of the
credit for the taxable year or calendar year that includes the tax
period. In determining the number of full-time equivalent
employees, no position shall be counted that is filled by an
employee who is included in the calculation of a tax credit under
section 122.17 of the Revised Code.

(7) A provision providing that the taxpayer may not relocate
a substantial number of employment positions from elsewhere in
this state to the project site unless the director of development
services determines that the taxpayer notified the legislative
authority of the county, township, or municipal corporation from
which the employment positions would be relocated.

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

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

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

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

(H) A taxpayer claiming a tax credit under this section shall
submit to the tax commissioner or, in the case of an insurance
company, to the superintendent of insurance, a copy of the
director of development services' certificate of verification
under division (E)(6) of this section with the taxpayer's tax
report or return for the taxable year or for the calendar year that includes the tax period. Failure to submit a copy of the certificate with the report or return does not invalidate a claim for a credit if the taxpayer submits a copy of the certificate to the commissioner or superintendent within the time prescribed by section 5703.0510 of the Revised Code or within thirty days after the commissioner or superintendent requests it.

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

(J)(1) If the director of development services determines that a taxpayer that received a certificate under division (E)(6) of this section is not complying with the requirements of the agreement, the director shall notify the tax credit authority of the noncompliance. After receiving such a notice, and after giving the taxpayer an opportunity to explain the noncompliance, the authority may terminate the agreement and require the taxpayer, or any related member or members that claimed the tax credit under division (N) of this section, to refund to the state all or a portion of the credit claimed in previous years, as follows:

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

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

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

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

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

(3) In determining the portion of the credit to be refunded to this state, the authority shall consider the effect of market conditions on the taxpayer's project and whether the taxpayer continues to maintain other operations in this state. After making the determination, the authority shall certify the amount to be refunded to the tax commissioner or the superintendent of insurance. If the taxpayer, or any related member or members who claimed the tax credit under division (N) of this section, is not an insurance company, the commissioner shall make an assessment.
for that amount against the taxpayer under Chapter 5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the taxpayer, or any related member or members that claimed the tax credit under division (N) of this section, is an insurance company, the superintendent of insurance shall make an assessment under section 5725.222 or 5729.102 of the Revised Code. The time limitations on assessments under those chapters and sections do not apply to an assessment under this division, but the commissioner or superintendent shall make the assessment within one year after the date the authority certifies to the commissioner or superintendent the amount to be refunded.

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

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

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

(1) For 2010, thirteen million dollars;

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

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

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

(N) This division applies only to an eligible business that is part of an affiliated group that includes a diversified savings and loan holding company or a grandfathered unitary savings and loan holding company, as those terms are defined in section 5726.01 of the Revised Code. Notwithstanding any contrary provision of the agreement between such an eligible business and the tax credit authority, any credit granted under this section against the tax imposed by section 5725.18, 5729.03, 5733.06, 5747.02, or 5751.02 of the Revised Code to the eligible business, at the election of the eligible business and without any action by the tax credit authority, may be shared with any member or members of the affiliated group that includes the eligible business, which member or members may claim the credit against the taxes imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 of the Revised Code. Credits shall be claimed by the eligible business in sequential order, as applicable, first claiming the credits to the fullest extent possible against the tax that the
certificate holder is subject to, then against the tax imposed by, sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and lastly 5726.02 of the Revised Code. The credits may be allocated among the members of the affiliated group in such manner as the eligible business elects, but subject to the sequential order required under this division. This division applies to credits granted before, on, or after March 27, 2013, the effective date of H.B. 510 of the 129th general assembly. Credits granted before that effective date that are shared and allocated under this division may be claimed in those calendar years in which the remaining taxable years specified in the agreement end.

As used in this division, "affiliated group" means a group of two or more persons with fifty per cent or greater of the value of each person's ownership interests owned or controlled directly, indirectly, or constructively through related interests by common owners during all or any portion of the taxable year, and the common owners. "Affiliated group" includes, but is not limited to, any person eligible to be included in a consolidated elected taxpayer group under section 5751.011 of the Revised Code or a combined taxpayer group under section 5751.012 of the Revised Code.

(O)(1) As used in division (O) of this section:
(a) "Eligible agreement" means an agreement approved by the tax credit authority under this section on or before December 31, 2013.
(b) "Reporting period" means a period corresponding to the annual report required under division (E)(5) of this section.
(c) "Income tax revenue" has the same meaning as under division (S) of section 122.17 of the Revised Code.
(2) In calendar year 2016 and thereafter, the tax credit authority shall annually determine a withholding adjustment factor
to be used in the computation of income tax revenue for eligible agreements. The withholding adjustment factor shall be a numerical percentage that equals the percentage that employer income tax withholding rates have been increased or decreased as a result of changes in the income tax rates prescribed by section 5747.02 of the Revised Code by amendment of that section taking effect on or after June 29, 2013.

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

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

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

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

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

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

(c) If applicable, the taxpayer has achieved one hundred per cent of the investment commitment identified in the agreement.
(5) Failure by a taxpayer to have achieved any of the applicable commitments described in divisions (O)(4)(a) to (c) of this section in a reporting period does not disqualify the taxpayer for the adjustment under division (O) of this section for an ensuing reporting period.

**Sec. 122.174.** There is hereby created in the state treasury the business assistance tax incentives operating fund. The fund shall consist of any amounts appropriated to it and money credited to the fund pursuant to division (I) of section 121.17, division (K) of section 122.17, 122.171, division (K) of section 122.175, division (G)(2) of section 122.85, division (C) of section 122.86, 3735.672, and division (C) of section 5709.68, or 5725.33 of the Revised Code. The director of development services shall use money in the fund to pay expenses related to the administration of (A) the business services division of the development services agency and (B) the programs described in those sections.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

   (8) "Taxpayer" means any person subject to the taxes imposed under Chapters 5739. and 5741. of the Revised Code.

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

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

(D) Upon review and consideration of such determinations and
recommendations, the tax credit authority may enter into an
agreement with the applicant and any other taxpayer that operates
a computer data center business at the project site for a complete
or partial exemption from the taxes imposed under Chapters 5739.
and 5741. of the Revised Code on computer data center equipment
used or to be used at an eligible computer data center if the
authority determines all of the following:

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

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

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

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

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

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

(2) The percentage of the exemption from the taxes imposed under Chapters 5739. and 5741. of the Revised Code for the computer data center equipment used or to be used at the eligible computer data center, the length of time the computer data center equipment will be exempted, and the first date on which the exemption applies.

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

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

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

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

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

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

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

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

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

(I) The tax commissioner shall issue a direct payment permit under section 5739.031 of the Revised Code to each taxpayer subject to an agreement under this section. Such direct payment permit shall authorize the taxpayer to pay any sales and use taxes due on purchases of computer data center equipment used or to be used in an eligible computer data center and to pay any sales and use taxes due on purchases of tangible personal property or taxable services other than computer data center equipment used or to be used in an eligible computer data center directly to the tax commissioner. Each such taxpayer shall pay pursuant to such direct payment permit all sales tax levied on such purchases under sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code and all use tax levied on such purchases under sections 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code, consistent with the terms of the agreement entered into under this section.

During the term of an agreement under this section each taxpayer subject to the agreement shall submit to the tax commissioner a return that shows the amount of computer data center equipment purchased for use at the eligible computer data center, the amount of tangible personal property and taxable services other than computer data center equipment purchased for use at the eligible computer data center, the amount of tax under Chapter 5739. or 5741. of the Revised Code that would be due in
the absence of the agreement under this section, the exemption percentage for computer data center equipment specified in the agreement, and the amount of tax due under Chapter 5739. or 5741. of the Revised Code as a result of the agreement under this section. Each such taxpayer shall pay the tax shown on the return to be due in the manner and at the times as may be further prescribed by the tax commissioner. Each such taxpayer shall include a copy of the director of development services' certificate of verification issued under division (E)(6) of this section. Failure to submit a copy of the certificate with the return does not invalidate the claim for exemption if the taxpayer submits a copy of the certificate to the tax commissioner within sixty days after the tax commissioner requests it the time prescribed by section 5703.0510 of the Revised Code.

(J) If the director of development services determines that one or more taxpayers received an exemption from taxes due on the purchase of computer data center equipment purchased for use at a computer data center that no longer complies with the requirement under division (E)(3) of this section, the director shall notify the tax credit authority and, if applicable, the taxpayer that applied to enter the agreement for the exemption under division (C) of this section of the noncompliance. After receiving such a notice, and after giving each taxpayer subject to the agreement an opportunity to explain the noncompliance, the authority may terminate the agreement and require each such taxpayer to pay to the state all or a portion of the taxes that would have been owed in regards to the exempt equipment in previous years, all as determined under rules adopted pursuant to division (K) of this section. In determining the portion of the taxes that would have been owed on the previously exempted equipment to be paid to this state by a taxpayer, the authority shall consider the effect of market conditions on the eligible computer data center, whether the taxpayer continues to maintain other operations in this state,
and, with respect to agreements involving multiple taxpayers, the taxpayer's level of responsibility for the noncompliance. After making the determination, the authority shall certify to the tax commissioner the amount to be paid by each taxpayer subject to the agreement. The tax commissioner shall make an assessment for that amount against each such taxpayer under Chapter 5739. or 5741. of the Revised Code. The time limitations on assessments under those chapters do not apply to an assessment under this division, but the tax commissioner shall make the assessment within one year after the date the authority certifies to the tax commissioner the amount to be paid by the taxpayer.

(K) The director of development services, after consultation with the tax commissioner and in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary to implement this section. The rules may provide for recipients of tax exemptions under this section to be charged fees to cover administrative costs incurred in the administration of this section. The fees collected shall be credited to the business assistance tax incentives operating fund created in section 122.174 of the Revised Code. At the time the director gives public notice under division (A) of section 119.03 of the Revised Code of the adoption of the rules, the director shall submit copies of the proposed rules to the chairpersons of the standing committees on economic development in the senate and the house of representatives.

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

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

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

(1) "Tax credit-eligible production" means a motion picture production certified by the director of development services under division (B) of this section as qualifying the motion picture company for a tax credit under section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code.

(2) "Certificate owner" means a motion picture company to which a tax credit certificate is issued or a person to which the company has transferred under division (H) of this section the authority to claim all or a part of the tax credit authorized by that certificate.

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

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

"Eligible production expenditures" includes, but is not
limited to, expenditures for cast and crew wages, accommodations, 4395
costs of set construction and operations, editing and related 4396
services, photography, sound synchronization, lighting, wardrobe, 4397
makeup and accessories, film processing, transfer, sound mixing, 4398
special and visual effects, music, location fees, and the purchase 4399
or rental of facilities and equipment.

(5) "Motion picture" means entertainment content created in 4400
whole or in part within this state for distribution or exhibition 4401
to the general public, including, but not limited to, 4402
feature-length films; documentaries; long-form, specials, 4403
miniseries, series, and interstitial television programming; 4404
interactive web sites; sound recordings; videos; music videos; 4405
interactive television; interactive games; video games; 4406
commercials; any format of digital media; and any trailer, pilot, 4407
video teaser, or demo created primarily to stimulate the sale, 4408
marketing, promotion, or exploitation of future investment in 4409
either a product or a motion picture by any means and media in any 4410
digital media format, film, or videotape, provided the motion 4411
picture qualifies as a motion picture. "Motion picture" does not 4412
include any television program created primarily as news, weather, 4413
or financial market reports, a production featuring current events 4414
or sporting events, an awards show or other gala event, a 4415
production whose sole purpose is fundraising, a long-form 4416
production that primarily markets a product or service or in-house 4417
corporate advertising or other similar productions, a production 4418
for purposes of political advocacy, or any production for which 4419
records are required to be maintained under 18 U.S.C. 2257 with 4420
respect to sexually explicit content.

(B) For the purpose of encouraging and developing a strong 4421
film industry in this state, the director of development services 4422
may certify a motion picture produced by a motion picture company 4423
as a tax credit-eligible production. In the case of a television 4424
series, the director may certify the production of each episode of the series as a separate tax credit-eligible production. A motion picture company shall apply for certification of a motion picture as a tax credit-eligible production on a form and in the manner prescribed by the director. Each application shall include the following information:

1. The name and telephone number of the motion picture production company;
2. The name and telephone number of the company's contact person;
3. A list of the first preproduction date through the last production date in Ohio;
4. The Ohio production office address and telephone number;
5. The total production budget of the motion picture;
6. The total budgeted eligible production expenditures and the percentage that amount is of the total production budget of the motion picture;
7. The total percentage of the motion picture being shot in Ohio;
8. The level of employment of cast and crew who reside in Ohio;
9. A synopsis of the script;
10. The shooting script;
11. A creative elements list that includes the names of the principal cast and crew and the producer and director;
12. Documentation of financial ability to undertake and complete the motion picture;
13. Estimated value of the tax credit based upon total budgeted eligible production expenditures;
(14) Any other information considered necessary by the director.

Within ninety days after certification of a motion picture as a tax credit-eligible production, and any time thereafter upon the request of the director of development services, the motion picture company shall present to the director sufficient evidence of reviewable progress. If the motion picture company fails to present sufficient evidence, the director may rescind the certification. Upon rescission, the director shall notify the applicant that the certification has been rescinded. Nothing in this section prohibits an applicant whose tax credit-eligible production certification has been rescinded from submitting a subsequent application for certification.

(C)(1) A motion picture company whose motion picture has been certified as a tax credit-eligible production may apply to the director of development services on or after July 1, 2009, for a refundable credit against the tax imposed by section 5726.02, 5733.06, 5747.02, or 5751.02 of the Revised Code. The director in consultation with the tax commissioner shall prescribe the form and manner of the application and the information or documentation required to be submitted with the application.

The credit is determined as follows:

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

(b) If the total budgeted eligible production expenditures stated in the application submitted under division (B) of this section or the actual eligible production expenditures as finally
determined under division (D) of this section, whichever is least, is greater than three hundred thousand dollars, the credit equals thirty per cent of the least of such budgeted or actual eligible expenditure amounts.

(2) Except as provided in division (C)(4) of this section, if the director of development services approves a motion picture company's application for a credit, the director shall issue a tax credit certificate to the company. The director in consultation with the tax commissioner shall prescribe the form and manner of issuing certificates. The director shall assign a unique identifying number to each tax credit certificate and shall record the certificate in a register devised and maintained by the director for that purpose. The certificate shall state the amount of the eligible production expenditures on which the credit is based and the amount of the credit. Upon the issuance of a certificate, the director shall certify to the tax commissioner the name of the applicant, the amount of eligible production expenditures shown on the certificate, and any other information required by the rules adopted to administer this section.

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

(4) No tax credit certificate may be issued before the completion of the tax credit-eligible production. Not more than forty million dollars of tax credit may be allowed per fiscal year beginning July 1, 2016.
(D) A motion picture company whose motion picture has been certified as a tax credit-eligible production shall engage, at the company's expense, an independent certified public accountant to examine the company's production expenditures to identify the expenditures that qualify as eligible production expenditures. The certified public accountant shall issue a report to the company and to the director of development services certifying the company's eligible production expenditures and any other information required by the director. Upon receiving and examining the report, the director may disallow any expenditure the director determines is not an eligible production expenditure. If the director disallows an expenditure, the director shall issue a written notice to the motion picture production company stating that the expenditure is disallowed and the reason for the disallowance. Upon examination of the report and disallowance of any expenditures, the director shall determine finally the lesser of the total budgeted eligible production expenditures stated in the application submitted under division (B) of this section or the actual eligible production expenditures for the purpose of computing the amount of the credit.

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

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

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

(2) The director may require a reasonable application fee to cover administrative costs of the tax credit program. The fees collected shall be credited to the business assistance tax incentives operating fund created in section 122.174 of the Revised Code. All grants, gifts, fees, and contributions made to the director for marketing and promotion of the motion picture industry within this state shall also be credited to the fund. The director shall use money in the fund to pay expenses related to the administration of the Ohio film office and the credit authorized by this section and sections 5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code.

(H)(1) After the director of development services makes the determination required under division (D) of this section, a motion picture company to which a tax credit certificate is issued may transfer the authority to claim all or a portion of the amount of the tax credit the motion picture company is authorized to claim pursuant to that certificate under section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code to one or more other persons. Within thirty days after a transfer under this division, the motion picture company shall submit the following information to the director, on a form prescribed by the director:

(a) Information necessary for the director to identify the certificate that is the basis for the transfer;

(b) The portion or amount of the tax credit transferred to each transferee;
(c) The portion or amount of the tax credit that the motion picture company retains the authority to claim;

(d) The tax identification number of each transferee;

(e) The date of the transfer;

(f) Any other information required by the director;

(g) Any information required by the tax commissioner.

The director shall deliver a copy of any submission received under division (H)(1) of this section to the tax commissioner.

(2) A transferee may not claim a credit under section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code unless and until the transferring motion picture company complies with division (H)(1) of this section. A transferee may claim the transferred amount of any credit or portion of a credit for the same taxable year or tax period for which the transferring motion picture company was authorized to claim the credit or portion of a credit pursuant to the certificate. A motion picture company shall make no transfer under division (H)(1) of this section after the last day of the tax period or taxable year for which the motion picture company is required to claim the credit pursuant to the certificate.

A motion picture company may make not more than one transfer under division (H)(1) of this section for each tax credit certificate, but pursuant to that transaction, may allocate the authority to claim a portion of the credit to more than one transferee. A motion picture company may not authorize more than one transferee to claim the same portion of a credit.

(I) The director of development services shall establish a program for the training of Ohio residents who are or wish to be employed in the film or multimedia industry. Under the program, the director shall:
(1) Certify individuals as film and multimedia trainees. In order to receive such a certification, an individual must be an Ohio resident, have participated in relevant on-the-job training or have completed a relevant training course approved by the director, and have met any other requirements established by the director.

(2) Accept applications from motion picture companies that intend to hire and provide on-the-job training to one or more certified film and multimedia trainees who will be employed in the company's tax credit-eligible production.

(3) Upon completion of a tax-credit eligible production, and upon the receipt of any salary information and other documentation required by the director, authorize a reimbursement payment to each motion picture company whose application was approved under division (I)(2) of this section. The payment shall equal fifty percent of the salaries paid to film and multimedia trainees employed in the production.

Sec. 122.86. (A) As used in this section and section 5747.81 of the Revised Code:

(1) "Small business enterprise" means a corporation, pass-through entity, or other person satisfying all of the following:

(a) At the time of a qualifying investment, the enterprise meets all of the following requirements:

(i) Has no outstanding tax or other liabilities owed to the state;

(ii) Is in good standing with the secretary of state, if the enterprise is required to be registered with the secretary;

(iii) Is current with any court-ordered payments;

(iv) Is not engaged in any illegal activity.
(b) At the time of a qualifying investment, the enterprise's assets according to generally accepted accounting principles do not exceed fifty million dollars, or its annual sales do not exceed ten million dollars. When making this determination, the assets and annual sales of all of the enterprise's related or affiliated entities shall be included in the calculation.

(c) The enterprise employs at least fifty full-time equivalent employees in this state for whom the enterprise is required to withhold income tax under section 5747.06 of the Revised Code, or more than one-half the enterprise's total number of full-time equivalent employees employed anywhere in the United States are employed in this state and are subject to that withholding requirement.

(d) The enterprise, within six months after an eligible investor's qualifying investment is made, invests in or incurs cost for one or more of the following in an amount at least equal to the amount of the qualifying investment:

(i) Tangible personal property, other than motor vehicles operated on public roads and highways, used in business and physically located in this state from the time of its acquisition by the enterprise until the end of the investor's holding period;

(ii) Motor vehicles operated on public roads and highways if, from the time of acquisition by the enterprise until the end of the investor's holding period, the motor vehicles are purchased in this state, registered in this state under Chapter 4503. of the Revised Code, are used primarily for business purposes, and are necessary for the operation of the enterprise's business;

(iii) Real property located in this state that is used in business from the time of its acquisition by the enterprise until the end of the holding period;

(iv) Intangible personal property, including patents,
copyrights, trademarks, service marks, or licenses used in 4674
business primarily in this state from the time of its acquisition 4675
by the enterprise until the end of the holding period; 4676

(v) Compensation for new employees of the enterprise for whom 4677
the enterprise is required to withhold income tax under section 4678
5747.06 of the Revised Code, not including increased compensation 4679
for owners, officers, or managers of the enterprise. For this 4680
purpose compensation for new employees includes compensation for 4681
newly hired or retained employees.

(2) "Qualifying investment" means an investment of money made 4683
on or after July 1, 2011, to acquire capital stock or other equity 4684
interest in a small business enterprise. "Qualifying investment" 4685
does not include either of the following:

(a) Any investment of money an eligible investor derives, 4687
directly or indirectly, from a grant or loan from the federal 4688
government or the state or a political subdivision, including the 4689
third frontier program under Chapter 184. of the Revised Code;

(b) Any investment of money which is the basis of a tax 4691
credit granted under any other section of the Revised Code.

(3) "Eligible investor" means an individual, estate, or trust 4693
subject to the tax imposed by section 5747.02 of the Revised Code, 4694
or a pass-through entity in which such an individual, estate, or 4695
trust holds a direct or indirect ownership or other equity 4696
interest. To qualify as an eligible investor, the individual, 4697
estate, trust, or pass-through entity shall not owe any 4698
outstanding tax or other liability to the state at the time of a 4699
qualifying investment.

(4) "Holding period" means the two-year period beginning on 4701
the day a qualifying investment is made.

(5) "Pass-through entity" has the same meaning as in section 4703
5733.04 of the Revised Code.
(B) Any eligible investor that makes a qualifying investment in a small business enterprise on or after July 1, 2011, may apply to the director of development services to obtain a small business investment certificate from the director. Alternatively, a small business enterprise may apply on behalf of eligible investors to obtain the certificates for those investors. The director, in consultation with the tax commissioner, shall prescribe the form or manner in which an applicant shall apply for the certificate, devise the form of the certificate, and prescribe any records or other information an applicant shall furnish with the application to evidence the qualifying investment. The applicant shall state the amount of the intended investment. The applicant shall pay an application fee equal to the greater of one-tenth of one per cent of the amount of the intended investment or one hundred dollars.

A small business investment certificate entitles the certificate holder to receive a tax credit under section 5747.81 of the Revised Code if the certificate holder qualifies for the credit as otherwise provided in this section. If the certificate holder is a pass-through entity, the certificate entitles the entity's equity owners to receive their distributive or proportionate shares of the credit. In any fiscal biennium, an eligible investor may not apply for small business investment certificates representing intended investment amounts in excess of ten million dollars. Such certificates are not transferable.

The director of development services may reserve small business investment certificates to qualifying applicants in the order in which the director receives applications, but may issue the certificates as the applications are completed. An application is completed when the director has validated that an eligible investor has made a qualified investment and the small business enterprise has made the appropriate reinvestment of the qualified investment pursuant to the requirements of division (A)(1)(d) of division (A)(1)(d) of...
this section. To qualify for a certificate, an eligible investor must satisfy both of the following, subject to the limitation on the amount of qualifying investments for which certificates may be issued under division (C) of this section:

(1) The eligible investor makes a qualifying investment on or after July 1, 2011.

(2) The eligible investor pledges not to sell or otherwise dispose of the qualifying investment before the conclusion of the applicable holding period.

(C)(1) The amount of any eligible investor's qualifying investments for which small business investment certificates may be issued for a fiscal biennium shall not exceed ten million dollars.

(2) The director of development services shall not issue a small business investment certificate to an eligible investor representing an amount of qualifying investment in excess of the amount of the intended investment indicated on the investor's application for the certificate.

(3) The director of development services shall not issue small business investment certificates in a total amount that would cause the tax credits claimed in any fiscal biennium to exceed one hundred million dollars.

(4) The director of development services may issue a small business investment certificate only if both of the following apply at the time of issuance:

(a) The small business enterprise meets all the requirements listed in divisions (A)(1)(a)(i) to (iv) of this section;

(b) The eligible investor does not owe any outstanding tax or other liability to the state.

(D) Before the end of the applicable holding period of a
qualifying investment, each enterprise in which a qualifying investment was made for which a small business investment certificate has been issued, upon the request of the director of development services, shall provide to the director records or other evidence satisfactory to the director that the enterprise is a small business enterprise for the purposes of this section. Each enterprise shall also provide annually to the director records or evidence regarding the number of jobs created or retained in the state. No credit may be claimed under this section and section 5747.81 of the Revised Code if the director finds that an enterprise is not a small business enterprise for the purposes of this section. The director shall compile and maintain a register of small business enterprises qualifying under this section and shall certify the register to the tax commissioner. The director shall also compile and maintain a record of the number of jobs created or retained as a result of qualifying investments made pursuant to this section.

(E) After the conclusion of the applicable holding period for a qualifying investment, a person to whom a small business investment certificate has been issued under this section may claim a credit as provided under section 5747.81 of the Revised Code.

(F) The director of development services, in consultation with the tax commissioner, may adopt rules for the administration of this section, including rules governing the following:

(1) Documents, records, or other information eligible investors shall provide to the director;

(2) Any information a small business enterprise shall provide for the purposes of this section and section 5747.81 of the Revised Code;

(3) Determination of the number of full-time equivalent
employees of a small business enterprise;

(4) Verification of a small business enterprise's investment in tangible personal property and intangible personal property under division (A)(1)(d) of this section, including when such investments have been made and where the property is used in business;

(5) Circumstances under which small business enterprises or eligible investors may be subverting the purposes of this section and section 5747.81 of the Revised Code.

There is hereby created in the state treasury the InvestOhio support fund. The fund shall consist of the fees Application fees paid under division (B) of this section and shall be used by the development services agency to pay the costs of administering the small business investment certificate program established under this section credited to the tax incentives operating fund created in section 122.174 of the Revised Code.

Sec. 152.08 123.011. (A) The Ohio building authority department of administrative services may:

(1) Acquire, by gift, grant, or purchase, and hold and mortgage, real estate and interests therein and personal property suitable for its purposes, provided that no land used by the authority pursuant to section 152.05 of the Revised Code shall be mortgaged by the authority;

(2) Purchase, construct, reconstruct, equip, furnish, improve, alter, enlarge, maintain, repair, and operate buildings, facilities, and other properties for the purposes set forth in section 152.04 of the Revised Code. The authority shall construct, operate, and maintain its buildings, facilities, and other properties in a healthy, safe, and sanitary manner.

(3) Issue revenue bonds to secure funds to accomplish its
purposes, the principal of and interest on and all other payments required to be made by the trust agreement or indenture securing such bonds to be paid solely from revenues accruing to the authority through the operation of its buildings, facilities, and other properties;

(4) Enter into contracts and execute all instruments necessary in the conduct of its business;

(5) Fix, alter, and charge rentals and other charges for the use and occupancy of its buildings, facilities, and other properties and enter into leases with the persons specified in section 152.04 of the Revised Code;

(6) Employ financial consultants, appraisers, consulting engineers, architects, superintendents, managers, construction and accounting experts, attorneys at law, and other employees and agents as are necessary, in its judgment, and fix their compensation;

(7) Provide for the persons occupying its buildings, facilities, and other properties, health clinics, medical services, food services, and such other services as such persons cannot provide for themselves; and, if the authority department determines that it is more advantageous, it may enter into contracts with persons, firms, or corporations or with any governmental agency, board, commission, or department to provide any of such clinics or services;

(8) Pledge, hypothecate, or otherwise encumber such of its rentals or other charges as may be agreed as security for its obligations, and enter into trust agreements or indentures for the benefit of its bondholders;

(9) Borrow money or accept advances, loans, gifts, grants, devises, or bequests from, and enter into contracts or agreements with, any federal agency or other governmental or private source,
and hold and apply advances, loans, gifts, grants, devises, or bequests according to the terms thereof. Such advances, loans, gifts, grants, or devises of real estate may be in fee simple or of any lesser estate and may be subject to any reasonable reservations. Any advances or loans received from any federal or other governmental or private source may be repaid in accordance with the terms of such advance or loan.

(10) Conduct investigations into housing and living conditions in order to be able to purchase, construct, or reconstruct suitable buildings and facilities to fulfill its purpose, and determine the best locations within the state for its buildings, facilities, and other properties;

(11) Enter into lawful arrangements with the appropriate federal or state department or agency, county, township, municipal government, or other political subdivision, or public agency for the planning and installation of streets, roads, alleys, public parks and recreation areas, public utility facilities, and other necessary appurtenances to its projects;

(12) Purchase fire, extended coverage, and liability insurance for its property, and insurance covering the authority and its officers and employees for liability for damage or injury to persons or property;

(13) Sell, lease, release, or otherwise dispose of property owned by the authority and not needed for the purposes of the authority and grant such easements across the property of the authority as will not interfere with its use of its property;

(14) Establish rules and regulations for the use and operation of its buildings, facilities, and other properties;

(15) Do all other acts necessary to the fulfillment of its purposes.

(B) Any instrument by which real property is acquired
pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.

(C) Any person may possess a firearm in a motor vehicle in the parking garage at the Riffe center for government and the arts in Columbus, if the person's possession of the firearm in the motor vehicle is not in violation of section 2923.16 of the Revised Code or any other provision of the Revised Code. Any person may store or leave a firearm in a locked motor vehicle that is parked in the parking garage at the Riffe center for government and the arts in Columbus, if the person's transportation and possession of the firearm in the motor vehicle while traveling to the garage was not in violation of section 2923.16 of the Revised Code or any other provision of the Revised Code.

Sec. 123.20. (A) There is hereby created the Ohio facilities construction commission. The commission shall administer the design and construction of improvements to public facilities of the state in accordance with this chapter, the provision of financial assistance to school districts for the acquisition or construction of classroom facilities in accordance with Chapter 3318, of the Revised Code, and any other applicable provisions of the Revised Code.

The commission is a body corporate and politic, an agency of state government and an instrumentality of the state, performing essential governmental functions of this state. The carrying out of the purposes and the exercise by the commission of its powers are essential public functions and public purposes of the state. The commission may, in its own name, sue and be sued, enter into contracts, and perform all the powers and duties given to it by the Revised Code, but it does not have and shall not exercise the power of eminent domain. In its discretion and as it determines
appropriate, the commission may delegate to any of its members, executive director, or other employees any of the commission's powers and duties to carry out its functions.

(B) The commission shall consist of the following three members: the director of the office of budget and management and the director of administrative services, or their designees, and a member an additional administrative department head listed in section 121.03 of the Revised Code whom the governor shall appoint. Each member of the commission may designate an employee of the member's agency to serve on the member's behalf.

Members of the commission or their designees shall serve without compensation.

Within sixty days after the effective date of this section, the commission shall meet and organize by electing voting members as the chairperson and vice-chairperson of the commission, who shall hold their offices until the next organizational meeting of the commission. Organizational meetings of the commission shall be held at the first meeting of each calendar year. At each organizational meeting, the commission shall elect from among its voting members a chairperson and vice-chairperson, who shall serve until the next annual organizational meeting. The commission shall adopt rules pursuant to Chapter 119. of the Revised Code for the conduct of its internal business and shall keep a journal of its proceedings. Including the organizational meeting, the commission shall meet at least once each calendar year.

Two members of the commission constitute a quorum, and the affirmative vote of two members is necessary for approval of any action taken by the commission. A vacancy in the membership of the commission does not impair a quorum from exercising all the rights and performing all the duties of the commission. Meetings of the commission may be held anywhere in the state and shall be held in compliance with section 121.22 of the Revised Code.
(C) Within sixty days after the effective date of this section, the governor shall appoint a member to the commission. The initial appointment shall be for a term ending three years after the effective date of this section, with subsequent terms ending three years after they begin, on the same day of the same month as the initial term.

A vacancy for the member appointed by the governor shall be filled in the same manner as provided for the original appointment. The appointed member shall hold office for the remainder of the term for which the vacancy existed. After the expiration of the term, the appointed member shall continue in office for a period of sixty days or until the appointed member's successor takes office, whichever period is shorter.

(D) The commission shall file an annual report of its activities and finances, including a report of the expenditures and progress of the classroom facilities assistance program under Chapter 3318. of the Revised Code, with the governor, speaker of the house of representatives, president of the senate, and chairpersons of the house and senate finance committees.

(E) The commission shall be exempt from the requirements of sections 101.82 to 101.87 of the Revised Code.

Sec. 123.21. (A) The Ohio facilities construction commission may perform any act and ensure the performance of any function necessary or appropriate to carry out the purposes of, and exercise the powers granted under this chapter or any other provision of the Revised Code, including any of the following:

(1) Prepare except as otherwise provided in section 123.211 of the Revised Code, prepare, or contract to be prepared, by licensed engineers or architects, surveys, general and detailed plans, specifications, bills of materials, and estimates of cost for any projects, improvements, or public buildings to be
constructed by state agencies that may be authorized by legislative appropriations or any other funds made available therefor, provided that the construction of the projects, improvements, or public buildings is a statutory duty of the commission. This section does not require the independent employment of an architect or engineer as provided by section 153.01 of the Revised Code in the cases to which section 153.01 of the Revised Code applies. This section does not affect or alter the existing powers of the director of transportation.

(2) Have Except as otherwise provided in section 123.211 of the Revised Code, have general supervision over the construction of any projects, improvements, or public buildings constructed for a state agency and over the inspection of materials prior to their incorporation into those projects, improvements, or buildings.

(3) Make Except as otherwise provided in section 123.211 of the Revised Code, make contracts for and supervise the design and construction of any projects and improvements or the construction and repair of buildings under the control of a state agency. All such contracts may be based in whole or in part on the unit price or maximum estimated cost, with payment computed and made upon actual quantities or units.

(4) Adopt, amend, and rescind rules pertaining to the administration of the construction of the public works of the state as required by law, in accordance with Chapter 119. of the Revised Code.

(5) Contract with, retain the services of, or designate, and fix the compensation of, such agents, accountants, consultants, advisers, and other independent contractors as may be necessary or desirable to carry out the programs authorized under this chapter, or authorize the executive director to perform such powers and duties.
(6) Receive and accept any gifts, grants, donations, and pledges, and receipts therefrom, to be used for the programs authorized under this chapter.

(7) Make and enter into all contracts, commitments, and agreements, and execute all instruments, necessary or incidental to the performance of its duties and the execution of its rights and powers under this chapter, or authorize the executive director to perform such powers and duties.

(8) Debar a contractor as provided in section 153.02 of the Revised Code.

(9) Enter into and administer cooperative agreements for cultural projects, as provided in sections 123.28 and 123.281 of the Revised Code.

(B) The commission shall appoint and fix the compensation of an executive director who shall serve at the pleasure of the commission. The executive director shall exercise all powers that the commission possesses, supervise the operations of the commission, and perform such other duties as delegated by the commission. The executive director also shall employ and fix the compensation of such employees as will facilitate the activities and purposes of the commission, who shall serve at the pleasure of the executive director. The employees of the commission are exempt from Chapter 4117. of the Revised Code and are not considered public employees as defined in section 4117.01 of the Revised Code. Any agreement entered into prior to July 1, 2012, between the office of collective bargaining and the exclusive representative for employees of the commission is binding and shall continue to have effect.

(C) The attorney general shall serve as the legal representative for the commission and may appoint other counsel as necessary for that purpose in accordance with section 109.07 of
Sec. 124.23. (A) All applicants for positions and places in the classified service shall be subject to examination, except for applicants for positions as professional or certified service and paraprofessional employees of county boards of developmental disabilities, who shall be hired in the manner provided in section 124.241 of the Revised Code.

(B) Any examination administered under this section shall be public and be open to all citizens of the United States and those persons who have legally declared their intentions of becoming United States citizens. For examinations administered for positions in the service of the state, the director of administrative services or the director's designee may determine certain limitations as to citizenship, age, experience, education, health, habit, and moral character.

(C)(1) Any person who shall receive additional credit of twenty per cent of the person's total grade given in the examination in which the person receives a passing grade if either of the following apply:

(a) The person has completed service in the uniformed services, who, and has been honorably discharged from, the uniformed services or transferred to the reserve with evidence of satisfactory service, and who is a resident of this state and any armed forces.

(b) The person is a member in good standing of a reserve component of the armed forces of the United States, including the Ohio national guard, who has successfully completed more than one hundred eighty days of active duty service pursuant to an executive order of the president of the United States or an act of the congress of the United States may file with the director a certificate of service or honorable discharge, and, upon this
filing, the person shall receive additional credit of twenty percent of the person's total grade given in the examination in which the person receives a passing grade. A person who receives an additional credit under division (C)(1) of this section shall not receive an additional credit under division (C)(2) of this section.

(2) A member in good standing of a reserve component of the armed forces of the United States, including the Ohio national guard, who successfully completes the member's initial entry-level training shall receive a credit of fifteen percent of the person's total grade given in the examination in which the person receives a passing grade. A person shall receive the additional credit under division (C)(1) of this section upon filing with the director a certificate of service or honorable discharge or other acceptable form of proof as provided in rules adopted by the director.

(3) No person shall receive additional credit under division (C)(1) of this section greater than twenty percent of the person's total passing grade given in the examination.

(4) As used in this division, "service in the uniformed services" and "uniformed services" have the same meanings as in the "Uniformed Services Employment and Reemployment Rights Act of 1994," 108 Stat. 3149, 38 U.S.C.A. 4303;

(a) "Armed forces" has the same meaning as in section 5903.01 of the Revised Code.

(b) "Service in the armed forces" means the performance of duty on a voluntary or involuntary basis in the armed forces under competent authority.

(D) An examination may include an evaluation of such factors as education, training, capacity, knowledge, manual dexterity, and physical or psychological fitness. An examination shall consist of
one or more tests in any combination. Tests may be written, oral, physical, demonstration of skill, or an evaluation of training and experiences and shall be designed to fairly test the relative capacity of the persons examined to discharge the particular duties of the position for which appointment is sought. Tests may include structured interviews, assessment centers, work simulations, examinations of knowledge, skills, and abilities, and any other acceptable testing methods. If minimum or maximum requirements are established for any examination, they shall be specified in the examination announcement.

(E) Except as otherwise provided in sections 124.01 to 124.64 of the Revised Code, when a position in the classified service of the state is to be filled, an examination shall be administered. The director of administrative services shall have control of all examinations administered for positions in the service of the state and all other examinations the director administers as provided in section 124.07 of the Revised Code, except as otherwise provided in sections 124.01 to 124.64 of the Revised Code. The director shall, by rule adopted under Chapter 119. of the Revised Code, prescribe the notification method that is to be used by an appointing authority to notify the director that a position in the classified service of the state is to be filled. In addition to the positions described in section 124.30 of the Revised Code, the director may, with sufficient justification from the appointing authority, allow the appointing authority to fill the position by noncompetitive examination. The director shall establish, by rule adopted under Chapter 119. of the Revised Code, standards that the director shall use to determine what serves as sufficient justification from an appointing authority to fill a position by noncompetitive examination.

(F) No questions in any examination shall relate to political or religious opinions or affiliations. No credit for seniority,
efficiency, or any other reason shall be added to an applicant's examination grade unless the applicant achieves at least the minimum passing grade on the examination without counting that extra credit.

(G) Except as otherwise provided in sections 124.01 to 124.64 of the Revised Code, the director of administrative services or the director's designee shall give reasonable notice of the time, place, and general scope of every competitive examination for appointment that the director or the director's designee administers for positions in the classified service of the state. The director or the director's designee shall post notices via electronic media of every examination to be conducted for positions in the classified civil service of the state. The electronic notice shall be posted on the director's internet site on the world wide web for a minimum of one week preceding any examination involved.

Sec. 124.26. From the returns of examinations for positions in the service of the state, the director of administrative services or the director's designee shall prepare an eligible list of the persons whose general average standing upon examinations for the class or position is not less than the minimum fixed by the rules of the director, and who are otherwise eligible. Those persons shall take rank upon the eligible list as candidates in the order of their relative excellence as determined by the examination without reference to priority of the time of examination. If two or more applicants receive the same mark in an open competitive examination, priority in the time of filing the application with the director or the director's designee shall determine the order in which their names shall be placed on the eligible list, except that applicants eligible for the veteran's or the reserve component member's reservist's preference under section 124.23 of the Revised Code shall receive priority in rank.
on the eligible list over nonveterans and nonmembers of the reserve component nonreservists on the list with a rating equal to that of the veteran or reserve component member reservist. Ties among veterans or among reserve component members applicants eligible for the veteran's or reservist's preference under section 124.23 of the Revised Code shall be decided by priority of filing the application. A tie between a veteran and a reserve component member shall be decided in favor of the veteran.

An eligible list expires upon the filling or closing of the position. An expired eligible list may be used to fill a position of the same classification within the same appointing authority for which the list was created. But, in no event shall an expired list be used more than one year past its expiration date.

Sec. 124.27. (A) Appointments to all positions in the classified civil service, that are not filled by promotion, transfer, or reduction, as provided in sections 124.01 to 124.64 of the Revised Code and the rules of the director prescribed under those sections, shall be made only from those persons whose names take rank order on an eligible list, and no employment, except as provided in those sections, shall be otherwise given in the classified civil service. The appointing authority shall appoint in the following manner: each time a selection is made, it shall be from one of the names that ranks in the top ten names on the eligible list or the top twenty-five per cent of the eligible list, whichever is greater. In the event that ten or fewer names are on the eligible list, the appointing authority may select any of the listed candidates. Each person who qualifies for the veteran's or reservist's preference under section 124.23 of the Revised Code, who is a resident of this state, and whose name is on the eligible list for a position is entitled to preference in original appointment to any such competitive position in the classified civil service of the state over all other persons who
are eligible for those appointments and who are standing on the relevant eligible list with a rating equal to that of the person qualifying for the veteran's or reservist's preference.

(B) All original and promotional appointments in the classified civil service, including appointments made pursuant to section 124.30 of the Revised Code, but not intermittent appointments, shall be for a probationary period, not less than sixty days nor more than one year, to be fixed by the rules of the director for appointments in the civil service of the state, except as provided in section 124.231 of the Revised Code, and except for original appointments to a police department as a police officer or to a fire department as a firefighter which shall be for a probationary period of one year. No appointment or promotion is final until the appointee has satisfactorily served the probationary period. If the service of the probationary employee is unsatisfactory, the employee may be removed or reduced at any time during the probationary period. If the appointing authority decides to remove a probationary employee in the service of the state, the appointing authority shall communicate the removal to the director. A probationary employee duly removed or reduced in position for unsatisfactory service does not have the right to appeal the removal or reduction under section 124.34 of the Revised Code.

Sec. 124.384. (A) Except as otherwise provided in this section, employees whose salaries or wages are paid by warrant of the director of budget and management and who have accumulated sick leave under section 124.38 or 124.382 of the Revised Code shall be paid for a percentage of their accumulated balances, upon separation for any reason, including death but excluding retirement, at their last base rate of pay at the rate of one hour of pay for every two hours of accumulated balances. An employee who retires in accordance with any retirement plan offered by the
state shall be paid upon retirement for each hour of the
employee's accumulated sick leave balance at a rate of fifty-five
per cent of the employee's last base rate of pay.

An employee serving in a temporary work level who elects to
convert unused sick leave to cash shall do so at the base rate of
pay of the employee's normal classification. If an employee dies,
the employee's unused sick leave shall be paid in accordance with
section 2113.04 of the Revised Code or to the employee's estate.

In order to be eligible for the payment authorized by this
section, an employee shall have at least one year of state service
and shall request all or a portion of that payment no later than
three years after separation from state service. No person is
eligible to receive all or a portion of the payment authorized by
this section at any time later than three years after the person's
separation from state service.

(B) Except as otherwise provided in this division, a person
initially employed on or after July 5, 1987, by a state agency in
which the employees' salaries or wages are paid directly by
warrant of the director of budget and management shall receive
payment under this section only for sick leave accumulated while
employed by state agencies in which the employees' salaries or
wages are paid directly by warrant of the director of budget and
management. Additionally, a person initially employed on or
after July 5, 1987, but before October 1, 2017, by the state
department of education as an unclassified employee shall receive
payment under this section only for sick leave accumulated while
employed by state agencies in which the employees' salaries or
wages are paid directly by warrant of the director of budget and
management and for sick leave placed to the employee's credit
under division (E)(2) of section 124.382 of the Revised Code.

(C) For employees paid in accordance with section 124.152 of
the Revised Code and those employees listed in divisions (B)(2)
and (4) of section 124.14 of the Revised Code, the director of administrative services, with the approval of the director of budget and management, may establish a plan for early payment of accrued sick leave and vacation leave.

Sec. 124.93. (A) As used in this section, "physician" means any person who holds a valid certificate license to practice medicine and surgery or osteopathic medicine and surgery issued under Chapter 4731. of the Revised Code.

(B) No health insuring corporation that, on or after July 1, 1993, enters into or renews a contract with the department of administrative services under section 124.82 of the Revised Code, because of a physician's race, color, religion, sex, national origin, disability or military status as defined in section 4112.01 of the Revised Code, age, or ancestry, shall refuse to contract with that physician for the provision of health care services under section 124.82 of the Revised Code.

Any health insuring corporation that violates this division is deemed to have engaged in an unlawful discriminatory practice as defined in section 4112.02 of the Revised Code and is subject to Chapter 4112. of the Revised Code.

(C) Each health insuring corporation that, on or after July 1, 1993, enters into or renews a contract with the department of administrative services under section 124.82 of the Revised Code and that refuses to contract with a physician for the provision of health care services under that section shall provide that physician with a written notice that clearly explains the reason or reasons for the refusal. The notice shall be sent to the physician by regular mail within thirty days after the refusal.

Any health insuring corporation that fails to provide notice in compliance with this division is deemed to have engaged in an unfair and deceptive act or practice in the business of insurance.
as defined in section 3901.21 of the Revised Code and is subject to sections 3901.19 to 3901.26 of the Revised Code.

Sec. 125.035. (A) Except as otherwise provided in the Revised Code, a state agency wanting to purchase supplies or services shall make the purchase subject to the requirements of an applicable first or second requisite procurement program described in this section, or obtain a determination from the department of administrative services that the purchase is not subject to a first or second requisite procurement program. State agencies shall submit a purchase request to the department of administrative services unless the department has determined the request does not require a review. The director of administrative services shall adopt rules under Chapter 119. of the Revised Code to provide for the manner of carrying out the function and the power and duties imposed upon and vested in the director by this section.

(B) The following programs are first requisite procurement programs that shall be given preference in the following order in fulfilling a purchase request:

(1) Ohio penal industries within the department of rehabilitation and correction; and

(2) Community rehabilitation programs administered by the department of administrative services under sections 125.601 to 125.6012 of the Revised Code.

(C) The following programs are second requisite procurement programs that may be able to fulfill the purchase request if the first requisite procurement programs are unable to do so:

(1) Business enterprise program at the opportunities for Ohioans with disabilities agency as prescribed in sections 3304.28 to 3304.33 of the Revised Code;
(2) Office of information technology at the department of administrative services as established in section 125.18 of the Revised Code;

(3) Office of state printing and mail services at the department of administrative services as prescribed in Chapter 125. of the Revised Code;

(4) Office of support services Ohio pharmacy services at the department of mental health and addiction services as prescribed in section 5119.44 of the Revised Code;

(5) Ohio facilities construction commission established in section 123.20 of the Revised Code; and

(6) Any other program within, or administered by, a state agency that, by law, requires purchases to be made by, or with the approval of, the state agency.

(D) Upon receipt of a purchase request, the department of administrative services shall provide the requesting agency a notification of receipt of the purchase request. The department then shall determine whether the request can be fulfilled through a first requisite procurement program. In making the determination, the department may consult with each of the first requisite procurement programs. When the department has made its determination, it shall:

(1) Direct the requesting agency to obtain the desired supplies or services through the proper first requisite procurement program;

(2) Provide the agency with a waiver from the use of the applicable first requisite procurement programs under sections 125.609 or 5147.07 of the Revised Code; or

(3) Determine whether the purchase can be fulfilled through a second requisite procurement program under division (E) of this
section.

(E) In making the determination that a purchase is subject to a second requisite procurement program, the department shall identify potentially applicable programs and notify each program of the requested purchase. The notified second requisite procurement program shall respond to the department within two business days with regard to its ability to provide the requested purchase. If the second requisite procurement program can provide the requested purchase, the department shall direct the requesting agency to make the requested purchase from the appropriate second requisite procurement program. If the department has not received notification from a second requisite procurement program within two business days and the department has made the determination that the purchase is not subject to a second requisite procurement program, the department shall provide a waiver to the requesting agency.

(F) Within five business days after receipt of a request, the department shall notify the requesting agency of its determination and provide any waiver under divisions (D) or (E) of this section. If the department fails to respond within five business days or fails to provide an explanation for any further delay within that time, the requesting agency may use direct purchasing authority to make the requested purchase, subject to the requirements of division (G) of this section and section 127.16 of the Revised Code.

(G) As provided in sections 125.02 and 125.05 of the Revised Code and subject to such rules as the director of administrative services may adopt, the department may issue a release and permit to the agency to secure supplies or services. A release and permit shall specify the supplies or services to which it applies, the time during which it is operative, and the reason for its issuance. A release and permit for telephone, other
telecommunications, and computer services shall be provided in
accordance with section 125.18 of the Revised Code and shall
specify the type of services to be rendered, the number and type
of hardware to be used, and may specify the amount of such
services to be performed. No requesting agency shall proceed with
such purchase until it has received an approved release and permit
from the director of administrative services or the director's
designee.

**Sec. 125.04.** (A) Except for the requirements of division (B)
of this section, section 125.092, and division (B) of section
125.11 of the Revised Code, sections 125.04 to 125.08 and 125.09
to 125.15 of the Revised Code do not apply to or affect state
institutions of higher education.

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

(a) "Chartered nonpublic school" has the same meaning as in
section 3310.01 of the Revised Code.

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

(c) "Governmental agency" means a political subdivision or
special district in this state established by or under law, or any
combination of these entities; the United States or any
department, division, or agency of the United States; one or more
other states or groups of states; other purchasing consortia; and
any agency, commission, or authority established under an
interstate compact or agreement.

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

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

(f) "State institution of higher education" has the meaning defined in section 3345.011 of the Revised Code.

(2) Subject to division (C) of this section, the department of administrative services may permit a state institution of higher education, governmental agency, political subdivision, county board of elections, private fire company, private, nonprofit emergency medical service organization, or chartered nonpublic school to participate in contracts into which the department has entered for the purchase of supplies and services. The department may charge the entity a reasonable fee to cover the administrative costs the department incurs as a result of participation by the entity in such a purchase contract.

A political subdivision desiring to participate in such purchase contracts shall file with the department a certified copy of an ordinance or resolution of the legislative authority or governing board of the political subdivision. The resolution or ordinance shall request that the political subdivision be authorized to participate in such contracts and shall agree that the political subdivision will be bound by such terms and conditions as the department prescribes and that it will directly pay the vendor under each purchase contract. A board of elections desiring to participate in such purchase contracts shall file with the purchasing authority a written request for inclusion in the program. A private fire company, private, nonprofit emergency medical service organization, or chartered nonpublic school desiring to participate in such purchase contracts shall file with
the department a written request for inclusion in the program signed by the chief officer of the company, organization, or chartered nonpublic school. A governmental agency desiring to participate in such purchase contracts shall file with the department a written request for inclusion in the program. A state institution of higher education desiring to participate in such purchase contracts shall file with the department a certified copy of resolution of the board of trustees or similar authorizing body. The resolution shall request that the state institution of higher education be authorized to participate in such contracts.

A request for inclusion shall include an agreement to be bound by such terms and conditions as the department prescribes and to make direct payments to the vendor under each purchase contract.

The department shall include in its annual report, an estimate of the purchases made by state institutions of higher education, governmental agencies, political subdivisions, county boards of elections, private fire companies, private, nonprofit emergency medical service organizations, and chartered nonpublic schools from contracts pursuant to this division. The department may require such entities to file a report with the department, as often as it finds necessary, stating how many such contracts the entities participated in within a specified period of time, and any other information the department requires.

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

(C) A political subdivision as defined in division (B) of
this section or a county board of elections may purchase supplies
or services from another party, including a political subdivision,
instead of through participation in contracts described in
division (B) of this section if the political subdivision or
county board of elections can purchase those supplies or services
from the other party upon equivalent terms, conditions, and
specifications but at a lower price than it can through those
contracts. Purchases that a political subdivision or county board
of elections makes under this division are exempt from any
competitive selection procedures otherwise required by law. A
political subdivision or county board of elections that makes any
purchase under this division shall maintain sufficient information
regarding the purchase to verify that the political subdivision or
county board of elections satisfied the conditions for making a
purchase under this division. Nothing in this division restricts
any action taken by a county or township as authorized by division
(B)(1) of section 9.48 of the Revised Code.

(D) This section does not apply to supplies or services
purchased by a state agency directly as provided in section 125.05
of the Revised Code, or to purchases of supplies or services for
the emergency management agency or other state agencies as
provided in section 125.061 of the Revised Code.

Sec. 125.061. (A) As used in this section:

(1) "Emergency" has the same meaning as defined in section
5502.21 of the Revised Code.

(2) "State procurement emergency" means a situation that
creates all of the following:

(a) A threat to public health, safety, or welfare;

(b) An immediate and serious need for supplies or services
that cannot be met through normal procurement methods required by
state law; and

(c) A serious threat of harm to the functioning of state
government, the preservation or protection of property, or the
health or safety of any person.

(B) During the period of an emergency as defined in section
5502.21 of the Revised Code, the department of administrative
services may suspend, for the emergency management agency
established in section 5502.22 of the Revised Code or any other
state agency participating in response and recovery activities as
defined in section 5502.21 of the Revised Code, the purchasing and
contracting requirements contained in Chapter 125. and any
requirement of Chapter 153. of the Revised Code that otherwise
would apply to the agency. The director of public safety or the
executive director of the emergency management agency shall make
the request for the suspension of these requirements to the
department of administrative services concurrently with the
request to the governor or the president of the United States for
the declaration of an emergency. The governor also shall include
in any proclamation the governor issues declaring an emergency
language requesting the suspension of those requirements during
the period of the emergency.

(B) Before any purchase may be made under a suspension
authorized by this section, the director of administrative
services shall send notice of the suspension as approved under
division (A) of this section to the director of budget and
management and to the members of the controlling board. The notice
shall provide details of the request for suspension and shall
include a copy of the director's approval.

(C) During the period of a state procurement emergency, the
department of administrative services may suspend, for any state
agency, the purchasing and contracting requirements contained in
Chapter 125. of the Revised Code that would otherwise be required
of the agency.

(1) The director or administrative head of the state agency where the state procurement emergency exists shall request the department of administrative services to suspend the purchasing and contracting requirements in Chapter 125. of the Revised Code.

(2) The request shall include information detailing the immediacy of the state procurement emergency and a description of the necessary supplies or services that cannot be timely purchased through normal procurement methods otherwise required by state law.

(3) Whenever practical, the agency shall obtain a release and permit from the department of administrative services under section 125.035 of the Revised Code before making purchases under this division.

(D) Before any purchase may be made under a suspension authorized by this section, the director of administrative services shall send notice of the suspension as approved by the director to the director of budget and management and to the members of the controlling board. The notice shall provide details of the request for suspension and shall include a copy of the director's approval.

(E) Purchases made by state agencies under this section are exempt from the requirements of section 127.16 of the Revised Code, except that state agencies making purchases under this section shall file a report with the president of the controlling board describing all such purchases made by the agency during the period covered by the emergency declaration or state procurement emergency. The report shall be filed within ninety days after the declaration or state procurement emergency condition expires.

Sec. 125.18. (A) There is hereby established the office of
information technology within the department of administrative services. The office shall be under the supervision of a state chief information officer to be appointed by the director of administrative services and subject to removal at the pleasure of the director. The chief information officer is an assistant director of administrative services.

(B) Under the direction of the director of administrative services, the state chief information officer shall lead, oversee, and direct state agency activities related to information technology development and use. In that regard, the state chief information officer shall do all of the following:

(1) Coordinate and superintend statewide efforts to promote common use and development of technology by state agencies. The office of information technology shall establish policies and standards that govern and direct state agency participation in statewide programs and initiatives.

(2) Establish policies and standards for the acquisition and use of common information technology by state agencies, including, but not limited to, hardware, software, technology services, and security, and the extension of the service life of information technology systems, with which state agencies shall comply;

(3) Establish criteria and review processes to identify state agency information technology projects or purchases that require alignment or oversight. As appropriate, the department of administrative services shall provide the governor and the director of budget and management with notice and advice regarding the appropriate allocation of resources for those projects. The state chief information officer may require state agencies to provide, and may prescribe the form and manner by which they must provide, information to fulfill the state chief information officer's alignment and oversight role;
(4) Establish policies and procedures for the security of personal information that is maintained and destroyed by state agencies;

(5) Employ a chief information security officer who is responsible for the implementation of the policies and procedures described in division (B)(4) of this section and for coordinating the implementation of those policies and procedures in all of the state agencies;

(6) Employ a chief privacy officer who is responsible for advising state agencies when establishing policies and procedures for the security of personal information and developing education and training programs regarding the state's security procedures;

(7) Establish policies on the purchasing, use, and reimbursement for use of handheld computing and telecommunications devices by state agency employees;

(8) Establish policies for the reduction of printing and the use of electronic records by state agencies;

(9) Establish policies for the reduction of energy consumption by state agencies;

(10) Compute the amount of revenue attributable to the amortization of all equipment purchases and capitalized systems from information technology service delivery and major information technology purchases operating appropriation items and major computer purchases capital appropriation items that is recovered as part of the information technology services rates the department of administrative services charges and deposits into the information technology fund created in section 125.15 of the Revised Code;

(11) Regularly review and make recommendations regarding improving the infrastructure of the state's cybersecurity operations with existing resources and through partnerships.
between government, business, and institutions of higher
education;

(12) Assist, as needed, with general state efforts to grow
the cybersecurity industry in this state.

(C)(1) The chief information security officer shall assist
each state agency with the development of an information
technology security strategic plan and review that plan, and each
state agency shall submit that plan to the state chief information
officer. The chief information security officer may require that
each state agency update its information technology security
strategic plan annually as determined by the state chief
information officer.

(2) Prior to the implementation of any information technology
data system, a state agency shall prepare or have prepared a
privacy impact statement for that system.

(D) When a state agency requests a purchase of information
technology supplies or services under Chapter 125. of the Revised
Code, the state chief information officer may review and reject
the requested purchase for noncompliance with information
technology direction, plans, policies, standards, or
project-alignment criteria.

(E) The office of information technology may operate
technology services for state agencies in accordance with this
chapter.

Notwithstanding any provision of the Revised Code to the
contrary, the office of information technology may assess a
transaction fee to an individual who uses an electronic licensing
system operated by the office to apply for or renew a license or
registration in an amount determined by the office not to exceed
three dollars and fifty cents. The director of administrative
services may collect the fee or require a state agency for which
(F) With the approval of the director of administrative services, the office of information technology may establish cooperative agreements with federal and local government agencies and state agencies that are not under the authority of the governor for the provision of technology services and the development of technology projects.

(G) The office of information technology may operate a program to make information technology purchases. The director of administrative services may recover the cost of operating the program from all participating government entities by issuing intrastate transfer voucher billings for the procured technology or through any pass-through billing method agreed to by the director of administrative services, the director of budget and management, and the participating government entities that will receive the procured technology.

If the director of administrative services chooses to recover the program costs through intrastate transfer voucher billings, the participating government entities shall process the intrastate transfer vouchers to pay for the cost. Amounts received under this section for the information technology purchase program shall be deposited to the credit of the information technology governance fund created in section 125.15 of the Revised Code.

(H) Upon request from the director of administrative services, the director of budget and management may transfer cash from the information technology fund created in section 125.15 of the Revised Code to the major information technology purchases fund in an amount not to exceed the amount computed under division (B)(10) of this section. The major information technology purchases fund is hereby created in the state treasury.
(I) There is hereby created in the state treasury the professions licensing system fund. The fund shall be used to operate the electronic licensing system referenced in division (E) of this section.

(II) As used in this section:

(1) "Personal information" has the same meaning as in section 149.45 of the Revised Code.

(2) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government, other than any state-supported institution of higher education, the office of the auditor of state, treasurer of state, secretary of state, or attorney general, the adjutant general's department, the bureau of workers' compensation, the industrial commission, the public employees retirement system, the Ohio police and fire pension fund, the state teachers retirement system, the school employees retirement system, the state highway patrol retirement system, the general assembly or any legislative agency, the capitol square review advisory board, or the courts or any judicial agency.

Sec. 125.22. (A) The department of administrative services shall establish the central service agency to perform routine support for the following boards and commissions:

(1) Architects board;
(2) Barber board;
(3) State chiropractic board;
(4) State cosmetology and barber board of cosmetology;
(5) Accountancy board;
(6) State dental board;
(7) State board of optometry.
(8) Ohio occupational therapy, physical therapy, and athletic trainers board;

(9) State board of registration for professional engineers and surveyors;

(10) State board of sanitarian registration;

(11) Board of embalmers and funeral directors;

(12) State board of psychology;

(13) Ohio optical dispensers board;

(14) Board of speech pathology and audiology;

(15) Counselor, social worker, and marriage and family therapist board;

(16) State veterinary medical licensing board;

(17) Ohio board of dietetics;

(18) Commission on Hispanic-Latino affairs;

(19) Ohio respiratory care board;

(20) Ohio commission on African-American males;

(21) Chemical dependency professionals board

(12) State vision and hearing professionals board;

(13) State behavioral health and social work board;

(14) State physical health services board.

(B) Notwithstanding any other section of the Revised Code, the agency shall perform the following routine support services for the boards and commissions named in division (A) of this section unless the controlling board exempts a board or commission from this requirement on the recommendation of the director of administrative services:

(a) Preparing and processing payroll and other personnel
documents;

(b) Preparing and processing vouchers, purchase orders, encumbrances, and other accounting documents;

(c) Maintaining ledgers of accounts and balances;

(d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions;

(e) Other routine support services that the director of administrative services considers appropriate to achieve efficiency.

(2) The agency may perform other services which a board or commission named in division (A) of this section delegates to the agency and the agency accepts.

(3) The agency may perform any service for any professional or occupational licensing board not named in division (A) of this section or any commission if the board or commission requests such service and the agency accepts.

(C) The director of administrative services shall be the appointing authority for the agency.

(D) The agency shall determine the fees to be charged to the boards and commissions, which shall be in proportion to the services performed for each board or commission.

(E) Each board or commission named in division (A) of this section and any other board or commission requesting services from the agency shall pay these fees to the agency from the general revenue fund maintenance account of the board or commission or from such other fund as the operating expenses of the board or commission are paid. Any amounts set aside for a fiscal year by a board or commission to allow for the payment of fees shall be used only for the services performed by the agency in that fiscal year. All receipts collected by the agency shall be deposited in the
state treasury to the credit of the central service agency fund, which is hereby created. All expenses incurred by the agency in performing services for the boards or commissions shall be paid from the fund.

(F) Nothing in this section shall be construed as a grant of authority for the central service agency to initiate or deny personnel or fiscal actions for the boards and commissions.

Sec. 125.28. (A) The director of administrative services shall determine the reimbursable cost of space in state-owned or state-leased facilities and shall collect reimbursements for that cost.

(B) The director may provide building maintenance services and minor construction project management services to any state agency and may collect reimbursements for the cost of providing those services.

(C) All money collected by the department of administrative services for operating expenses of facilities owned or maintained by the department, or for tenant improvement services, shall be deposited into the state treasury to the credit of the building management fund, which is hereby created. All money collected by the department for minor construction project management services shall be deposited into the state treasury to the credit of the minor construction project management fund, which is hereby created. All money collected for depreciation and related costs shall be deposited into the building improvement fund created under section 125.27 of the Revised Code or deposited into the building management fund and then transferred by the director of budget and management to the building improvement fund.

Sec. 125.32. (A) The department of administrative services may establish an enterprise data management and analytics program.
to gather, combine, and analyze data provided by one or more
agencies to measure the outcome of state-funded programs, develop
policies to promote the effective, efficient, and best use of
state resources, and to identify, prevent, or eliminate the
fraudulent use of state funds, state resources, or state programs.
Participating state agencies may use data gathered under the
program for these purposes.

(B) A state agency shall provide data for use under the
program. A state agency that provides data under the program shall
comply with the data-sharing protocol adopted under division (D)
of this section. Notwithstanding any other provision of the
Revised Code, a state agency's provision of data under the program
is considered a permitted use of the data under the Revised Code
and the state agency is not in violation of any contrary provision
of the Revised Code by providing the data.

(C)(1) A state agency that provides data under the program
retains ownership over the data. Notwithstanding any other
 provision of the Revised Code, only the state agency that provides
data under the program may be required under the law of this state
to respond to requests for records or information regarding the
provided data, including public records requests, subpoenas,
warrants, and investigatory requests.

(2) Participating state agencies shall maintain the
confidentiality of data gathered under the program in accordance
with confidentiality laws applicable to the data when in the
possession of the state agency that provided the data. Employees
of the department of administrative services or another state
agency who gain access to another state agency's confidential data
under the program are subject to any confidentiality requirements
or duty to maintain confidentiality of the data established by law
applicable to the state agency that provided the data. The results
of the data analysis shall be compared against the confidentiality laws applicable to the source data to determine if the results retain any attributes of the source data that bring the results within the scope of any of the confidentiality obligations that applied to the source data. If so, the data analysis results are subject to those applicable confidentiality obligations and, in the event of a conflict between applicable confidentiality obligations, the most stringent of those obligations shall control.

(D) In consultation with state agencies participating under the program, the department of administrative services shall develop a data-sharing protocol and a security plan for the program. The security plan shall state how the data is to be protected. The data-sharing protocol shall include at least the following:

(1) How participating state agencies may use confidential data in accordance with confidentiality laws applicable to the provided data;

(2) Who has authority to access data gathered under the program; and

(3) How participating state agencies shall make, verify, and retain corrections to personal information gathered under the program.

Any collection of data derived under the program that is a "system" with "personal information" as defined in section 1347.01 of the Revised Code shall comply with Chapter 1347. of the Revised Code.

Sec. 125.92. (A) As used in this section, "board or commission" means any of the following:

(1) The accountancy board;
(2) The architects board;
(3) The state cosmetology and barber board;
(4) The board of embalmers and funeral directors;
(5) The board of executives of long-term services and supports;
(6) The crematory review board;
(7) The motor vehicle dealers board;
(8) The motor vehicle repair board;
(9) The motor vehicle salvage dealer's licensing board;
(10) The Ohio athletic commission;
(11) The Ohio construction industry licensing board;
(12) The Ohio landscape architects board;
(13) The Ohio real estate commission;
(14) The real estate appraiser board;
(15) The state auctioneers commission;
(16) The state behavioral health and social work board;
(17) The state board of career colleges and schools;
(18) The state board of education;
(19) The state board of emergency medical, fire, and transportation services;
(20) The board of nursing;
(21) The state board of pharmacy;
(22) The state board of registration for professional engineers and surveyors;
(23) The state board of sanitarian registration;
(24) The state physical health services board;
(25) The state chiropractic board;

(26) The state dental board;

(27) The state medical board;

(28) The state veterinary medical licensing board;

(29) The state vision and hearing professionals board;

(30) Any other multi-member body created under state law that licenses or otherwise regulates an occupation or industry to which one or more members of the body belongs.

(B) The director of administrative services shall review an action taken or proposed by a board or commission that is subject to review under this section and that is referred to the director pursuant to division (C) of this section.

(1) The following actions are subject to review under this section:

(a) Any action that directly or indirectly has an effect of any of the following:

(i) Fixing prices, limiting price competition, or increasing prices in this state for the goods or services that are provided by the occupation or industry regulated by the board or commission;

(ii) Dividing, allocating, or assigning customers, potential customers, or geographic markets in this state among members of the occupation or industry regulated by the board or commission;

(iii) Excluding present or potential competitors from the occupation or industry regulated by the board or commission;

(iv) Limiting the output or supply in this state of any good or service provided by the members of the occupation or industry regulated by the board or commission.

(b) Any other activity that could be subject to state or
federal antitrust law if the action were undertaken by a private person or combination of private persons.

(2) Except as provided in division (H) of this section, the following actions are not subject to review under this section:

(a) Denying an application to obtain a license because the applicant has violated the Ohio Revised Code or the Ohio Administrative Code;

(b) Taking disciplinary action against an individual or corporation that is licensed by a board or commission for violations of the Ohio Revised Code or the Ohio Administrative Code.

(C)(1) The following persons or entities may refer an action to the director for review under this section:

(a) A board or commission that has taken or is proposing to take an action;

(b) A person who is affected by an action taken by a board or commission or is likely to be affected by an action proposed by a board or commission;

(c) A person who has been granted a stay pursuant to division (G) of this section.

(2) A board or commission or person who refers an action to the director shall prepare a brief statement explaining the action and its consistency or inconsistency with state or federal antitrust law and file the statement with the director. If the action is in writing, the board or commission or person shall attach a copy of it to the statement. The person shall transmit a copy of the statement to the board or commission.

(3) The referral of an action by a board or commission for review by the director does not constitute an admission that the action violates any state or federal law.
(4) A person who is affected by an action taken by a board or commission or is likely to be affected by an action proposed by a board or commission shall refer the action to the director for review within thirty days after receiving notice of the action or proposed action.

(5) If an ongoing action or an action proposed by a board or commission is referred to the director for review under this section, the board or commission shall cease the ongoing action or not take the proposed action until the director has approved of the action pursuant to division (E) of this section and prepared and transmitted the memorandum required under division (F) of this section.

(D) The director shall determine whether an action referred to the director under this section is supported by, and consistent with, a clearly articulated state policy as expressed in the statutes creating the board or commission or the statutes and rules setting forth the board's or commission's powers, authority, and duties. If the director finds this to be the case, the director shall determine whether the clearly articulated state policy is merely a pretext by which the board or commission enables the members of an occupation or industry the board or commission regulates to engage in anticompetitive conduct that could be subject to state or federal antitrust law if the action were taken by a private person or combination of private persons.

(E) After making the determinations required under division (D) of this section, the director shall take one of the following actions:

(1) Approve the board or commission action if the director determines that the action is pursuant to a clearly articulated state policy and that the policy is not a pretext as described in division (D) of this section. If the director approves the board's or commission's action, the board or commission may proceed to
take or may continue the action.

(2) Disapprove the board or commission action if the director determines that the action is not pursuant to a clearly articulated state policy or that if it is pursuant to a clearly articulated state policy, that policy is a pretext as described in division (D) of this section. If the director disapproves the board's or commission's action, the action is void.

(F) The director shall prepare a memorandum that explains the director's approval or disapproval. The director shall transmit a copy of the memorandum to the person and the board or commission or to the board or commission if only the board or commission is involved. The director shall post the memorandum on the web site maintained by the department of administrative services.

(G)(1) A person having standing to commence and prosecute a state or federal antitrust action against a board or commission shall exhaust the remedies provided by this section before commencing such an action. This division shall not apply to the attorney general, a county prosecuting attorney, or any assistant prosecutor designated to assist a county prosecuting attorney.

(2) The state, a board or commission, or a member of a board or commission in the member's official capacity, may request a stay of any lawsuit alleging that a board or commission engaged in anticompetitive conduct by taking an action described in division (B)(1) or (2) of this section that has not been previously reviewed by the director under this section. If the lawsuit was initiated by a person other than the attorney general, a county prosecuting attorney, or any assistant prosecutor designated to assist a county prosecuting attorney, the court shall grant the request. If the lawsuit was initiated by the attorney general, a county prosecuting attorney, or any assistant prosecutor designated to assist a county prosecuting attorney, the court shall deny the request. Any stay granted under this division will
continue in effect until the director has prepared and transmitted 6028
the memorandum required under division (F) of this section. 6029

(H) The director shall review any action referred to the 6030
director by a party who has been granted a stay pursuant to 6031
division (G) of this section. 6032

(I) Notwithstanding any provision of this section to the 6033
contrary, an action taken by a board or commission is not subject 6034
to review under this section if participation in the action is 6035
limited by statute to only the members of the board or commission 6036
representing the public. 6037

(J) The director shall adopt rules under Chapter 119. of the 6038
Revised Code that are necessary for the implementation and 6039
administration of this section. 6040

Sec. 126.071. No state agency shall agree to any monetary 6041
settlement that obligates payment from any fund within the state 6042
treasury without consulting with the director of budget and 6043
management. 6044

Sec. 126.11. (A)(1) The director of budget and management 6045
shall, upon consultation with the treasurer of state, coordinate 6046
and approve the scheduling of initial sales of publicly offered 6047
securities of the state and of publicly offered fractionalized 6048
interests in or securitized issues of public obligations of the 6049
state. The director shall from time to time develop and distribute 6050
to state issuers an approved sale schedule for each of the 6051
obligations covered by division (A) or (B) of this section. 6052
Division (A) of this section applies only to those obligations on 6053
which the state or a state agency is the direct obligor or obligor 6054
on any backup security or related credit enhancement facility or 6055
source of money subject to state appropriations that is intended 6056
for payment of those obligations. 6057
(2) The issuers of obligations pursuant to section 151.03, 151.04, 151.05, 151.07, 151.08, or 151.09 or Chapter 5537. of the Revised Code shall submit to the director:

(a) For review and approval: the projected sale date, amount, and type of obligations proposed to be sold; their purpose, security, and source of payment; the proposed structure and maturity schedule; the trust agreement and any supplemental agreements; and any credit enhancement facilities or interest rate hedges for the obligations;

(b) For review and comment: the authorizing order or resolution; preliminary and final offering documents; method of sale; preliminary and final pricing information; and any written reports or recommendations of financial advisors or consultants relating to those obligations;

(c) Promptly after each sale of those obligations: final terms, including sale price, maturity schedule and yields, and sources and uses; names of the original purchasers or underwriters; a copy of the final offering document and of the transcript of proceedings; and any other pertinent information requested by the director.

(3) The issuer of obligations pursuant to section 151.06 or 151.40 or Chapter 154. of the Revised Code shall submit to the director:

(a) For review and mutual agreement: the projected sale date, amount, and type of obligations proposed to be sold; their purpose, security, and source of payment; the proposed structure and maturity schedule; the trust agreement and any supplemental agreements; and any credit enhancement facilities or interest rate hedges for the obligations;

(b) For review and comment: the authorizing order or resolution; preliminary and final offering documents; method of
sale; preliminary and final pricing information; and any written
reports or recommendations of financial advisors or consultants
relating to those obligations;

(c) Promptly after each sale of those obligations: final
terms, including sale price, maturity schedule and yields, and
sources and uses; names of the original purchasers or
underwriters; a copy of the final offering document and of the
transcript of proceedings; and any other pertinent information
requested by the director.

(4) The issuers of obligations pursuant to Chapter 166.,
4981., 5540., or 6121., or section 5531.10, of the Revised Code
shall submit to the director:

(a) For review and comment: the projected sale date, amount,
and type of obligations proposed to be sold; the purpose,
security, and source of payment; and preliminary and final
offering documents;

(b) Promptly after each sale of those obligations: final
terms, including a maturity schedule; names of the original
purchasers or underwriters; a copy of the complete continuing
disclosure agreement pursuant to S.E.C. rule 15c2-12 or equivalent
rule as from time to time in effect; and any other pertinent
information requested by the director.

(5) Not later than thirty days after the end of a fiscal
year, each issuer of obligations subject to divisions (A) and (B)
of this section shall submit to the director and to the treasurer
of state a sale plan for the then current fiscal year for each
type of obligation, projecting the amount and term of each
issuance, the method of sale, and the month of sale.

(B) Issuers of obligations pursuant to section 3318.085 or
Chapter 175., 3366., 3706., 3737., 6121., or 6123. of the Revised
Code shall submit to the director copies of the preliminary and
final offering documents upon their availability if not previously submitted pursuant to division (A) of this section.

(C) State agencies or state issuers seeking new legislation or changes to existing law relating to public obligations for which the state or a state agency is the direct obligor, or obligor on any backup security or related credit enhancement facility, shall timely submit the legislation or changes to the director for review and comment.

(D) Not later than the first day of January of each year, every state agency obligated to make payments on outstanding public obligations with respect to which fractionalized interests have been publicly issued, such as certificates of participation, shall submit a report to the director of the amounts payable from state appropriations under those public obligations during the then current and next two fiscal years, identifying the appropriation or intended appropriation from which payment is expected to be made.

(E)(1) Information relating generally to the historic, current, or future demographics or economy or financial condition or funds or general operations of the state, and descriptions of any state contractual obligations relating to public obligations, to be contained in any offering document, continuing disclosure document, or written presentation prepared, approved, or provided, or committed to be provided, by an issuer in connection with the original issuance and sale of, or rating, remarketing, or credit enhancement facilities relating to, public obligations referred to in division (A) of this section shall be approved as to format and accuracy by the director before being presented, published, or disseminated in preliminary, draft, or final form, or publicly filed in paper, electronic, or other format.

(2) Except for information described in division (E)(1) of this section that is to be contained in an offering document,
continuing disclosure document, or written presentation, division (D)(1) of this section does not inhibit direct communication between an issuer and a rating agency, remarketing agent, or credit enhancement provider concerning an issuance of public obligations referred to in division (A) of this section or matters associated with that issuance.

(3) The materials approved and provided pursuant to division (D)(E) of this section are the information relating to the particular subjects provided by the state or state agencies that are required or contemplated by any applicable state or federal securities laws and any commitments by the state or state agencies made under those laws. Reliance for the purpose should not be placed on any other information publicly provided, in any format including electronic, by any state agency for other purposes, including general information provided to the public or to portions of the public. A statement to that effect shall be included in those materials so approved or provided.

(E)(F) Issuers of obligations referred to in division (A) of this section may take steps, by formal agreement, covenants in the proceedings, or otherwise, as may be necessary or appropriate to comply or permit compliance with applicable lawful disclosure requirements relating to those obligations, and may, subject to division (D)(E) of this section, provide, make available, or file copies of any required disclosure materials as necessary or appropriate. Any such formal agreement or covenant relating to subjects referred to in division (D)(E) of this section, and any description of that agreement or covenant to be contained in any offering document, shall be approved by the director before being entered into or published or publicly disseminated in preliminary, draft, or final form or publicly filed in paper, electronic, or other format. The director shall be responsible for making all filings in compliance with those requirements relating to direct
obligations of the state, including fractionalized interests in those obligations.

(F)(G) No state agency or official shall, without the approval of the director of budget and management and either the general assembly or the state controlling board, do either of the following:

(1) Enter into or commit to enter into a public obligation under which fractionalized interests in the payments are to be publicly offered, which payments are anticipated to be made from money from any source appropriated or to be appropriated by the general assembly or in which the provision stated in section 9.94 of the Revised Code is not included;

(2) Except as otherwise expressly authorized for the purpose by law, agree or commit to provide, from money from any source to be appropriated in the future by the general assembly, financial assistance to or participation in the costs of capital facilities, or the payment of debt charges, directly or by way of a credit enhancement facility, a reserve, rental payments, or otherwise, on obligations issued to pay costs of capital facilities.

(G)(H) As used in this section, "interest rate hedge" has the same meaning as in section 9.98 of the Revised Code; "credit enhancement facilities," "debt charges," "fractionalized interests in public obligations," "obligor," "public issuer," and "securities" have the same meanings as in section 133.01 of the Revised Code; "public obligation" has the same meaning as in division (GG)(2) of section 133.01 of the Revised Code; "obligations" means securities or public obligations or fractionalized interests in them; "issuers" means issuers of securities or state obligors on public obligations; "offering document" means an official statement, offering circular, private placement memorandum, or prospectus, or similar document; and "director" means the director of budget and management or the
employee of the office of budget and management designated by the
director for the purpose.

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

(A) Perform accounting services for and design and implement
accounting systems with state agencies;

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

(C) Change any accounting code appearing in appropriations
acts of the general assembly;

(D) Correct accounting errors committed by any state agency
or state institution of higher education, including, but not
limited to, the reestablishment of encumbrances cancelled in
error.

Sec. 126.35. (A) The director of budget and management shall
draw warrants or process electronic funds transfers against the
treasurer of state pursuant to all requests for payment that the
director has approved under section 126.07 of the Revised Code.

(B) Unless a cash assistance payment is to be made by
electronic benefit transfer, payment by the director of budget and
management to a participant in the Ohio works first program
pursuant to Chapter 5107. of the Revised Code, a recipient of
disability financial assistance pursuant to Chapter 5115. of the
Revised Code, or a recipient of cash assistance provided under the
refugee assistance program established under section 5101.49 of
the Revised Code shall be made by direct deposit to the account of
the participant or recipient in the financial institution
designated under section 329.03 of the Revised Code. Payment by
the director of budget and management to a recipient of benefits distributed through the medium of electronic benefit transfer pursuant to section 5101.33 of the Revised Code shall be by electronic benefit transfer. Payment by the director of budget and management as compensation to an employee of the state who has, pursuant to section 124.151 of the Revised Code, designated a financial institution and account for the direct deposit of such payments shall be made by direct deposit to the account of the employee. Payment to any other payee who has designated a financial institution and account for the direct deposit of such payment may be made by direct deposit to the account of the payee in the financial institution as provided in section 9.37 of the Revised Code. Accounts maintained by the director of budget and management or the director's agent in a financial institution for the purpose of effectuating payment by direct deposit or electronic benefit transfer shall be maintained in accordance with section 135.18 of the Revised Code.

(C) All other payments from the state treasury shall be made by paper warrants, electronic funds transfers, or by direct deposit payable to the respective payees. The director of budget and management may mail the paper warrants to the respective payees or distribute them through other state agencies, whichever the director determines to be the better procedure.

Sec. 131.23. The various political subdivisions of this state may issue bonds, and any indebtedness created by that issuance shall not be subject to the limitations or included in the calculation of indebtedness prescribed by sections 133.05, 133.06, 133.07, and 133.09 of the Revised Code, but the bonds may be issued only under the following conditions:

(A) The subdivision desiring to issue the bonds shall obtain from the county auditor a certificate showing the total amount of
delinquent taxes due and unpayable to the subdivision at the last semiannual tax settlement.

(B) The fiscal officer of that subdivision shall prepare a statement, from the books of the subdivision, verified by the fiscal officer under oath, which shall contain the following facts of the subdivision:

(1) The total bonded indebtedness;

(2) The aggregate amount of notes payable or outstanding accounts of the subdivision, incurred prior to the commencement of the current fiscal year, which shall include all evidences of indebtedness issued by the subdivision except notes issued in anticipation of bond issues and the indebtedness of any nontax-supported public utility;

(3) Except in the case of school districts, the aggregate current year's requirement for disability financial assistance provided under Chapter 5115. of the Revised Code that the subdivision is unable to finance except by the issue of bonds;

(4) The indebtedness outstanding through the issuance of any bonds or notes pledged or obligated to be paid by any delinquent taxes;

(5) The total of any other indebtedness;

(6) The net amount of delinquent taxes unpledged to pay any bonds, notes, or certificates, including delinquent assessments on improvements on which the bonds have been paid;

(7) The budget requirements for the fiscal year for bond and note retirement;

(8) The estimated revenue for the fiscal year.

(C) The certificate and statement provided for in divisions (A) and (B) of this section shall be forwarded to the tax commissioner together with a request for authority to issue bonds.
of the subdivision in an amount not to exceed seventy per cent of
the net unobligated delinquent taxes and assessments due and owing
to the subdivision, as set forth in division (B)(5) of this
section.

(D) No subdivision may issue bonds under this section in
excess of a sufficient amount to pay the indebtedness of the
subdivision as shown by division (B)(2) of this section and,
except in the case of school districts, to provide funds for
disability financial assistance as shown by division (B)(3) of
this section.

(E) The tax commissioner shall grant to the subdivision
authority requested by the subdivision as restricted by divisions
(C) and (D) of this section and shall make a record of the
certificate, statement, and grant in a record book devoted solely
to such recording and which shall be open to inspection by the
public.

(F) The commissioner shall immediately upon issuing the
authority provided in division (E) of this section notify the
proper authority having charge of the retirement of bonds of the
subdivision by forwarding a copy of the grant of authority and of
the statement provided for in division (B) of this section.

(G) Upon receipt of authority, the subdivision shall proceed
according to law to issue the amount of bonds authorized by the
commissioner, and authorized by the taxing authority, provided the
taxing authority of that subdivision may submit, by resolution, to
the electors of that subdivision the question of issuing the
bonds. The resolution shall make the declarations and statements
required by section 133.18 of the Revised Code. The county auditor
and taxing authority shall thereupon proceed as set forth in
divisions (C) and (D) of that section. The election on the
question of issuing the bonds shall be held under divisions (E),
(F), and (G) of that section, except that publication of the
notice of the election shall be made on two separate days prior to
the election in a newspaper of general circulation in the
subdivision or as provided in section 7.16 of the Revised Code. If
the board of elections operates and maintains a web site, notice
of the election also shall be posted on that web site for thirty
days prior to the election. The bonds may be exchanged at their
face value with creditors of the subdivision in liquidating the
indebtedness described and enumerated in division (B)(2) of this
section or may be sold as provided in Chapter 133. of the Revised
Code, and in either event shall be uncontestable.

(H) The per cent of delinquent taxes and assessments
collected for and to the credit of the subdivision after the
exchange or sale of bonds as certified by the commissioner shall
be paid to the authority having charge of the sinking fund of the
subdivision, which money shall be placed in a separate fund for
the purpose of retiring the bonds so issued. The proper authority
of the subdivisions shall provide for the levying of a tax
sufficient in amount to pay the debt charges on all such bonds
issued under this section.

(I) This section is for the sole purpose of assisting the
various subdivisions in paying their unsecured indebtedness, and
providing funds for disability financial assistance. The bonds
issued under authority of this section shall not be used for any
other purpose, and any exchange for other purposes, or the use of
the money derived from the sale of the bonds by the subdivision
for any other purpose, is misapplication of funds.

(J) The bonds authorized by this section shall be redeemable
or payable in not to exceed ten years from date of issue and shall
not be subject to or considered in calculating the net
indebtedness of the subdivision. The budget commission of the
county in which the subdivision is located shall annually allocate
such portion of the then delinquent levy due the subdivision which
is unpledged for other purposes to the payment of debt charges on
the bonds issued under authority of this section.

(K) The issue of bonds under this section shall be governed
by Chapter 133. of the Revised Code, respecting the terms used,
forms, manner of sale, and redemption except as otherwise provided
in this section.

The board of county commissioners of any county may issue
bonds authorized by this section and distribute the proceeds of
the bond issues to any or all of the cities and townships of the
county, according to their relative needs for disability financial
assistance as determined by the county.

All sections of the Revised Code inconsistent with or
prohibiting the exercise of the authority conferred by this
section are inoperative respecting bonds issued under this
section.

Sec. 131.33. (A) No state agency shall incur an obligation
which exceeds the agency's current appropriation authority. Except
as provided in division (D) of this section, unexpended balances
of appropriations shall, at the close of the period for which the
appropriations are made, revert to the funds from which the
appropriations were made, except that the director of budget and
management shall transfer such unexpended balances from the first
fiscal year to the second fiscal year of an agency's
appropriations to the extent necessary for voided warrants to be
reissued pursuant to division (C) of section 126.37 of the Revised
Code.

Except as provided in this section, appropriations made to a
specific fiscal year shall be expended only to pay liabilities
incurred within that fiscal year.

(B) All payrolls shall be charged to the allotments of the
fiscal quarters in which the applicable payroll vouchers are certified by the director of budget and management in accordance with section 126.07 of the Revised Code. As used in this division, "payrolls" means any payment made in accordance with section 125.21 of the Revised Code.

(C) Legal liabilities from prior fiscal years for which there is no reappropriation authority shall be discharged from the unencumbered balances of current appropriations.

(D)(1) Federal grant funds obligated by the department of job and family services for financial allocations to county family services agencies and local workforce investment boards may, at the discretion of the director of job and family services, be available for expenditure for the duration of the federal grant period of obligation and liquidation, as follows:

(a) At the end of the state fiscal year, all unexpended county family services agency and local workforce investment board financial allocations obligated from federal grant funds may continue to be valid for expenditure during subsequent state fiscal years.

(b) The financial allocations described in division (D)(1)(a) of this section shall be reconciled at the end of the federal grant period of availability or as required by federal law, regardless of the state fiscal year of the appropriation.

(2) The director of job and family services may adopt rules in accordance with section 111.15 of the Revised Code, as if they were internal management rules, as necessary to implement division (D) of this section.

(3) As used in division (D) of this section:

(a) "County family services agency" has the same meaning as in section 307.981 of the Revised Code.
(b) "Local workforce investment board" means a local workforce investment board established under section 117 of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2832, as amended has the same meaning as in section 6301.01 of the Revised Code.

Sec. 131.44. (A) As used in this section:

(1) "Surplus revenue" means the excess, if any, of the total fund balance over the required year-end balance.

(2) "Total fund balance" means the sum of the unencumbered balance in the general revenue fund on the last day of the preceding fiscal year plus the balance in the budget stabilization fund.

(3) "Required year-end balance" means the sum of the following:

(a) Eight and one-half per cent of the general revenue fund revenues for the preceding fiscal year;

(b) "Ending fund balance," which means one-half of one per cent of general revenue fund revenues for the preceding fiscal year;

(c) " Carryover balance," which means, with respect to a fiscal biennium, the excess, if any, of the estimated general revenue fund appropriation and transfer requirement for the second fiscal year of the biennium over the estimated general revenue fund revenue for that fiscal year;

(d) "Capital appropriation reserve," which means the amount, if any, of general revenue fund capital appropriations made for the current biennium that the director of budget and management has determined will be encumbered or disbursed;

(e) "Income tax reduction impact reserve," which means an amount equal to the reduction projected by the director of budget
and management in income tax revenue in the current fiscal year attributable to the previous reduction in the income tax rate made by the tax commissioner pursuant to division (B) of section 5747.02 of the Revised Code.

(4) "Estimated general revenue fund appropriation and transfer requirement" means the most recent adjusted appropriations made by the general assembly from the general revenue fund and includes both of the following:

(a) Appropriations made and transfers of appropriations from the first fiscal year to the second fiscal year of the biennium in provisions of acts of the general assembly signed by the governor but not yet effective;

(b) Transfers of appropriations from the first fiscal year to the second fiscal year of the biennium approved by the controlling board.

(5) "Estimated general revenue fund revenue" means the most recent such estimate available to the director of budget and management.

(B)(1) Not later than the thirty-first day of July each year, the director of budget and management shall determine the surplus revenue that existed on the preceding thirtieth day of June and transfer from the general revenue fund, to the extent of the unobligated, unencumbered balance on the preceding thirtieth day of June in excess of one-half of one per cent of the general revenue fund revenues in the preceding fiscal year, the following:

(a) First, to the budget stabilization fund, any amount necessary for the balance of the budget stabilization fund to equal eight and one-half per cent of the general revenue fund revenues of the preceding fiscal year;

(b) Then, to the income tax reduction fund, which is hereby created in the state treasury, an amount equal to the surplus
revenue.

(2) Not later than the thirty-first day of July each year, the director shall determine the percentage that the balance in the income tax reduction fund is of the amount of revenue that the director estimates will be received from the tax levied under section 5747.02 of the Revised Code in the current fiscal year without regard to any reduction under division (B) of that section. If that percentage exceeds thirty-five one hundredths of one per cent, the director shall certify the percentage to the tax commissioner not later than the thirty-first day of July.

(C) The director of budget and management shall transfer money in the income tax reduction fund to the general revenue fund, the local government fund, and the public library fund as necessary to offset revenue reductions resulting from the reductions in taxes required under division (B) of section 5747.02 of the Revised Code in the respective amounts and percentages prescribed by division (A) of section 5747.03 and divisions (B) and (C) of section 131.51 of the Revised Code as if the amount transferred had been collected as taxes under Chapter 5747. of the Revised Code. If no reductions in taxes are made under that division that affect revenue received in the current fiscal year, the director shall not transfer money from the income tax reduction fund to the general revenue fund, the local government fund, and the public library fund.

**Sec. 131.51.** (A) On or before July 5, 2013, the tax commissioner shall compute the following amounts and certify those amounts to the director of budget and management:

(1) A percentage calculated by multiplying one hundred by the quotient obtained by dividing the total amount credited to the local government fund in fiscal year 2013 by the total amount of tax revenue credited to the general revenue fund in fiscal year.
2013. The percentage shall be rounded to the nearest one-hundredth of one per cent.

(2) A percentage calculated by multiplying one hundred by the quotient obtained by dividing the total amount credited to the public library fund in fiscal year 2013 by the total amount of tax revenue credited to the general revenue fund in fiscal year 2013. The percentage shall be rounded to the nearest one-hundredth of one per cent.

(B) On or before the seventh day of each month, the director of budget and management shall credit to the local government fund an amount equal to the product obtained by multiplying the percentage calculated under division (A)(1) of this section by one and sixty-six one-hundredths per cent of the total tax revenue credited to the general revenue fund during the preceding month. In determining the total tax revenue credited to the general revenue fund during the preceding month, the director shall include amounts transferred from the fund during the preceding month under this division and division (B) of this section. Money shall be distributed from the local government fund as required under sections 5747.50, 5747.503, and 5747.504 of the Revised Code during the same month in which it is credited to the fund.

(C) On or before the seventh day of each month, the director of budget and management shall credit to the public library fund an amount equal to the product obtained by multiplying the percentage calculated under division (A)(2) of this section by one and sixty-six one-hundredths per cent of the total tax revenue credited to the general revenue fund during the preceding month. In determining the total tax revenue credited to the general revenue fund during the preceding month, the director shall include amounts transferred from the fund during the preceding month under this division and division (B) of this section.
section. Money shall be distributed from the public library fund as required under section 5747.47 of the Revised Code during the same month in which it is credited to the fund.

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

Sec. 133.022. (A) As used in this section:

(1) "Large local educational agency" and "qualified school construction bond" have the same meaning as in section 54F of the Internal Revenue Code, 26 U.S.C. 54F.

(2) "National limit" means, as applicable, the limitation on the aggregate amount of qualified school construction bonds that may be issued by the states each calendar year under section 54F of the Internal Revenue Code.

(3) "State portion" means the portion of the national limit allocated to this state pursuant to section 54F of the Internal Revenue Code.

(B)(1) To provide for the orderly and prompt issuance of qualified school construction bonds, the Ohio school facilities construction commission, in consultation with the director of budget and management, shall allocate the state portion among those issuers authorized to issue qualified school construction bonds. The Ohio school facilities construction commission may also accept from any large local educational agency the allocation received by that agency under section 54F(d)(2) of the Internal Revenue Code and reallocate it to any issuer or issuers authorized to issue obligations, including any large local educational agency.
(2) The factors to be considered when making allocations of the state portion or reallocations of any amounts received by a large local educational agency include the following:

(a) The interests of the state with regard to education and economic development;

(b) The need and ability of each issuer to issue obligations.

(3) The Ohio school facilities construction commission, in consultation with the director of budget and management, shall establish procedures for making allocations, including those from any carryover of the state portion, and shall adopt guidelines to carry out the purposes of this section.

Sec. 133.06. (A) A school district shall not incur, without a vote of the electors, net indebtedness that exceeds an amount equal to one-tenth of one per cent of its tax valuation, except as provided in divisions (G) and (H) of this section and in division (D) of section 3313.372 of the Revised Code, or as prescribed in section 3318.052 or 3318.44 of the Revised Code, or as provided in division (J) of this section.

(B) Except as provided in divisions (E), (F), and (I) of this section, a school district shall not incur net indebtedness that exceeds an amount equal to nine per cent of its tax valuation.

(C) A school district shall not submit to a vote of the electors the question of the issuance of securities in an amount that will make the district's net indebtedness after the issuance of the securities exceed an amount equal to four per cent of its tax valuation, unless the superintendent of public instruction, acting under policies adopted by the state board of education, and the tax commissioner, acting under written policies of the commissioner, consent to the submission. A request for the consents shall be made at least one hundred twenty days prior to
the election at which the question is to be submitted.

The superintendent of public instruction shall certify to the district the superintendent's and the tax commissioner's decisions within thirty days after receipt of the request for consents.

If the electors do not approve the issuance of securities at the election for which the superintendent of public instruction and tax commissioner consented to the submission of the question, the school district may submit the same question to the electors on the date that the next special election may be held under section 3501.01 of the Revised Code without submitting a new request for consent. If the school district seeks to submit the same question at any other subsequent election, the district shall first submit a new request for consent in accordance with this division.

(D) In calculating the net indebtedness of a school district, none of the following shall be considered:

1. Securities issued to acquire school buses and other equipment used in transporting pupils or issued pursuant to division (D) of section 133.10 of the Revised Code;

2. Securities issued under division (F) of this section, under section 133.301 of the Revised Code, and, to the extent in excess of the limitation stated in division (B) of this section, under division (E) of this section;

3. Indebtedness resulting from the dissolution of a joint vocational school district under section 3311.217 of the Revised Code, evidenced by outstanding securities of that joint vocational school district;

4. Loans, evidenced by any securities, received under sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code;

5. Debt incurred under section 3313.374 of the Revised Code;
(6) Debt incurred pursuant to division (B)(5) of section 3313.37 of the Revised Code to acquire computers and related hardware;

(7) Debt incurred under section 3318.042 of the Revised Code.

(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.

(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:

(a) The student population is not being adequately serviced by the existing permanent improvements of the district.

(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.

(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:

(a) The history of and a projection of the growth of the tax valuation;

(b) The projected needs;

(c) The estimated cost of permanent improvements proposed to meet such projected needs.

(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:

(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.
(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the superintendent and any other information the superintendent obtains, indicates a likelihood of potential average growth of tax valuation of the district during the next five years of an average of not less than one and one-half per cent per year. The findings and certification of the superintendent shall be conclusive.

(4) An approved special needs district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in an amount that does not exceed an amount equal to the greater of the following:

(a) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage by which the tax valuation has increased over the tax valuation on the first day of the sixtieth month preceding the month in which its board determines to submit to the electors the question of issuing the proposed securities;

(b) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage, determined by the superintendent of public instruction, by which that tax valuation is projected to increase during the next ten years.

(F) A school district may issue securities for emergency purposes, in a principal amount that does not exceed an amount equal to three per cent of its tax valuation, as provided in this division.

(1) A board of education, by resolution, may declare an emergency if it determines both of the following:

(a) School buildings or other necessary school facilities in the district have been wholly or partially destroyed, or condemned
by a constituted public authority, or that such buildings or
facilities are partially constructed, or so constructed or planned
as to require additions and improvements to them before the
buildings or facilities are usable for their intended purpose, or
that corrections to permanent improvements are necessary to remove
or prevent health or safety hazards.

(b) Existing fiscal and net indebtedness limitations make
adequate replacement, additions, or improvements impossible.

(2) Upon the declaration of an emergency, the board of
education may, by resolution, submit to the electors of the
district pursuant to section 133.18 of the Revised Code the
question of issuing securities for the purpose of paying the cost,
in excess of any insurance or condemnation proceeds received by
the district, of permanent improvements to respond to the
emergency need.

(3) The procedures for the election shall be as provided in
section 133.18 of the Revised Code, except that:

(a) The form of the ballot shall describe the emergency
existing, refer to this division as the authority under which the
emergency is declared, and state that the amount of the proposed
securities exceeds the limitations prescribed by division (B) of
this section;

(b) The resolution required by division (B) of section 133.18
of the Revised Code shall be certified to the county auditor and
the board of elections at least one hundred days prior to the
election;

(c) The county auditor shall advise and, not later than
ninety-five days before the election, confirm that advice by
certification to, the board of education of the information
required by division (C) of section 133.18 of the Revised Code;

(d) The board of education shall then certify its resolution
and the information required by division (D) of section 133.18 of the Revised Code to the board of elections not less than ninety days prior to the election.

(4) Notwithstanding division (B) of section 133.21 of the Revised Code, the first principal payment of securities issued under this division may be set at any date not later than sixty months after the earliest possible principal payment otherwise provided for in that division.

(G)(1) The board of education may contract with an architect, professional engineer, or other person experienced in the design and implementation of energy conservation measures for an analysis and recommendations pertaining to installations, modifications of installations, or remodeling that would significantly reduce energy consumption in buildings owned by the district. The report shall include estimates of all costs of such installations, modifications, or remodeling, including costs of design, engineering, installation, maintenance, repairs, measurement and verification of energy savings, and debt service, forgone residual value of materials or equipment replaced by the energy conservation measure, as defined by the Ohio school facilities construction commission, a baseline analysis of actual energy consumption data for the preceding three years with the utility baseline based on only the actual energy consumption data for the preceding twelve months, and estimates of the amounts by which energy consumption and resultant operational and maintenance costs, as defined by the commission, would be reduced.

If the board finds after receiving the report that the amount of money the district would spend on such installations, modifications, or remodeling is not likely to exceed the amount of money it would save in energy and resultant operational and maintenance costs over the ensuing fifteen years, the board may submit to the commission a copy of its findings and a request for...
approval to incur indebtedness to finance the making or
modification of installations or the remodeling of buildings for
the purpose of significantly reducing energy consumption.

The school facilities construction commission, in
consultation with the auditor of state, may deny a request under
this division by the board of education of any school district
that is in a state of fiscal watch pursuant to division (A) of
section 3316.03 of the Revised Code, if it determines that the
expenditure of funds is not in the best interest of the school
district.

No district board of education of a school district that is
in a state of fiscal emergency pursuant to division (B) of section
3316.03 of the Revised Code shall submit a request without
submitting evidence that the installations, modifications, or
remodeling have been approved by the district's financial planning
and supervision commission established under section 3316.05 of
the Revised Code.

No board of education of a school district that, for three or
more consecutive years, has been declared to be in a state of
academic emergency under section 3302.03 of the Revised Code, as
that section existed prior to March 22, 2013, and has failed to
meet adequate yearly progress, or has met any condition set forth
in division (A) of section 3302.10 of the Revised Code shall
submit a request without first receiving approval to incur
indebtedness from the district's academic distress commission
established under that section, for so long as such commission
continues to be required for the district.

(2) The school facilities construction commission shall
approve the board's request provided that the following conditions
are satisfied:

(a) The commission determines that the board's findings are
reasonable.

(b) The request for approval is complete.

c) The installations, modifications, or remodeling are consistent with any project to construct or acquire classroom facilities, or to reconstruct or make additions to existing classroom facilities under sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code.

Upon receipt of the commission's approval, the district may issue securities without a vote of the electors in a principal amount not to exceed nine-tenths of one per cent of its tax valuation for the purpose of making such installations, modifications, or remodeling, but the total net indebtedness of the district without a vote of the electors incurred under this and all other sections of the Revised Code, except section 3318.052 of the Revised Code, shall not exceed one per cent of the district's tax valuation.

(3) So long as any securities issued under this division remain outstanding, the board of education shall monitor the energy consumption and resultant operational and maintenance costs of buildings in which installations or modifications have been made or remodeling has been done pursuant to this division. Except as provided in division (G)(4) of this section, the board shall maintain and annually update a report in a form and manner prescribed by the school facilities construction commission documenting the reductions in energy consumption and resultant operational and maintenance cost savings attributable to such installations, modifications, or remodeling. The resultant operational and maintenance cost savings shall be certified by the school district treasurer. The report shall be submitted annually to the commission.

(4) If the school facilities construction commission verifies
that the certified annual reports submitted to the commission by a board of education under division (G)(3) of this section fulfill the guarantee required under division (B) of section 3313.372 of the Revised Code for three consecutive years, the board of education shall no longer be subject to the annual reporting requirements of division (G)(3) of this section.

(H) With the consent of the superintendent of public instruction, a school district may incur without a vote of the electors net indebtedness that exceeds the amounts stated in divisions (A) and (G) of this section for the purpose of paying costs of permanent improvements, if and to the extent that both of the following conditions are satisfied:

(1) The fiscal officer of the school district estimates that receipts of the school district from payments made under or pursuant to agreements entered into pursuant to section 725.02, 1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised Code, or distributions under division (C) of section 5709.43 or division (B) of section 5709.47 of the Revised Code, or any combination thereof, are, after accounting for any appropriate coverage requirements, sufficient in time and amount, and are committed by the proceedings, to pay the debt charges on the securities issued to evidence that indebtedness and payable from those receipts, and the taxing authority of the district confirms the fiscal officer's estimate, which confirmation is approved by the superintendent of public instruction;

(2) The fiscal officer of the school district certifies, and the taxing authority of the district confirms, that the district, at the time of the certification and confirmation, reasonably expects to have sufficient revenue available for the purpose of operating such permanent improvements for their intended purpose upon acquisition or completion thereof, and the superintendent of
public instruction approves the taxing authority's confirmation.

The maximum maturity of securities issued under division (H) of this section shall be the lesser of twenty years or the maximum maturity calculated under section 133.20 of the Revised Code.

(I) A school district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in excess of the limit specified in division (B) or (C) of this section when necessary to raise the school district portion of the basic project cost and any additional funds necessary to participate in a project under Chapter 3318. of the Revised Code, including the cost of items designated by the school facilities construction commission as required locally funded initiatives, the cost of other locally funded initiatives in an amount that does not exceed fifty per cent of the district's portion of the basic project cost, and the cost for site acquisition. The commission shall notify the superintendent of public instruction whenever a school district will exceed either limit pursuant to this division.

(J) A school district whose portion of the basic project cost of its classroom facilities project under sections 3318.01 to 3318.20 of the Revised Code is greater than or equal to one hundred million dollars may incur without a vote of the electors net indebtedness in an amount up to two per cent of its tax valuation through the issuance of general obligation securities in order to generate all or part of the amount of its portion of the basic project cost if the controlling board has approved the school facilities construction commission's conditional approval of the project under section 3318.04 of the Revised Code. The school district board and the Ohio school facilities construction commission shall include the dedication of the proceeds of such securities in the agreement entered into under section 3318.08 of the Revised Code. No state moneys shall be released for a project
to which this section applies until the proceeds of any bonds
issued under this section that are dedicated for the payment of
the school district portion of the project are first deposited
into the school district's project construction fund.

Sec. 133.061. (A) This section applies only to a school
district that satisfies all of the following conditions:

(1) The district, prior to the effective date of this section
June 30, 2007, undertook a classroom facilities project under
section 3318.37 of the Revised Code.

(2) The district will undertake a subsequent classroom
facilities project under section 3318.37 of the Revised Code that
will consist of a single building housing grades six through
twelve.

(3) The district's project described in division (A)(2) of
this section will include locally funded initiatives that are not
required by the Ohio school facilities construction commission.

(4) The district's project described in division (A)(2) of
this section will commence within two years after the effective
date of this section June 30, 2007.

(B) Notwithstanding any other provision of law to the
contrary, a school district to which this section applies may
incur net indebtedness by the issuance of securities in accordance
with the provisions of this chapter in excess of the limit
specified in division (B) or (C) of section 133.06 of the Revised
Code when necessary to raise the school district portion of the
basic project cost and any additional funds necessary to
participate in the classroom facilities project described in
division (A)(2) of this section, including the cost of items
designated by the Ohio school facilities construction commission
as required locally funded initiatives, the cost for site
acquisition, and the cost of the locally funded initiatives that
are not required by the commission described in division (A)(3) of
this section, as long as the district's total net indebtedness
after the issuance of those securities does not exceed one hundred
twenty-five per cent of the limit prescribed in division (B) of
section 133.06 of the Revised Code and the electors of the
district approve the issuance of those securities.

The school facilities **construction** commission shall notify
the superintendent of public instruction whenever a school
district will exceed either limit pursuant to this section.

**Sec. 149.43.** (A) As used in this section:

(1) "Public record" means records kept by any public office,
including, but not limited to, state, county, city, village,
township, and school district units, and records pertaining to the
delivery of educational services by an alternative school in this
state kept by the nonprofit or for-profit entity operating the
alternative school pursuant to section 3313.533 of the Revised
Code. "Public record" does not mean any of the following:

(a) Medical records;

(b) Records pertaining to probation and parole proceedings or
to proceedings related to the imposition of community control
sanctions and post-release control sanctions;

(c) Records pertaining to actions under section 2151.85 and
division (C) of section 2919.121 of the Revised Code and to
appeals of actions arising under those sections;

(d) Records pertaining to adoption proceedings, including the
contents of an adoption file maintained by the department of
health under sections 3705.12 to 3705.124 of the Revised Code;

(e) Information in a record contained in the putative father
registry established by section 3107.062 of the Revised Code,
regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;

(f) Records specified in division (A) of section 3107.52 of the Revised Code;

(g) Trial preparation records;

(h) Confidential law enforcement investigatory records;

(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;

(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;

(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;

(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;

(m) Intellectual property records;

(n) Donor profile records;

(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;

(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer residential and familial
information;

(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;

(r) Information pertaining to the recreational activities of a person under the age of eighteen;

(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;

(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;

(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;

(v) Records the release of which is prohibited by state or
federal law;

(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;

(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;

(y) Records listed in section 5101.29 of the Revised Code;

(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;

(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;

(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;

(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code;

(dd) Personal information, as defined in section 149.45 of the Revised Code;

(ee) The confidential name, address, and other personally identifiable information of a program participant in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code, including the contents of any application for absent voter's ballots, absent voter's ballot
identification envelope statement of voter, or provisional ballot affirmation completed by a program participant who has a confidential voter registration record, and records or portions of records pertaining to that program that identify the number of program participants that reside within a precinct, ward, township, municipal corporation, county, or any other geographic area smaller than the state. As used in this division, "confidential address" and "program participant" have the meaning defined in section 111.41 of the Revised Code.

(ff) Orders for active military service of an individual serving or with previous service in the armed forces of the United States, including a reserve component, or the Ohio organized militia, except that, such order becomes a public record on the day that is fifteen years after the published date or effective date of the call to order;

(gg) In the case of a drug overdose fatality review committee acting under sections 307.631 to 307.639 of the Revised Code, information, documents, or reports presented to the committee, statements made by committee members during meetings of the committee, all work products of the committee, and data submitted by the committee to the department of health, other than the report prepared pursuant to section 307.636 of the Revised Code.

(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:

(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;
(b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;

(c) Specific confidential investigatory techniques or procedures or specific investigatory work product;

(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.

(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.

(4) "Trial preparation record" means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.

(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.

(6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and
the date, amount, and conditions of the actual donation.

(7) "Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer residential and familial information" means any information that discloses any of the following about a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer:

(a) The address of the actual personal residence of a peace officer, parole officer, probation officer, bailiff, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, an investigator of the bureau of criminal identification and investigation, or federal law enforcement officer, except for the state or political subdivision in which the peace officer, parole officer, probation officer, bailiff, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer resides;

(b) Information compiled from referral to or participation in an employee assistance program;

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical
information pertaining to, a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer;

(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer by the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, community-based correctional facility employee's, youth services employee's, firefighter's, EMT's, investigator of the bureau of criminal identification and investigation's, or federal law enforcement officer's employer;

(e) The identity and amount of any charitable or employment benefit deduction made by the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, community-based correctional facility employee's, youth services employee's, firefighter's, EMT's, investigator of the bureau of criminal identification and investigation's, or federal law enforcement officer's employer from the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, community-based correctional facility employee's, youth services employee's,
firefighter's, EMT's, investigator of the bureau of criminal identification and investigation's, or federal law enforcement officer's compensation unless the amount of the deduction is required by state or federal law;

(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer;

(g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority.

As used in divisions (A)(7) and (B)(9) of this section, "peace officer" has the same meaning as in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

As used in divisions (A)(7) and (B)(9) of this section, "correctional employee" means any employee of the department of rehabilitation and correction who in the course of performing the employee's job duties has or has had contact with inmates and persons under supervision.
As used in divisions (A)(7) and (B)(9) of this section, "youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

As used in divisions (A)(7) and (B)(9) of this section, "firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

As used in divisions (A)(7) and (B)(9) of this section, "EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code.

As used in divisions (A)(7) and (B)(9) of this section, "investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code.

As used in divisions (A)(7) and (B)(9) of this section, "federal law enforcement officer" has the meaning defined in section 9.88 of the Revised Code.

(8) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;

(b) The social security number, birth date, or photographic
image of a person under the age of eighteen;

(c) Any medical record, history, or information pertaining to a person under the age of eighteen;

(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.

(9) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(10) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.

(11) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.

(12) "Designee" and "elected official" have the same meanings as in section 109.43 of the Revised Code.

(B)(1) Upon request and subject to division (B)(8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B)(8) of this section, upon request, a public office or person responsible for public records shall make copies of the requested public record available at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt. When making that public
record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction.

(2) To facilitate broader access to public records, a public office or the person responsible for public records shall organize and maintain public records in a manner that they can be made available for inspection or copying in accordance with division (B) of this section. A public office also shall have available a copy of its current records retention schedule at a location readily available to the public. If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records under this section such that the public office or the person responsible for the requested public record cannot reasonably identify what public records are being requested, the public office or the person responsible for the requested public record may deny the request but shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by the public office and accessed in the ordinary course of the public office's or person's duties.

(3) If a request is ultimately denied, in part or in whole, the public office or the person responsible for the requested public record shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing. The explanation shall not preclude the public office or the person responsible for the requested public record from relying upon
additional reasons or legal authority in defending an action commenced under division (C) of this section.

(4) Unless specifically required or authorized by state or federal law or in accordance with division (B) of this section, no public office or person responsible for public records may limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record. Any requirement that the requester disclose the requester's identity or the intended use of the requested public record constitutes a denial of the request.

(5) A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory and that the requester may decline to reveal the requester's identity or the intended use and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

(6) If any person chooses to obtain a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require that person to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the person seeking the copy under this division. The public office or the person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the
public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the person seeking the copy makes a choice under this division, the public office or person responsible for the public record shall provide a copy of it in accordance with the choice made by the person seeking the copy. Nothing in this section requires a public office or person responsible for the public record to allow the person seeking a copy of the public record to make the copies of the public record.

(7)(a) Upon a request made in accordance with division (B) of this section and subject to division (B)(6) of this section, a public office or person responsible for public records shall transmit a copy of a public record to any person by United States mail or by any other means of delivery or transmission within a reasonable period of time after receiving the request for the copy. The public office or person responsible for the public record may require the person making the request to pay in advance the cost of postage if the copy is transmitted by United States mail or the cost of delivery if the copy is transmitted other than by United States mail, and to pay in advance the costs incurred for other supplies used in the mailing, delivery, or transmission.

(b) Any public office may adopt a policy and procedures that it will follow in transmitting, within a reasonable period of time after receiving a request, copies of public records by United States mail or by any other means of delivery or transmission pursuant to division (B)(7) of this section. A public office that adopts a policy and procedures under division (B)(7) of this section shall comply with them in performing its duties under that division.

(c) In any policy and procedures adopted under division (B)(7) of this section:

(i) A public office may limit the number of records requested
by a person that the office will physically deliver by United States mail or by another delivery service to ten per month, unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes;

(ii) A public office that chooses to provide some or all of its public records on a web site that is fully accessible to and searchable by members of the public at all times, other than during acts of God outside the public office's control or maintenance, and that charges no fee to search, access, download, or otherwise receive records provided on the web site, may limit to ten per month the number of records requested by a person that the office will deliver in a digital format, unless the requested records are not provided on the web site and unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes.

(iii) For purposes of division (B)(7) of this section, "commercial" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

(8) A public office or person responsible for public records is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation or prosecution were an adult, unless the request to inspect or to obtain a copy of the record is for the purpose of acquiring information that is subject to release as a public record under this section and the judge who imposed the sentence
or made the adjudication with respect to the person, or the
judge's successor in office, finds that the information sought in
the public record is necessary to support what appears to be a
justiciable claim of the person.

(9)(a) Upon written request made and signed by a journalist
on or after December 16, 1999, a public office, or person
responsible for public records, having custody of the records of
the agency employing a specified peace officer, parole officer,
probation officer, bailiff, prosecuting attorney, assistant
prosecuting attorney, correctional employee, community-based
correctional facility employee, youth services employee,
firefighter, EMT, investigator of the bureau of criminal
identification and investigation, or federal law enforcement
officer shall disclose to the journalist the address of the actual
personal residence of the peace officer, parole officer, probation
officer, bailiff, prosecuting attorney, assistant prosecuting
attorney, correctional employee, community-based correctional
facility employee, youth services employee, firefighter, EMT,
investigator of the bureau of criminal identification and
investigation, or federal law enforcement officer and, if the
peace officer's, parole officer's, probation officer's, bailiff's,
prosecuting attorney's, assistant prosecuting attorney's,
correctional employee's, community-based correctional facility
employee's, youth services employee's, firefighter's, EMT's,
investigator of the bureau of criminal identification and
investigation's, or federal law enforcement officer's spouse,
former spouse, or child is employed by a public office, the name
and address of the employer of the peace officer's, parole
officer's, probation officer's, bailiff's, prosecuting attorney's,
assistant prosecuting attorney's, correctional employee's,
community-based correctional facility employee's, youth services
employee's, firefighter's, EMT's, investigator of the bureau of
criminal identification and investigation's, or federal law
enforcement officer's spouse, former spouse, or child. The request shall include the journalist's name and title and the name and address of the journalist's employer and shall state that disclosure of the information sought would be in the public interest.

(b) Division (B)(9)(a) of this section also applies to journalist requests for customer information maintained by a municipally owned or operated public utility, other than social security numbers and any private financial information such as credit reports, payment methods, credit card numbers, and bank account information.

(c) As used in division (B)(9) of this section, "journalist" means a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public.

(C)(1) If a person allegedly is aggrieved by the failure of a public office or the person responsible for public records to promptly prepare a public record and to make it available to the person for inspection in accordance with division (B) of this section or by any other failure of a public office or the person responsible for public records to comply with an obligation in accordance with division (B) of this section, the person allegedly aggrieved may do only one of the following, and not both:

(a) File a complaint with the clerk of the court of claims or the clerk of the court of common pleas under section 2743.75 of the Revised Code;

(b) Commence a mandamus action to obtain a judgment that orders the public office or the person responsible for the public...
record to comply with division (B) of this section, that awards court costs and reasonable attorney's fees to the person that instituted the mandamus action, and, if applicable, that includes an order fixing statutory damages under division (C)(2) of this section. The mandamus action may be commenced in the court of common pleas of the county in which division (B) of this section allegedly was not complied with, in the supreme court pursuant to its original jurisdiction under Section 2 of Article IV, Ohio Constitution, or in the court of appeals for the appellate district in which division (B) of this section allegedly was not complied with pursuant to its original jurisdiction under Section 3 of Article IV, Ohio Constitution.

(2) If a requester transmits a written request by hand delivery or certified mail to inspect or receive copies of any public record in a manner that fairly describes the public record or class of public records to the public office or person responsible for the requested public records, except as otherwise provided in this section, the requester shall be entitled to recover the amount of statutory damages set forth in this division if a court determines that the public office or the person responsible for public records failed to comply with an obligation in accordance with division (B) of this section.

The amount of statutory damages shall be fixed at one hundred dollars for each business day during which the public office or person responsible for the requested public records failed to comply with an obligation in accordance with division (B) of this section, beginning with the day on which the requester files a mandamus action to recover statutory damages, up to a maximum of one thousand dollars. The award of statutory damages shall not be construed as a penalty, but as compensation for injury arising from lost use of the requested information. The existence of this injury shall be conclusively presumed. The award of statutory
damages shall be in addition to all other remedies authorized by this section.

The court may reduce an award of statutory damages or not award statutory damages if the court determines both of the following:

(a) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(b) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(3) In a mandamus action filed under division (C)(1) of this section, the following apply:

(a)(i) If the court orders the public office or the person responsible for the public record to comply with division (B) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.

(ii) If the court makes a determination described in division
(C) (3) (b) (iii) of this section, the court shall determine and
award to the relator all court costs, which shall be construed as
remedial and not punitive.

(b) If the court renders a judgment that orders the public
office or the person responsible for the public record to comply
with division (B) of this section or if the court determines any
of the following, the court may award reasonable attorney's fees
to the relator, subject to the provisions of division (C) (4) of
this section:

(i) The public office or the person responsible for the
public records failed to respond affirmatively or negatively to
the public records request in accordance with the time allowed
under division (B) of this section.

(ii) The public office or the person responsible for the
public records promised to permit the relator to inspect or
receive copies of the public records requested within a specified
period of time but failed to fulfill that promise within that
specified period of time.

(iii) The public office or the person responsible for the
public records acted in bad faith when the office or person
voluntarily made the public records available to the relator for
the first time after the relator commenced the mandamus action,
but before the court issued any order concluding whether or not
the public office or person was required to comply with division
(B) of this section. No discovery may be conducted on the issue of
the alleged bad faith of the public office or person responsible
for the public records. This division shall not be construed as
creating a presumption that the public office or the person
responsible for the public records acted in bad faith when the
office or person voluntarily made the public records available to
the relator for the first time after the relator commenced the
mandamus action, but before the court issued any order described
in this division.

(c) The court shall not award attorney's fees to the relator if the court determines both of the following:

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(ii) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(4) All of the following apply to any award of reasonable attorney's fees awarded under division (C)(3)(b) of this section:

(a) The fees shall be construed as remedial and not punitive.

(b) The fees awarded shall not exceed the total of the reasonable attorney's fees incurred before the public record was made available to the relator and the fees described in division (C)(4)(c) of this section.

(c) Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees.
(d) The court may reduce the amount of fees awarded if the
court determines that, given the factual circumstances involved
with the specific public records request, an alternative means
should have been pursued to more effectively and efficiently
resolve the dispute that was subject to the mandamus action filed
under division (C)(1) of this section.

(5) If the court does not issue a writ of mandamus under
division (C) of this section and the court determines at that time
that the bringing of the mandamus action was frivolous conduct as
declared in division (A) of section 2323.51 of the Revised Code,
the court may award to the public office all court costs,
expenses, and reasonable attorney's fees, as determined by the
court.

(D) Chapter 1347. of the Revised Code does not limit the
provisions of this section.

(E)(1) To ensure that all employees of public offices are
appropriately educated about a public office's obligations under
division (B) of this section, all elected officials or their
appropriate designees shall attend training approved by the
attorney general as provided in section 109.43 of the Revised
Code. In addition, all public offices shall adopt a public records
policy in compliance with this section for responding to public
records requests. In adopting a public records policy under this
division, a public office may obtain guidance from the model
public records policy developed and provided to the public office
by the attorney general under section 109.43 of the Revised Code.
Except as otherwise provided in this section, the policy may not
limit the number of public records that the public office will
make available to a single person, may not limit the number of
public records that it will make available during a fixed period
of time, and may not establish a fixed period of time before it
will respond to a request for inspection or copying of public
records, unless that period is less than eight hours.

(2) The public office shall distribute the public records policy adopted by the public office under division (E)(1) of this section to the employee of the public office who is the records custodian or records manager or otherwise has custody of the records of that office. The public office shall require that employee to acknowledge receipt of the copy of the public records policy. The public office shall create a poster that describes its public records policy and shall post the poster in a conspicuous place in the public office and in all locations where the public office has branch offices. The public office may post its public records policy on the internet web site of the public office if the public office maintains an internet web site. A public office that has established a manual or handbook of its general policies and procedures for all employees of the public office shall include the public records policy of the public office in the manual or handbook.

(F)(1) The bureau of motor vehicles may adopt rules pursuant to Chapter 119. of the Revised Code to reasonably limit the number of bulk commercial special extraction requests made by a person for the same records or for updated records during a calendar year. The rules may include provisions for charges to be made for bulk commercial special extraction requests for the actual cost of the bureau, plus special extraction costs, plus ten per cent. The bureau may charge for expenses for redacting information, the release of which is prohibited by law.

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

(a) "Actual cost" means the cost of depleted supplies, records storage media costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services.
(b) "Bulk commercial special extraction request" means a request for copies of a record for information in a format other than the format already available, or information that cannot be extracted without examination of all items in a records series, class of records, or database by a person who intends to use or forward the copies for surveys, marketing, solicitation, or resale for commercial purposes. "Bulk commercial special extraction request" does not include a request by a person who gives assurance to the bureau that the person making the request does not intend to use or forward the requested copies for surveys, marketing, solicitation, or resale for commercial purposes.

(c) "Commercial" means profit-seeking production, buying, or selling of any good, service, or other product.

(d) "Special extraction costs" means the cost of the time spent by the lowest paid employee competent to perform the task, the actual amount paid to outside private contractors employed by the bureau, or the actual cost incurred to create computer programs to make the special extraction. "Special extraction costs" include any charges paid to a public agency for computer or records services.

(3) For purposes of divisions (F)(1) and (2) of this section, "surveys, marketing, solicitation, or resale for commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

(G) A request by a defendant, counsel of a defendant, or any agent of a defendant in a criminal action that public records related to that action be made available under this section shall be considered a demand for discovery pursuant to the Criminal Rules, except to the extent that the Criminal Rules plainly indicate a contrary intent. The defendant, counsel of the
defendant, or agent of the defendant making a request under this division shall serve a copy of the request on the prosecuting attorney, director of law, or other chief legal officer responsible for prosecuting the action.

Sec. 151.03. This section applies to obligations as defined in this section.

(A) As used in this section:

(1) "Costs of capital facilities" includes related direct administrative expenses and allocable portions of direct costs of the using school district and the Ohio school facilities construction commission.

(2) "Net state lottery proceeds" means the amount determined by the director of budget and management to be an excess amount to the credit of the state lottery fund and to be transferred to the lottery profits education fund, and moneys from time to time in the lottery profits education fund, all as provided for and referred to in section 3770.06 of the Revised Code.

(3) "Ohio school facilities construction commission" and "school district" have the same meanings as in section 3318.01 of the Revised Code.

(4) "Obligations" means obligations as defined in section 151.01 of the Revised Code issued to pay costs of capital facilities for a system of common schools throughout the state.

(5) "Using school district" means the school district, or two or more school districts acting jointly, that are the ultimate users of the capital facilities for a system of common schools financed with net proceeds of obligations.

(B) The issuing authority shall issue obligations to pay costs of capital facilities for a system of common schools throughout the state pursuant to Section 2n of Article VIII, Ohio
Constitution, section 151.01 of the Revised Code, and this section. The issuing authority, upon the certification by the Ohio school facilities construction commission to it of the amount of moneys needed in the school building program assistance fund created by section 3318.25 of the Revised Code for purposes of that fund, shall issue obligations in the amount determined to be required by the issuing authority.

(C) Net proceeds of obligations shall be deposited into the school building program assistance fund created by section 3318.25 of the Revised Code.

(D) There is hereby created in the state treasury the "common schools capital facilities bond service fund." All moneys received by the state and required by the bond proceedings, consistent with sections 151.01 and 151.03 of the Revised Code, to be deposited, transferred, or credited to the bond service fund, and all other moneys transferred or allocated to or received for the purposes of that fund, shall be deposited and credited to the bond service fund, subject to any applicable provisions of the bond proceedings but without necessity for any act of appropriation. During the period beginning with the date of the first issuance of obligations and continuing during the time that any obligations are outstanding in accordance with their terms, so long as moneys in the bond service fund are insufficient to pay debt service when due on those obligations payable from that fund (except the principal amounts of bond anticipation notes payable from the proceeds of renewal notes or bonds anticipated) and due in the particular fiscal year, a sufficient amount of revenues of the state, including net state lottery proceeds, is committed and, without necessity for further act of appropriation, shall be paid to the bond service fund for the purpose of paying that debt service when due.
Sec. 153.02. (A) The executive director of the Ohio facilities construction commission, may debar a contractor from contract awards for public improvements as referred to in section 153.01 of the Revised Code or for projects as defined in section 3318.01 of the Revised Code, upon proof that the contractor has done any of the following:

(1) Defaulted on a contract requiring the execution of a takeover agreement as set forth in division (B) of section 153.17 of the Revised Code;

(2) Knowingly failed during the course of a contract to maintain the coverage required by the bureau of workers' compensation;

(3) Knowingly failed during the course of a contract to maintain the contractor's drug-free workplace program as required by the contract;

(4) Knowingly failed during the course of a contract to maintain insurance required by the contract or otherwise by law, resulting in a substantial loss to the owner, as owner is referred to in section 153.01 of the Revised Code, or to the commission and school district board, as provided in division (F) of section 3318.08 of the Revised Code;

(5) Misrepresented the firm's qualifications in the selection process set forth in sections 153.65 to 153.71 or section 3318.10 of the Revised Code;

(6) Been convicted of a criminal offense related to the application for or performance of any public or private contract, including, but not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, and any other offense that directly reflects on the contractor's business integrity;
(7) Been convicted of a criminal offense under state or federal antitrust laws;

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

(9) Been debarred from bidding on or participating in a contract with any state or federal agency.

(B) When the executive director debars a contractor that is a partnership, association, or corporation, the executive director also may debar any partner of the partnership or any officer or director of the association or corporation, as applicable.

(C) When the executive director reasonably believes that grounds for debarment exist, the executive director shall send the contractor a notice of proposed debarment indicating the grounds for the proposed debarment and the procedure for requesting a hearing on the proposed debarment. The hearing shall be conducted in accordance with Chapter 119. of the Revised Code. If the contractor does not respond with a request for a hearing in the manner specified in Chapter 119. of the Revised Code, the executive director shall issue the debarment decision without a hearing and shall notify the contractor of the decision by certified mail, return receipt requested.

(D) The executive director shall determine the length of the debarment period and may rescind the debarment at any time upon notification to the contractor. During the period of debarment, the contractor is not eligible to bid for or participate in any contract for a public improvement as referred to in section 153.01 of the Revised Code or for a project as defined in section 3318.01 of the Revised Code. After the debarment period expires, the contractor shall be eligible to bid for and participate in such contracts.
(D) The executive director shall maintain a list of all contractors currently debarred under this section. Any governmental entity awarding a contract for construction of a public improvement or project may use a contractor's presence on the debarment list to determine whether a contractor is responsible or best under section 9.312 or any other section of the Revised Code in the award of a contract.

(F) As used in this section, "contractor" means a construction contracting business, a subcontractor of a construction contracting business, a supplier of materials, or a manufacturer of materials.

Sec. 154.11. The issuing authority may authorize and issue obligations for the refunding, including funding and retirement, of any obligations previously issued under this chapter and any other bonds or notes previously issued under Chapter 152 of the Revised Code to pay the costs of capital facilities. Such obligations may be issued in amounts sufficient for payment of the principal amount of the prior obligations, any redemption premiums thereon, principal maturities of any such obligations maturing prior to the redemption of the remaining obligations on a parity therewith, interest accrued or to accrue to the maturity dates or dates of redemption of such obligations, and any expenses incurred or to be incurred in connection with such issuance and such refunding, funding, and retirement. Subject to the bond proceedings therefor, the portion of proceeds of the sale of obligations issued under this section to be applied to bond service charges on the prior obligations shall be credited to the bond service fund for those prior obligations. Obligations authorized under this section shall be deemed to be issued for those purposes for which those prior obligations were issued and are subject to the provisions of Chapter 154 of the Revised Code pertaining to other obligations, except as otherwise indicated by
this section and except for division (A) of section 154.02 of the Revised Code, provided that, unless otherwise authorized by the general assembly, any limitations imposed by the general assembly pursuant to that division with respect to bond service charges applicable to the prior obligations shall be applicable to the obligations issued under this section to refund, fund, or retire those prior obligations.

Sec. 166.08. (A) As used in this chapter:

(1) "Bond proceedings" means the resolution, order, trust agreement, indenture, lease, and other agreements, amendments and supplements to the foregoing, or any one or more or combination thereof, authorizing or providing for the terms and conditions applicable to, or providing for the security or liquidity of, obligations issued pursuant to this section, and the provisions contained in such obligations.

(2) "Bond service charges" means principal, including mandatory sinking fund requirements for retirement of obligations, and interest, and redemption premium, if any, required to be paid by the state on obligations.

(3) "Bond service fund" means the applicable fund and accounts therein created for and pledged to the payment of bond service charges, which may be, or may be part of, the economic development bond service fund created by division (S) of this section including all moneys and investments, and earnings from investments, credited and to be credited thereto.

(4) "Issuing authority" means the treasurer of state, or the officer who by law performs the functions of such officer.

(5) "Obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued pursuant to this section.
(6) "Pledged receipts" means all receipts of the state representing the gross profit on the sale of spirituous liquor, as referred to in division (B)(4) of section 4301.10 of the Revised Code, after paying all costs and expenses of the division of liquor control and providing an adequate working capital reserve for the division of liquor control as provided in that division, but excluding the sum required by the second paragraph of section 4301.12 of the Revised Code, as in effect on May 2, 1980, to be paid into the state treasury; moneys accruing to the state from the lease, sale, or other disposition, or use, of project facilities, and from the repayment, including interest, of loans made from proceeds received from the sale of obligations; accrued interest received from the sale of obligations; income from the investment of the special funds; and any gifts, grants, donations, and pledges, and receipts therefrom, available for the payment of bond service charges.

(7) "Special funds" or "funds" means, except where the context does not permit, the bond service fund, and any other funds, including reserve funds, created under the bond proceedings, and the economic development bond service fund created by division (S) of this section to the extent provided in the bond proceedings, including all moneys and investments, and earnings from investment, credited and to be credited thereto.

(B) Subject to the limitations provided in section 166.11 of the Revised Code, the issuing authority, upon the certification by the director of development or, with respect to eligible advanced energy projects prior to the effective date of this amendment, upon certification by the Ohio air quality development authority regarding eligible advanced energy projects, to the issuing authority of the amount of moneys or additional moneys needed in the facilities establishment fund, the loan guarantee fund, the innovation Ohio loan fund, the innovation Ohio loan guarantee
fund, the research and development loan fund, the logistics and
distribution infrastructure fund, the advanced energy research and
development fund, or the advanced energy research and development
taxable fund, as applicable, for the purpose of paying, or making
loans for, allowable costs from the facilities establishment fund,
allowable innovation costs from the innovation Ohio loan fund,
allowable costs from the research and development loan fund,
allowable costs from the logistics and distribution infrastructure
fund, allowable costs from the advanced energy research and
development fund, or allowable costs from the advanced energy
research and development taxable fund, as applicable, or needed
for capitalized interest, for funding reserves, and for paying
costs and expenses incurred in connection with the issuance,
carrying, securing, paying, redeeming, or retirement of the
obligations or any obligations refunded thereby, including payment
of costs and expenses relating to letters of credit, lines of
credit, insurance, put agreements, standby purchase agreements,
indexing, marketing, remarketing and administrative arrangements,
interest swap or hedging agreements, and any other credit
enhancement, liquidity, remarketing, renewal, or refunding
arrangements, all of which are authorized by this section, or
providing moneys for the loan guarantee fund or the innovation
Ohio loan guarantee fund, as provided in this chapter or needed
for the purposes of funds established in accordance with or
pursuant to sections 122.35, 122.42, 122.54, 122.55, 122.56,
122.561, 122.57, and 122.80 of the Revised Code which are within
the authorization of Section 13 of Article VIII, Ohio
Constitution, or, prior to the effective date of this amendment,
with respect to certain eligible advanced energy projects, Section
2p of Article VIII, Ohio Constitution, shall issue obligations of
the state under this section in the required amount; provided that
such obligations may be issued to satisfy the covenants in
contracts of guarantee made under section 166.06 or 166.15 of the
Revised Code, notwithstanding limitations otherwise applicable to the issuance of obligations under this section. The proceeds of such obligations, except for the portion to be deposited in special funds, including reserve funds, as may be provided in the bond proceedings, shall as provided in the bond proceedings be deposited by the director of development to the facilities establishment fund, the loan guarantee fund, the innovation Ohio loan guarantee fund, the innovation Ohio loan fund, the research and development loan fund, or the logistics and distribution infrastructure fund, or be deposited by the Ohio air quality development authority prior to the effective date of this amendment to the advanced energy research and development fund or the advanced energy research and development taxable fund. Bond proceedings for project financing obligations may provide that the proceeds derived from the issuance of such obligations shall be deposited into such fund or funds provided for in the bond proceedings and, to the extent provided for in the bond proceedings, such proceeds shall be deemed to have been deposited into the facilities establishment fund and transferred to such fund or funds. The issuing authority may appoint trustees, paying agents, and transfer agents and may retain the services of financial advisors, accounting experts, and attorneys, and retain or contract for the services of marketing, remarketing, indexing, and administrative agents, other consultants, and independent contractors, including printing services, as are necessary in the issuing authority's judgment to carry out this section. The costs of such services are allowable costs payable from the facilities establishment fund or the research and development loan fund, allowable innovation costs payable from the innovation Ohio loan fund, or allowable costs payable from the logistics and distribution infrastructure fund, or allowable costs payable prior to the effective date of this amendment from the advanced energy research and development fund or the advanced energy research and development taxable fund.
development taxable fund, as applicable.

(C) The holders or owners of such obligations shall have no right to have moneys raised by taxation obligated or pledged, and moneys raised by taxation shall not be obligated or pledged, for the payment of bond service charges. Such holders or owners shall have no rights to payment of bond service charges from any moneys accruing to the state from the lease, sale, or other disposition, or use, of project facilities, or from payment of the principal of or interest on loans made, or fees charged for guarantees made, or from any money or property received by the director, treasurer of state, or the state under Chapter 122 of the Revised Code, or from any other use of the proceeds of the sale of the obligations, and no such moneys may be used for the payment of bond service charges, except for accrued interest, capitalized interest, and reserves funded from proceeds received upon the sale of the obligations and except as otherwise expressly provided in the applicable bond proceedings pursuant to written directions by the director. The right of such holders and owners to payment of bond service charges is limited to all or that portion of the pledged receipts and those special funds pledged thereto pursuant to the bond proceedings in accordance with this section, and each such obligation shall bear on its face a statement to that effect.

(D) Obligations shall be authorized by resolution or order of the issuing authority and the bond proceedings shall provide for the purpose thereof and the principal amount or amounts, and shall provide for or authorize the manner or agency for determining the principal maturity or maturities, not exceeding twenty-five years from the date of issuance, the interest rate or rates or the maximum interest rate, the date of the obligations and the dates of payment of interest thereon, their denomination, and the establishment within or without the state of a place or places of payment of bond service charges. Sections 9.98 to 9.983 of the
Revised Code are applicable to obligations issued under this section, subject to any applicable limitation under section 166.11 of the Revised Code. The purpose of such obligations may be stated in the bond proceedings in terms describing the general purpose or purposes to be served. The bond proceedings also shall provide, subject to the provisions of any other applicable bond proceedings, for the pledge of all, or such part as the issuing authority may determine, of the pledged receipts and the applicable special fund or funds to the payment of bond service charges, which pledges may be made either prior or subordinate to other expenses, claims, or payments, and may be made to secure the obligations on a parity with obligations theretofore or thereafter issued, if and to the extent provided in the bond proceedings. The pledged receipts and special funds so pledged and thereafter received by the state are immediately subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledges is valid and binding against all parties having claims of any kind against the state or any governmental agency of the state, irrespective of whether such parties have notice thereof, and shall create a perfected security interest for all purposes of Chapter 1309. of the Revised Code, without the necessity for separation or delivery of funds or for the filing or recording of the bond proceedings by which such pledge is created or any certificate, statement or other document with respect thereto; and the pledge of such pledged receipts and special funds is effective and the money therefrom and thereof may be applied to the purposes for which pledged without necessity for any act of appropriation. Every pledge, and every covenant and agreement made with respect thereto, made in the bond proceedings may therein be extended to the benefit of the owners and holders of obligations authorized by this section, and to any trustee therefor, for the further security of the payment of the bond service charges.
(E) The bond proceedings may contain additional provisions as to:

(1) The redemption of obligations prior to maturity at the option of the issuing authority at such price or prices and under such terms and conditions as are provided in the bond proceedings;

(2) Other terms of the obligations;

(3) Limitations on the issuance of additional obligations;

(4) The terms of any trust agreement or indenture securing the obligations or under which the same may be issued;

(5) The deposit, investment and application of special funds, and the safeguarding of moneys on hand or on deposit, without regard to Chapter 131. or 135. of the Revised Code, but subject to any special provisions of this chapter, with respect to particular funds or moneys, provided that any bank or trust company which acts as depository of any moneys in the special funds may furnish such indemnifying bonds or may pledge such securities as required by the issuing authority;

(6) Any or every provision of the bond proceedings being binding upon such officer, board, commission, authority, agency, department, or other person or body as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duty required by such provision;

(7) Any provision that may be made in a trust agreement or indenture;

(8) Any other or additional agreements with the holders of the obligations, or the trustee therefor, relating to the obligations or the security therefor, including the assignment of mortgages or other security obtained or to be obtained for loans under section 122.43, 166.07, or 166.16 of the Revised Code.

(F) The obligations may have the great seal of the state or a
facsimile thereof affixed thereto or printed thereon. The 8055
obligations and any coupons pertaining to obligations shall be 8056
signed or bear the facsimile signature of the issuing authority. 8057
Any obligations or coupons may be executed by the person who, on 8058
the date of execution, is the proper issuing authority although on 8059
the date of such bonds or coupons such person was not the issuing 8060
authority. If the issuing authority whose signature or a facsimile 8061
of whose signature appears on any such obligation or coupon ceases 8062
to be the issuing authority before delivery thereof, such 8063
signature or facsimile is nevertheless valid and sufficient for 8064
all purposes as if the former issuing authority had remained the 8065
issuing authority until such delivery; and if the seal to be 8066
affixed to obligations has been changed after a facsimile of the 8067
seal has been imprinted on such obligations, such facsimile seal 8068
shall continue to be sufficient as to such obligations and 8069
obligations issued in substitution or exchange therefor. 8070

(G) All obligations are negotiable instruments and securities 8071
under Chapter 1308. of the Revised Code, subject to the provisions 8072
of the bond proceedings as to registration. The obligations may be 8073
issued in coupon or in registered form, or both, as the issuing 8074
authority determines. Provision may be made for the registration 8075
of any obligations with coupons attached thereto as to principal 8076
alone or as to both principal and interest, their exchange for 8077
obligations so registered, and for the conversion or reconversion 8078
into obligations with coupons attached thereto of any obligations 8079
registered as to both principal and interest, and for reasonable 8080
charges for such registration, exchange, conversion, and 8081
reconversion.

(H) Obligations may be sold at public sale or at private 8082
sale, as determined in the bond proceedings.

Obligations issued to provide moneys for the loan guarantee 8083
fund or the innovation Ohio loan guarantee fund may, as determined 8084
by the issuing authority, be sold at private sale, and without publication of a notice of sale.

(I) Pending preparation of definitive obligations, the issuing authority may issue interim receipts or certificates which shall be exchanged for such definitive obligations.

(J) In the discretion of the issuing authority, obligations may be secured additionally by a trust agreement or indenture between the issuing authority and a corporate trustee which may be any trust company or bank having a place of business within the state. Any such agreement or indenture may contain the resolution or order authorizing the issuance of the obligations, any provisions that may be contained in any bond proceedings, and other provisions which are customary or appropriate in an agreement or indenture of such type, including, but not limited to:

(1) Maintenance of each pledge, trust agreement, indenture, or other instrument comprising part of the bond proceedings until the state has fully paid the bond service charges on the obligations secured thereby, or provision therefor has been made;

(2) In the event of default in any payments required to be made by the bond proceedings, or any other agreement of the issuing authority made as a part of the contract under which the obligations were issued, enforcement of such payments or agreement by mandamus, the appointment of a receiver, suit in equity, action at law, or any combination of the foregoing;

(3) The rights and remedies of the holders of obligations and of the trustee, and provisions for protecting and enforcing them, including limitations on rights of individual holders of obligations;

(4) The replacement of any obligations that become mutilated or are destroyed, lost, or stolen;
(5) Such other provisions as the trustee and the issuing authority agree upon, including limitations, conditions, or qualifications relating to any of the foregoing.

(K) Any holders of obligations or trustees under the bond proceedings, except to the extent that their rights are restricted by the bond proceedings, may by any suitable form of legal proceedings, protect and enforce any rights under the laws of this state or granted by such bond proceedings. Such rights include the right to compel the performance of all duties of the issuing authority, the director of development, the Ohio air quality development authority, or the division of liquor control required by this chapter or the bond proceedings; to enjoin unlawful activities; and in the event of default with respect to the payment of any bond service charges on any obligations or in the performance of any covenant or agreement on the part of the issuing authority, the director of development, the Ohio air quality development authority, or the division of liquor control in the bond proceedings, to apply to a court having jurisdiction of the cause to appoint a receiver to receive and administer the pledged receipts and special funds, other than those in the custody of the treasurer of state, which are pledged to the payment of the bond service charges on such obligations or which are the subject of the covenant or agreement, with full power to pay, and to provide for payment of bond service charges on, such obligations, and with such powers, subject to the direction of the court, as are accorded receivers in general equity cases, excluding any power to pledge additional revenues or receipts or other income or moneys of the issuing authority or the state or governmental agencies of the state to the payment of such principal and interest and excluding the power to take possession of, mortgage, or cause the sale or otherwise dispose of any project facilities.
Each duty of the issuing authority and the issuing authority's officers and employees, and of each governmental agency and its officers, members, or employees, undertaken pursuant to the bond proceedings or any agreement or lease, lease-purchase agreement, or loan made under authority of this chapter, and in every agreement by or with the issuing authority, is hereby established as a duty of the issuing authority, and of each such officer, member, or employee having authority to perform such duty, specifically enjoined by the law resulting from an office, trust, or station within the meaning of section 2731.01 of the Revised Code.

The person who is at the time the issuing authority, or the issuing authority's officers or employees, are not liable in their personal capacities on any obligations issued by the issuing authority or any agreements of or with the issuing authority.

(L) The issuing authority may authorize and issue obligations for the refunding, including funding and retirement, and advance refunding with or without payment or redemption prior to maturity, of any obligations previously issued by the issuing authority. Such obligations may be issued in amounts sufficient for payment of the principal amount of the prior obligations, any redemption premiums thereon, principal maturities of any such obligations maturing prior to the redemption of the remaining obligations on a parity therewith, interest accrued or to accrue to the maturity dates or dates of redemption of such obligations, and any allowable costs including expenses incurred or to be incurred in connection with such issuance and such refunding, funding, and retirement. Subject to the bond proceedings therefor, the portion of proceeds of the sale of obligations issued under this division to be applied to bond service charges on the prior obligations shall be credited to an appropriate account held by the trustee for such prior or new obligations or to the appropriate account in
the bond service fund for such obligations. Obligations authorized under this division shall be deemed to be issued for those purposes for which such prior obligations were issued and are subject to the provisions of this section pertaining to other obligations, except as otherwise provided in this section; provided that, unless otherwise authorized by the general assembly, any limitations imposed by the general assembly pursuant to this section with respect to bond service charges applicable to the prior obligations shall be applicable to the obligations issued under this division to refund, fund, advance refund or retire such prior obligations.

(M) The authority to issue obligations under this section includes authority to issue obligations in the form of bond anticipation notes and to renew the same from time to time by the issuance of new notes. The holders of such notes or interest coupons pertaining thereto shall have a right to be paid solely from the pledged receipts and special funds that may be pledged to the payment of the bonds anticipated, or from the proceeds of such bonds or renewal notes, or both, as the issuing authority provides in the resolution or order authorizing such notes. Such notes may be additionally secured by covenants of the issuing authority to the effect that the issuing authority and the state will do such or all things necessary for the issuance of such bonds or renewal notes in appropriate amount, and apply the proceeds thereof to the extent necessary, to make full payment of the principal of and interest on such notes at the time or times contemplated, as provided in such resolution or order. For such purpose, the issuing authority may issue bonds or renewal notes in such principal amount and upon such terms as may be necessary to provide funds to pay when required the principal of and interest on such notes, notwithstanding any limitations prescribed by or for purposes of this section. Subject to this division, all provisions for and references to obligations in this section are
applicable to notes authorized under this division.

The issuing authority in the bond proceedings authorizing the issuance of bond anticipation notes shall set forth for such bonds an estimated interest rate and a schedule of principal payments for such bonds and the annual maturity dates thereof, and for purposes of any limitation on bond service charges prescribed under division (A) of section 166.11 of the Revised Code, the amount of bond service charges on such bond anticipation notes is deemed to be the bond service charges for the bonds anticipated thereby as set forth in the bond proceedings applicable to such notes, but this provision does not modify any authority in this section to pledge receipts and special funds to, and covenant to issue bonds to fund, the payment of principal of and interest and any premium on such notes.

(N) Obligations issued under this section are lawful investments for banks, societies for savings, savings and loan associations, deposit guarantee associations, trust companies, trustees, fiduciaries, insurance companies, including domestic for life and domestic not for life, trustees or other officers having charge of sinking and bond retirement or other special funds of political subdivisions and taxing districts of this state, the commissioners of the sinking fund of the state, the administrator of workers' compensation, the state teachers retirement system, the public employees retirement system, the school employees retirement system, and the Ohio police and fire pension fund, notwithstanding any other provisions of the Revised Code or rules adopted pursuant thereto by any governmental agency of the state with respect to investments by them, and are also acceptable as security for the deposit of public moneys.

(O) Unless otherwise provided in any applicable bond proceedings, moneys to the credit of or in the special funds established by or pursuant to this section may be invested by or
on behalf of the issuing authority only in notes, bonds, or other
obligations of the United States, or of any agency or
instrumentality of the United States, obligations guaranteed as to
principal and interest by the United States, obligations of this
state or any political subdivision of this state, and certificates
of deposit of any national bank located in this state and any
bank, as defined in section 1101.01 of the Revised Code, subject
to inspection by the superintendent of banks. If the law or the
instrument creating a trust pursuant to division (J) of this
section expressly permits investment in direct obligations of the
United States or an agency of the United States, unless expressly
prohibited by the instrument, such moneys also may be invested in
no-front-end-load money market mutual funds consisting exclusively
of obligations of the United States or an agency of the United
States and in repurchase agreements, including those issued by the
fiduciary itself, secured by obligations of the United States or
an agency of the United States; and in common trust funds
established in accordance with section 1111.20 of the Revised Code
and consisting exclusively of any such securities, notwithstanding
division (A)(4) of that section. The income from such investments
shall be credited to such funds as the issuing authority
determines, and such investments may be sold at such times as the
issuing authority determines or authorizes.

(P) Provision may be made in the applicable bond proceedings
for the establishment of separate accounts in the bond service
fund and for the application of such accounts only to the
specified bond service charges on obligations pertinent to such
accounts and bond service fund and for other accounts therein
within the general purposes of such fund. Unless otherwise
provided in any applicable bond proceedings, moneys to the credit
of or in the several special funds established pursuant to this
section shall be disbursed on the order of the treasurer of state,
provided that no such order is required for the payment from the
bond service fund when due of bond service charges on obligations.

(Q) The issuing authority may pledge all, or such portion as the issuing authority determines, of the pledged receipts to the payment of bond service charges on obligations issued under this section, and for the establishment and maintenance of any reserves, as provided in the bond proceedings, and make other provisions therein with respect to pledged receipts as authorized by this chapter, which provisions are controlling notwithstanding any other provisions of law pertaining thereto.

(R) The issuing authority may covenant in the bond proceedings, and any such covenants are controlling notwithstanding any other provision of law, that the state and applicable officers and governmental agencies of the state, including the general assembly, so long as any obligations are outstanding, shall:

(1) Maintain statutory authority for and cause to be charged and collected wholesale and retail prices for spirituous liquor sold by the state or its agents so that the pledged receipts are sufficient in amount to meet bond service charges, and the establishment and maintenance of any reserves and other requirements provided for in the bond proceedings, and, as necessary, to meet covenants contained in contracts of guarantee made under section 166.06 of the Revised Code;

(2) Take or permit no action, by statute or otherwise, that would impair the exemption from federal income taxation of the interest on the obligations.

(S) There is hereby created the economic development bond service fund, which shall be in the custody of the treasurer of state but shall be separate and apart from and not a part of the state treasury. All moneys received by or on account of the issuing authority or state agencies and required by the applicable
bond proceedings, consistent with this section, to be deposited, transferred, or credited to a bond service fund or the economic development bond service fund, and all other moneys transferred or allocated to or received for the purposes of the fund, shall be deposited and credited to such fund and to any separate accounts therein, subject to applicable provisions of the bond proceedings, but without necessity for any act of appropriation. During the period beginning with the date of the first issuance of obligations and continuing during such time as any such obligations are outstanding, and so long as moneys in the pertinent bond service funds are insufficient to pay all bond services charges on such obligations becoming due in each year, a sufficient amount of the gross profit on the sale of spirituous liquor included in pledged receipts are committed and shall be paid to the bond service fund or economic development bond service fund in each year for the purpose of paying the bond service charges becoming due in that year without necessity for further act of appropriation for such purpose and notwithstanding anything to the contrary in Chapter 4301. of the Revised Code. The economic development bond service fund is a trust fund and is hereby pledged to the payment of bond service charges to the extent provided in the applicable bond proceedings, and payment thereof from such fund shall be made or provided for by the treasurer of state in accordance with such bond proceedings without necessity for any act of appropriation.

(T) The obligations, the transfer thereof, and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the state.

Sec. 166.11. (A) The aggregate amount of debt service payable in any calendar year on project financing obligations issued under section 166.08 of the Revised Code, exclusive of make-whole call redemptions or other optional prepayments, shall not exceed fifty
million dollars. The aggregate principal amount of obligations, exclusive of project financing obligations, that may be issued under section 166.08 of the Revised Code is six hundred thirty million dollars, plus the principal amount of any such obligations retired by payment, the amounts held or obligations pledged for the payment of the principal amount of any such obligations outstanding, amounts in special funds held as reserves to meet bond service charges, and amounts of obligations issued to provide moneys required to meet payments from the loan guarantee fund created in section 166.06 of the Revised Code and the innovation Ohio loan guarantee fund created in section 166.15 of the Revised Code. Of that six hundred thirty million dollars, not more than eighty-four million principal amount of obligations may be issued for eligible advanced energy projects and not more than one hundred million principal amount of obligations may be issued for eligible logistics and distribution projects. **No portion of the eighty-four million principal amount for eligible advanced energy projects may be issued after the effective date of this amendment.**

The terms of the obligations issued under section 166.08 of the Revised Code, other than obligations issued to meet guarantees that cannot be satisfied from amounts then held in the loan guarantee fund or the innovation Ohio loan guarantee fund, shall be such that the aggregate amount of moneys used from profit from the sale of spirituous liquor, and not from other sources, in any fiscal year shall not exceed sixty-three million dollars. For purposes of the preceding sentence, "other sources" include the annual investment income on special funds to the extent it will be available for payment of any bond service charges in lieu of use of profit from the sale of spirituous liquor, and shall be estimated on the basis of the expected funding of those special funds and assumed investment earnings thereon at a rate equal to the weighted average yield on investments of those special funds determined as of any date within sixty days immediately preceding
the date of issuance of the bonds in respect of which the determination is being made. Amounts received in any fiscal year under section 6341 of the Internal Revenue Code, 26 U.S.C. 6341, shall not be included when determining the sixty-three million dollar limit. The determinations required by this division shall be made by the treasurer of state at the time of issuance of an issue of obligations and shall be conclusive for purposes of such issue of obligations from and after their issuance and delivery.

(B) The aggregate amount of the guaranteed portion of the unpaid principal of loans guaranteed under sections 166.06 and 166.15 of the Revised Code and the unpaid principal of loans made under sections 166.07, 166.16, and 166.21 of the Revised Code may not at any time exceed eight hundred million dollars. Of that eight hundred million dollars, the aggregate amount of the guaranteed portion of the unpaid principal of loans guaranteed under sections 166.06 and 166.15 of the Revised Code shall not at any time exceed two hundred million dollars. However, the limitations established under this division do not apply to loans made with proceeds from the issuance and sale of project financing obligations.

Sec. 173.01. The department of aging shall:

(A) Be the designated state agency to administer programs of the federal government relating to the aged, requiring action within the state, that are not the specific responsibility of another state agency under federal or state statutes. The department shall be the sole state agency to administer funds granted by the federal government under the "Older Americans Act of 1965," 79 Stat. 219, 42 U.S.C. 3001, as amended. The department shall not supplant or take over for the counties or municipal corporations or from other state agencies or facilities any of the specific responsibilities borne by them on November 23, 1973. The
department shall cooperate with such federal and state agencies, counties, and municipal corporations and private agencies or facilities within the state in furtherance of the purposes as set forth in this chapter.

(B) Administer state funds appropriated for its use for administration and for grants and may use appropriated state funds as state match for federal grants. All federal funds received shall be reported to the director of budget and management.

(C) Review all proposed plans, programs, and rules primarily affecting persons sixty years of age or older, and shall be sent a copy of all proposed and final rules, as well as proposals for plans and programs that primarily affect persons sixty years of age or older and notices of all hearings on such rules, plans, and programs. Any state agency proposing a plan, program, or rule that primarily affects persons sixty years of age or older shall submit a copy of such proposal to the department for its written comments. No such proposed plan, program, or rule shall take effect until the department's comments have been requested. The department shall review the proposal and submit a written comment on such proposal to the agency making the proposal, within thirty days from the date the department receives the proposal. If the department does not agree that the proposed plan, program, or rule shall take effect as proposed, the department shall set forth in writing its reasons and its suggestions for changes in the proposed plan, program, or rule. If the agency making the proposal does not choose to comply with the suggestions of the department, the agency making the proposal shall send the department, no later than thirty days before the proposal becomes final, written notice of its intention not to comply with such suggestions and its reason for such noncompliance.

This section does not apply to plans or revisions adopted under section 5101.46 of the Revised Code.
(D) Plan, initiate, coordinate, and evaluate statewide programs, services, and activities for elderly people;

(E) Disseminate information concerning the problems of elderly people and establish and maintain a central clearinghouse of information on public programs at all levels of government that would be of interest or benefit to the elderly;

(F) Report annually to the governor and the general assembly on the department's programs;

(G) Have authority to contract with public or private groups to perform services for the department;

(H) Conduct investigations under section 3721.17 of the Revised Code;

(I) Hire investigators to conduct investigations of alleged violations of sections 3721.10 to 3721.17 of the Revised Code pursuant to section 3721.17 of the Revised Code;

(J) Adopt rules under Chapter 119. of the Revised Code to govern investigations conducted under section 3721.17 of the Revised Code;

(K) Adopt rules pursuant to in accordance with Chapter 119. of the Revised Code to govern the operation of services and facilities for the elderly that are provided, operated, contracted for, or supported by the department, and determine that those services and facilities are operated in conformity with the rules;

(L) Determine the needs of the elderly and represent their interests at all levels of government;

Sec. 173.14. As used in sections 173.14 to 173.27 of the Revised Code:

(A)(1) Except as otherwise provided in division (A)(2) of this section, "long-term care facility" includes any residential facility that provides personal care services for more than twenty-four hours for one or more unrelated adults, including all of the following:

(a) A "nursing home," "residential care facility," or "home for the aging," as those terms are defined in section 3721.01 of the Revised Code;

(b) A facility authorized to provide extended care services under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, including a long-term acute care hospital that provides medical and rehabilitative care to patients who require an average length of stay greater than twenty-five days and is classified by the centers for medicare and medicaid services as a long-term care hospital pursuant to 42 C.F.R. 412.23(e);

(c) A county home or district home operated pursuant to Chapter 5155. of the Revised Code;

(d) A residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or accommodations and personal care services for only one or two adults who are receiving payments under the residential state supplement program established under section 5119.41 of the Revised Code;

(e) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983,"

(2) "Long-term care facility" does not include a residential facility licensed under section 5123.19 of the Revised Code.

(B) "Resident" means a resident of a long-term care facility and, where appropriate, includes a prospective, previous, or deceased resident of a long-term care facility.

(C) "Community-based long-term care services" means health and social services provided to persons in their own homes or in community care settings, and includes any of the following:

(1) Case management;
(2) Home health care;
(3) Homemaker services;
(4) Chore services;
(5) Respite care;
(6) Adult day care;
(7) Home-delivered meals;
(8) Personal care;
(9) Physical, occupational, and speech therapy;
(10) Transportation;
(11) Any other health and social services provided to persons that allow them to retain their independence in their own homes or in community care settings.

(D) "Recipient" means a recipient of community-based long-term care services and, where appropriate, includes a prospective, previous, or deceased recipient of community-based long-term care services.

(E) "Sponsor" means an adult relative, friend, or guardian.
who has an interest in or responsibility for the welfare of a resident or a recipient.

(F) "Personal care services" has the same meaning as in section 3721.01 of the Revised Code.

(G) "Regional long-term care ombudsman program" means an entity, either public or private and nonprofit, designated as a regional long-term care ombudsman program by the state long-term care ombudsman.

(H) "Representative of the office of the state long-term care ombudsman program" means the state long-term care ombudsman or a member of the ombudsman's staff, or a person certified as a representative of the office under section 173.21 of the Revised Code.

(I) "Area agency on aging" means an area agency on aging established under the "Older Americans Act of 1965," 79 Stat. 219, 42 U.S.C.A. 3001, as amended.

(J) "Long-term care provider" means a long-term care facility or a provider of community-based long-term care services.

(K) "Advocacy visit" means a visit by a representative of the office of the state long-term care ombudsman program to a long-term care provider, a resident, or a recipient when the purpose of the visit is one or more of the following:

(1) To establish a regular presence that creates awareness of the availability of the office of the long-term care ombudsman program;

(2) To increase awareness of the services the office provides;

(3) To address any other matter not related to the representative's investigation of a specific complaint.

An advocacy visit may unexpectedly involve addressing
uncomplicated complaints or lead to an investigation of a complaint when needed.

Sec. 173.15. The state long-term care ombudsman program established by the department of aging pursuant to division (M)(J) of section 173.01 of the Revised Code shall be known as "the office of the state long-term care ombudsman program." It shall consist of the state long-term care ombudsman and his, the ombudsman's staff, and regional long-term care ombudsman programs. In establishing and operating the office, the department shall consider the views of area agencies on aging, individuals age sixty or older, and agencies and other entities that provide services to individuals age sixty and older.

The department of aging shall appoint the state ombudsman, who shall serve at the pleasure of the department. The department shall appoint as state ombudsman an individual who has no conflict of interest with the position and is capable of administering the office impartially, has an understanding of long-term care issues, and has experience related to the concerns of residents and recipients, such as experience in the fields of aging, health care, and long-term care; work with community programs and health care providers; and work with and involvement in volunteer programs. No individual or entity whose interests are in conflict with the responsibilities of the state ombudsman shall be involved in his the ombudsman's appointment.

The department shall ensure that no employee or representative of the office and no individual involved in the designation of the head of any regional long-term care ombudsman program has any interest that is, or may be, in conflict with the interests and concerns of the office and shall ensure that mechanisms are in place to remedy any conflicts.

For purposes of this section, conflicts of interest may
include, but are not limited to, employment by a long-term care facility or a provider of community-based long-term care services within two years prior to being employed by or associated with the office of the state long-term care ombudsman program, affiliation with or financial interest in a long-term care facility or a provider of community-based long-term care services, and affiliation with or financial interest in a membership organization of long-term care providers.

Sec. 173.17. (A) The state long-term care ombudsman shall do all of the following:

(1) Appoint a staff and direct and administer the work of the staff;

(2) Supervise the nursing home investigative unit established under division (I) of section 173.01 of the Revised Code;

(3) Oversee the performance and operation of the office of the state long-term care ombudsman program, including the operation of regional long-term care ombudsman programs;

(4) Establish and maintain a statewide uniform reporting system to collect and analyze information relating to complaints and conditions in long-term care facilities and complaints regarding the provision of community-based long-term care services for the purpose of identifying and resolving significant problems;

(5) Provide for public forums to discuss concerns and problems relating to action, inaction, or decisions that may adversely affect the health, safety, welfare, or rights of residents and recipients of services by providers of long-term care and their representatives with respect to services by long-term care providers, public agencies and entities, and social service agencies. This may include any of the following: conducting public hearings; sponsoring workshops and conferences;
holding meetings for the purpose of obtaining information about residents and recipients, discussing and publicizing their needs, and advocating solutions to their problems; and promoting the development of citizen organizations.

(6) Encourage, cooperate with, and assist in the development and operation of services to provide current, objective, and verified information about long-term care;

(7) Develop and implement, with the assistance of regional programs, a continuing program to publicize, through the media and civic organizations, the office, its purposes, and its methods of operation;

(8) Maintain written descriptions of the duties and qualifications of representatives of the office;

(9) Evaluate and make known concerns and issues regarding long-term care by doing all of the following:

(a) Preparing an annual report containing information and findings regarding the types of problems experienced by residents and recipients and the complaints made by or on behalf of residents and recipients. The report shall include recommendations for policy, regulatory, and legislative changes to solve problems, resolve complaints, and improve the quality of care and life for residents and recipients. The report shall be submitted to the governor, the speaker of the house of representatives, the president of the senate, the director of health, the medicaid director, the director of job and family services, the director of mental health and addiction services, and the commissioner of the administration on aging of the United States department of health and human services.

(b) Monitoring and analyzing the development and implementation of federal, state, and local laws, rules, and
policies regarding long-term care services in this state and recommending to officials changes the office considers appropriate in these laws, rules, and policies;

(c) Providing information and making recommendations to public agencies, members of the general assembly, and others regarding problems and concerns of residents and recipients.

(10) Conduct training for employees and volunteers on the ombudsman's staff and for representatives of the office employed by regional programs;

(11) Monitor the training of representatives of the office who provide volunteer services to regional programs, and provide technical assistance to the regional programs in conducting the training;

(12) Issue certificates attesting to the successful completion of training and specifying the level of responsibility for which a representative of the office who has completed training is qualified;

(13) Register as a residents' rights advocate with the department of health under division (B) of section 3701.07 of the Revised Code;

(14) Conduct advocacy visits and authorize other representatives of the office of the state long-term care ombudsman program to conduct advocacy visits;

(15) Perform other duties specified by the department of aging.

(B) The state ombudsman may delegate to any member of the ombudsman's staff any of the ombudsman's authority or duties under set forth in sections 173.14 to 173.26 of the Revised Code to any member of the ombudsman's staff other than any authority or duty required by federal law to be exercised or performed by the
ombudsman. The state ombudsman is responsible for any authority or duties the ombudsman delegates.

Sec. 173.19. (A) The office of the state long-term care ombudsman program, through the state long-term care ombudsman and the regional long-term care ombudsman programs, shall receive, investigate, and attempt to resolve complaints made by residents, recipients, sponsors, providers of long-term care providers, or any person acting on behalf of a resident or recipient, relating to either of the following:

(1) The health, safety, welfare, or civil rights of a resident or recipient or any violation of a resident's rights described in sections 3721.10 to 3721.17 of the Revised Code;

(2) Any action or inaction or decision by a provider of long-term care or representative of a provider, a governmental entity, or a private social service agency any of the following that may adversely affect the health, safety, welfare, or rights of a resident or recipient; a long-term care provider or a representative of a long-term care provider; a medicaid managed care organization, as defined in section 5167.01 of the Revised Code; a government entity; or a private social service agency.

(B) The department of aging shall adopt rules in accordance with Chapter 119. of the Revised Code regarding the handling of complaints received under this section, including procedures for conducting investigations of complaints. The rules shall include procedures to ensure that no representative of the office investigates any complaint involving a provider of long-term care provider with which the representative was once employed or associated.

The state ombudsman and regional programs shall establish procedures for handling complaints consistent with the department's rules. Complaints shall be dealt with in accordance
with the procedures established under this division.

(C) The office of the state long-term care ombudsman program may decline to investigate any complaint if it determines any of the following:

(1) That the complaint is frivolous, vexatious, or not made in good faith;

(2) That the complaint was made so long after the occurrence of the incident on which it is based that it is no longer reasonable to conduct an investigation;

(3) That an adequate investigation cannot be conducted because of insufficient funds, insufficient staff, lack of staff expertise, or any other reasonable factor that would result in an inadequate investigation despite a good faith effort;

(4) That an investigation by the office would create a real or apparent conflict of interest.

(D) If a regional long-term care ombudsman program declines to investigate a complaint, it shall refer the complaint to the state long-term care ombudsman.

(E) Each complaint to be investigated by a regional program shall be assigned to a representative of the office of the state long-term care ombudsman program. If the representative determines that the complaint is valid, the representative shall assist the parties in attempting to resolve it. If the representative is unable to resolve it, the representative shall refer the complaint to the state ombudsman.

In order to carry out the duties of sections 173.14 to 173.26 of the Revised Code, a representative has the right to private communication with residents and their sponsors and access to long-term care facilities, including the right to tour resident areas unescorted and the right to tour facilities unescorted as
reasonably necessary to the investigation of a complaint. Access
to facilities shall be during reasonable hours or, during
investigation of a complaint, at other times appropriate to the
complaint.

When community-based long-term care services are provided at
a location other than the recipient's home, a representative has
the right to private communication with the recipient and the
recipient's sponsors and access to the community-based long-term
care site, including the right to tour the site unescorted. Access
to the site shall be during reasonable hours or, during the
investigation of a complaint, at other times appropriate to the
complaint.

(F) The state ombudsman shall determine whether complaints
referred to the ombudsman under division (D) or (E) of this
section warrant investigation. The ombudsman's determination in
this matter is final.

(G) No long-term care provider or other entity, no person
employed by a long-term care provider or other entity, and no
other individual shall do either of the following:

(1) Knowingly deny a representative of the office of the
state long-term care ombudsman program the right to private
communication or access described in division (E) of this section;

(2) Engage in willful interference.

As used in division (G)(2) of this section, "willful
interference" means any action or inaction that is intended to
prevent, interfere with, or impede a representative of the office
of the state long-term care ombudsman program from exercising any
of the rights or performing any of the duties of an ombudsman set
forth in sections 173.14 to 173.28 of the Revised Code.

Sec. 173.20. (A) If consent is given and unless otherwise
prohibited by law, a representative of the office of the state
long-term care ombudsman program shall have access to any records,
including medical records, of a resident or a recipient that are
reasonably necessary for investigation of a complaint. Consent may
be given in any of the following ways:

(1) In writing by the resident or recipient;

(2) Orally by the resident or recipient, witnessed in writing
at the time it is given by one other person, and, if the records
involved are being maintained by a long-term care provider, also
by an employee of the long-term care provider designated under
division (E)(1) of this section;

(3) In writing by the guardian of the resident or recipient;

(4) In writing by the attorney in fact of the resident or
recipient, if the resident or recipient has authorized the
attorney in fact to give such consent;

(5) In writing by the executor or administrator of the estate
of a deceased resident or recipient.

(B) If consent to access to records is not refused by a
resident or recipient or the resident's or recipient's legal
representative but cannot be obtained and any of the following
circumstances exist, a representative of the office of the state
long-term care ombudsman program, on approval of the state
long-term care ombudsman, may inspect the records of a resident or
a recipient, including medical records, that are reasonably
necessary for investigation of a complaint:

(1) The resident or recipient is unable to express written or
oral consent and there is no guardian or attorney in fact;

(2) There is a guardian or attorney in fact, but the guardian
or attorney in fact cannot be contacted within three working days;

(3) There is a guardianship or durable power of attorney, but
its existence is unknown by the long-term care provider and the
representative of the office at the time of the investigation;

(4) There is no executor or administrator of the estate of a
deceased resident or recipient.

(C) If a representative of the office of the state long-term
care ombudsman program has been refused access to records by a
guardian or attorney in fact, but has reasonable cause to believe
that the guardian or attorney in fact is not acting in the best
interests of the resident or recipient, the representative may, on
approval of the state long-term care ombudsman, inspect the
records of the resident or recipient, including medical records,
that are reasonably necessary for investigation of a complaint.

(D) A representative of the office of the state long-term
care ombudsman program shall have access to any records of a
long-term care provider reasonably necessary to an investigation
conducted under this section, including but not limited to:
incident reports, dietary records, policies and procedures of a
facility required to be maintained under section 5165.06 of the
Revised Code, admission agreements, staffing schedules, any
document depicting the actual staffing pattern of the provider,
any financial records that are matters of public record, resident
council and grievance committee minutes, and any waiting list
maintained by a facility in accordance with section 5165.08 of the
Revised Code, or any similar records or lists maintained by a
provider of community-based long-term care services. Pursuant to
division (E)(2) of this section, a representative shall be
permitted to make or obtain copies of any of these records after
giving the long-term care provider twenty-four hours' notice. A
long-term care provider may impose a charge for providing copies
of records under this division that does not exceed the actual and
necessary expense of making the copies.

The state ombudsman shall take whatever action is necessary
to ensure that any copy of a record made or obtained under this division is returned to the long-term care provider no later than three years after the date the investigation for which the copy was made or obtained is completed.

(E)(1) Each long-term care provider shall designate one or more of its employees to be responsible for witnessing the giving of oral consent under division (A) of this section. In the event that a designated employee is not available when a resident or recipient attempts to give oral consent, the provider shall designate another employee to witness the consent.

(2) Each long-term care provider shall designate one or more of its employees to be responsible for releasing records for copying to representatives of the office of the state long-term care ombudsman program who request permission to make or obtain copies of records specified in division (D) of this section. In the event that a designated employee is not available when a representative of the office makes the request, the long-term care provider shall designate another employee to release the records for copying.

(F) A long-term care provider or any employee of such a provider is immune from civil or criminal liability or action taken pursuant to a professional disciplinary procedure for the release or disclosure of records to a representative of the office pursuant to this section.

(G) A state or local government agency or entity with records relevant to a complaint or investigation being conducted by a representative of the office shall provide the representative access to the records.

(H) The state ombudsman, with the approval of the director of aging, may issue a subpoena to compel any person the ombudsman reasonably believes may be able to provide information to appear
before the ombudsman or the ombudsman's designee and give sworn testimony and to produce documents, books, records, papers, or other evidence the state ombudsman believes is relevant to the investigation. On the refusal of a witness to be sworn or to answer any question put to the witness, or if a person disobeys a subpoena, the ombudsman shall apply to the Franklin county court of common pleas for a contempt order, as in the case of disobedience of the requirements of a subpoena issued from the court, or a refusal to testify in the court.

(I) The state ombudsman may petition the court of common pleas in the county in which a long-term care facility is located to issue an injunction against any long-term care facility in violation of sections 3721.10 to 3721.17 of the Revised Code.

(J) Any representative of the office may report to an appropriate authority any suspected violation of Chapter 3721. of the Revised Code state law discovered during the course of an advocacy visit or investigation may be reported to the department of health. Any suspected criminal violation discovered during the course of an investigation shall be reported to the attorney general or other appropriate law enforcement authorities.

(K) The department of aging shall adopt rules in accordance with Chapter 119. of the Revised Code for referral by the state ombudsman and regional long-term care ombudsman programs of complaints to other public agencies or entities. A public agency or entity to which a complaint is referred shall keep the state ombudsman or regional program handling the complaint advised and notified in writing in a timely manner of the disposition of the complaint to the extent permitted by law.

Sec. 173.21. (A) The office of the state long-term care ombudsman program, through the state long-term care ombudsman and
the regional long-term care ombudsman programs, shall require each representative of the office to complete a training and certification program in accordance with this section and to meet the continuing education requirements established under this section.

(B) The department of aging shall adopt rules under in accordance with Chapter 119. of the Revised Code specifying the content of training programs for representatives of the office of the state long-term care ombudsman program. Training for representatives other than those who are volunteers providing services through regional long-term care ombudsman programs shall include instruction regarding federal, state, and local laws, rules, and policies on long-term care facilities and community-based long-term care services; investigative techniques; and other topics considered relevant by the department and shall consist of the following:

(1) A minimum of forty clock hours of basic instruction, which shall be completed before the trainee is permitted to handle complaints without the supervision of a representative of the office certified under this section;

(2) An additional sixty clock hours of instruction, which shall be completed within the first fifteen months of employment;

(3) An internship of twenty clock hours, which shall be completed within the first twenty-four months of employment, including instruction in, and observation of, basic nursing care and long-term care provider operations and procedures. The internship shall be performed at a site that has been approved as an internship site by the state long-term care ombudsman.

(4) One of the following, which shall be completed within the first twenty-four months of employment:

(a) Observation of a survey conducted by the director of
health to certify a nursing facility to participate in the medicaid program;

(b) Observation of an inspection conducted by the director of mental health and addiction services to license a residential facility under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults.

(5) Any other training considered appropriate by the department.

(C) Any person who for a period of at least six months prior to June 11, 1990, served as an ombudsman through the long-term care ombudsman program established by the department of aging under division (M) of section 173.01 of the Revised Code shall not be required to complete a training program. Such a person and persons who complete a training program shall take an examination administered by the department of aging. On attainment of a passing score, the person shall be certified by the department as a representative of the office. The department shall issue the person an identification card, which the representative shall show at the request of any person with whom the representative deals while performing the representative's duties and which shall be surrendered at the time the representative separates from the office.

(D) The state ombudsman and each regional program shall conduct training programs for volunteers on their respective staffs in accordance with the rules of the department of aging adopted under division (B) of this section. Training programs may be conducted that train volunteers to complete some, but not all, of the duties of a representative of the office. Each regional office shall bear the cost of training its representatives who are volunteers. On completion of a training program, the representative shall take an examination administered by the department.
department of aging. On attainment of a passing score, a volunteer shall be certified by the department as a representative authorized to perform services specified in the certification. The department shall issue an identification card, which the representative shall show at the request of any person with whom the representative deals while performing the representative's duties and which shall be surrendered at the time the representative separates from the office. Except as a supervised part of a training program, no volunteer shall perform any duty unless the volunteer is certified as a representative having received appropriate training for that duty.

(E) The state ombudsman shall provide technical assistance to regional programs conducting training programs for volunteers and shall monitor the training programs.

(F) Prior to scheduling an observation of a certification survey or licensing inspection for purposes of division (B)(4) of this section, the state ombudsman shall obtain permission to have the survey or inspection observed from both the director of health and the long-term care facility at which the survey or inspection is to take place and, as the case may be, the director of health or director of mental health and addiction services.

(G) The department of aging shall establish continuing education requirements for representatives of the office.

Sec. 173.22. (A) The collection, compilation, analysis, and dissemination of information by the office of the state long-term care ombudsman program shall be performed in a manner that protects complainants, individuals providing information about a complaint, public entities, and confidential records of residents or recipients. The identity of a resident or recipient, a complainant who is not a resident or recipient, or an individual providing information about a complaint shall not be disclosed
without the written consent of the resident or recipient, complainant, or individual, or his a legal representative of any of the foregoing, or except as required by court order.

The investigative files, including any proprietary records of a long-term care provider contained in the files, of the office and any records contained in those files, including any proprietary records of a long-term care provider or records relating to advocacy visits, are not public records subject to inspection or copying under section 149.43 of the Revised Code and are exempt from the provisions of Chapter 1347, of the Revised Code. Information contained in investigative and other files maintained by the state long-term care ombudsman and regional long-term care ombudsman programs shall be disclosed only at the discretion of the state ombudsman or the regional program maintaining the records or if disclosure is required by court order.

(B) No report prepared by the state ombudsman or a regional program shall include any information that violates the confidentiality requirements of this section. Proprietary records of a specific long-term care provider are subject to the confidentiality requirements of this section.

Sec. 173.24. (A) As used in this section, "employee:"

(1) "Employee" and "employer" have the same meanings as in section 4113.51 of the Revised Code.

(2) "Retaliatory action" includes physical, mental, or verbal abuse; change of room assignment; withholding of services; failure to provide care in a timely manner; discharge; and termination of employment.

(B) An employee providing information to or participating in good faith in registering a complaint with the office of the state
long-term care ombudsman program or participating in the investigation of a complaint or in administrative or judicial proceedings resulting from a complaint registered with the office shall have the full protection against disciplinary or retaliatory action provided by division (G) of section 3721.17 and by sections 4113.51 to 4113.53 of the Revised Code.

(C) No long-term care provider or other entity, no person employed by a long-term care provider or other entity, or employee of such other entity and no other individual shall knowingly subject any resident or recipient, employee, representative of the office of the state long-term care ombudsman program, or another individual to any form of retaliation, reprisal, discipline, or discrimination for providing doing any of the following:

(1) Providing information to the office or for participating;

(2) Participating in registering a complaint with the office;

(3) Cooperating with or participating in the investigation of a complaint, by the office or in administrative or judicial proceedings resulting from a complaint registered with the office. Retaliatory actions include, but are not limited to, physical, mental, or verbal abuse; change of room assignment; the withholding of services; and failure to provide care in a timely manner.

Sec. 173.27. (A) As used in this section:

(1) "Applicant" means a person who is under final consideration for employment by a responsible party in a full-time, part-time, or temporary position that involves providing ombudsman services to residents and recipients. "Applicant" includes a person who is under final consideration for
employment as the state long-term care ombudsman or the head of a regional long-term care ombudsman program. "Applicant" does not include a person seeking to provide ombudsman services to residents and recipients as a volunteer without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

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

(3) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(4) "Employee" means a person employed by a responsible party in a full-time, part-time, or temporary position that involves providing ombudsman services to residents and recipients. "Employee" includes the person employed as the state long-term care ombudsman and a person employed as the head of a regional long-term care ombudsman program. "Employee" does not include a person who provides ombudsman services to residents and recipients as a volunteer without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

(5) "Responsible party" means the following:

(a) In the case of an applicant who is under final consideration for employment as the state long-term care ombudsman or the person employed as the state long-term care ombudsman, the director of aging;

(b) In the case of any other applicant who is under final consideration for employment with the state long-term care ombudsman program or any other employee of the state long-term care ombudsman program, the state long-term care ombudsman;

(c) In the case of an applicant who is under final consideration for employment with a regional long-term care
ombudsman program (including as the head of the regional program) or an employee of a regional long-term care ombudsman program (including the head of a regional program), the regional long-term care ombudsman program.

(B) A responsible party may not employ an applicant or continue to employ an employee in a position that involves providing ombudsman services to residents and recipients if any of the following apply:

(1) A review of the databases listed in division (D) of this section reveals any of the following:

(a) That the applicant or employee is included in one or more of the databases listed in divisions (D)(1) to (5) of this section;

(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee abused, neglected, or abused exploited a long-term care facility or residential care facility resident or misappropriated property of such a resident;

(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules adopted under this section and the rules prohibit the responsible party from employing an applicant or continuing to employ an employee included in such a database in a position that involves providing ombudsman services to residents and recipients.

(2) After the applicant or employee is provided, pursuant to division (E)(2)(a) of this section, a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section, the applicant or employee fails to complete the form or provide the applicant's or employee's
fingerprint impressions on the standard impression sheet.

(3) Unless the applicant or employee meets standards specified in rules adopted under this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(C) A responsible party or a responsible party's designee shall inform each applicant of both of the following at the time of the applicant's initial application for employment in a position that involves providing ombudsman services to residents and recipients:

(1) That a review of the databases listed in division (D) of this section will be conducted to determine whether the responsible party is prohibited by division (B)(1) of this section from employing the applicant in the position;

(2) That, unless the database review reveals that the applicant may not be employed in the position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check.

(D) As a condition of any applicant's being employed by a responsible party in a position that involves providing ombudsman services to residents and recipients, the responsible party or designee shall conduct a database review of the applicant in accordance with rules adopted under this section. If rules adopted under this section so require, the responsible party or designee shall conduct a database review of an employee in accordance with the rules as a condition of the responsible party continuing to employ the employee in a position that involves providing ombudsman services to residents and recipients. A database review...
shall determine whether the applicant or employee is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;


(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;

(6) The state nurse aide registry established under section 3721.32 of the Revised Code;

(7) Any other database, if any, specified in rules adopted under this section.

(E)(1) As a condition of any applicant's being employed by a responsible party in a position that involves providing ombudsman services to residents and recipients, the responsible party or designee shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules adopted under this section so require, the responsible party or designee shall...
request that the superintendent conduct a criminal records check of an employee at times specified in the rules as a condition of the responsible party continuing to employ the employee in a position that involves providing ombudsman services to residents and recipients. However, the responsible party or designee is not required to request the criminal records check of the applicant or employee if the responsible party is prohibited by division (B)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing ombudsman services to residents and recipients. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the responsible party or designee shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check. Even if an applicant or employee for whom a criminal records check request is required by this section presents proof of having been a resident of this state for the five-year period, the responsible party or designee may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) A responsible party or designee shall do all of the following:

(a) Provide to each applicant and employee for whom a criminal records check request is required by this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet.
prescribed pursuant to division (C)(2) of that section;

(b) Obtain the completed form and standard impression sheet from the applicant or employee;

(c) Forward the completed form and standard impression sheet to the superintendent.

(3) A responsible party shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check the responsible party or the responsible party's designee requests under this section. The responsible party may charge an applicant a fee not exceeding the amount the responsible party pays to the bureau under this section if the responsible party or designee notifies the applicant at the time of initial application for employment of the amount of the fee.

(F)(1) A responsible party may employ conditionally an applicant for whom a criminal records check is required by this section prior to obtaining the results of the criminal records check if both of the following apply:

(a) The responsible party is not prohibited by division (B)(1) of this section from employing the applicant in a position that involves providing ombudsman services to residents and recipients;

(b) The responsible party or designee requests the criminal records check in accordance with division (E) of this section not later than five business days after the applicant begins conditional employment.

(2) A responsible party shall terminate the employment of an applicant employed conditionally under division (F)(1) of this section if the results of the criminal records check, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty
days after the date the request for the criminal records check is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense, the responsible party shall terminate the applicant's employment unless the applicant meets standards specified in rules adopted under this section that permit the responsible party to employ the applicant and the responsible party chooses to employ the applicant. Termination of employment under this division shall be considered just cause for discharge for purposes of division (D)(2) of section 4141.29 of the Revised Code if the applicant makes any attempt to deceive the responsible party or designee about the applicant's criminal record.

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

(1) The applicant or employee who is the subject of the criminal records check or the applicant's or employee's representative;

(2) The responsible party or designee;

(3) In the case of a criminal records check conducted for an applicant who is under final consideration for employment with a regional long-term care ombudsman program (including as the head of the regional program) or an employee of a regional long-term care ombudsman program (including the head of a regional program), the state long-term care ombudsman or a representative of the office of the state long-term care ombudsman program who is responsible for monitoring the regional program's compliance with this section;
(4) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(a) A denial of employment of the applicant or employee;

(b) Employment or unemployment benefits of the applicant or employee;

(c) A civil or criminal action regarding the medicaid program or a program the department of aging administers.

(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a responsible party employs in a position that involves providing ombudsman services to residents and recipients, all of the following shall apply:

(1) If the responsible party employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the responsible party shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the responsible party employed the applicant in good faith on a conditional basis pursuant to division (F) of this section, the responsible party shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section.

(3) If the responsible party in good faith employed the applicant or employee because the applicant or employee meets standards specified in rules adopted under this section, the responsible party shall not be found negligent solely because the applicant or employee has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.
(I) The state long-term care ombudsman may not act as the
director of aging's designee for the purpose of this section. The
head of a regional long-term care ombudsman program may not act as
the regional program's designee for the purpose of this section if
the head is the employee for whom a database review or criminal
records check is being conducted.

(J) The director of aging shall adopt rules in accordance
with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and
criminal records checks under this section;

(b) If the rules require employees to undergo database
reviews and criminal records checks under this section, exempt one
or more classes of employees from the requirements;

(c) For the purpose of division (D)(7) of this section,
specify other databases that are to be checked as part of a
database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The procedures for conducting database reviews under this
section;

(b) If the rules require employees to undergo database
reviews and criminal records checks under this section, the times
at which the database reviews and criminal records checks are to
be conducted;

(c) If the rules specify other databases to be checked as
part of the database reviews, the circumstances under which a
responsible party is prohibited from employing an applicant or
continuing to employ an employee who is found by a database review
to be included in one or more of those databases;

(d) Standards that an applicant or employee must meet for a
responsible party to be permitted to employ the applicant or continue to employ the employee in a position that involves providing ombudsman services to residents and recipients if the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

Sec. 173.28. (A) (1) As used in this division, "incident" means the occurrence of a violation with respect to a resident or recipient, as those terms are defined in section 173.14 of the Revised Code. A violation is a separate incident for each day it occurs and for each resident who is subject to it.

(B) (1) In lieu of the fine that may be imposed under division (A) of section 173.99 of the Revised Code for a criminal offense, the director of aging may, under Chapter 119. of the Revised Code, fine a long-term care provider or other entity, or a person employed by a long-term care provider or other entity, or an individual for a violation of division (C) of section 173.24 of the Revised Code. The fine shall not exceed one thousand dollars per incident.

(2) In lieu of the fine that may be imposed under division (C) of section 173.99 of the Revised Code for a criminal offense, the director may, under Chapter 119. of the Revised Code, fine a long-term care provider or other entity, or a person employed by a long-term care provider or other entity, or an individual for violating a violation of division (E) (G) (1) or (2) of section 173.19 of the Revised Code by denying a representative of the office of the state long-term care ombudsman program the access required by that division. The fine shall not exceed five hundred dollars for each day the violation continued.

(B) (C) On request of the director, the attorney general shall...
bring and prosecute to judgment a civil action to collect any fine
imposed under division (A) (B) (1) or (2) of this section that
remains unpaid thirty days after the violator's final appeal is
exhausted.

(D) All fines collected under this section shall be
deposited into the state treasury to the credit of the state
long-term care ombudsman program fund created under section 173.26
of the Revised Code.

Sec. 173.38. (A) As used in this section:

(1) "Applicant" means a person who is under final
consideration for employment with a responsible party in a
full-time, part-time, or temporary direct-care position or is
referred to a responsible party by an employment service for such
a position. "Applicant" does not include a person being considered
for a direct-care position as a volunteer.

(2) "Area agency on aging" has the same meaning as in section
173.14 of the Revised Code.

(3) "Chief administrator of a responsible party" includes a
consumer when the consumer is a responsible party.

(4) "Community-based long-term care services" means
community-based long-term care services, as defined in section
173.14 of the Revised Code, that are provided under a program the
department of aging administers.

(5) "Consumer" means an individual who receives
community-based long-term care services.

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

(7) (a) "Direct-care position" means an employment position in
which an employee has either or both of the following:
(i) In-person contact with one or more consumers;

(ii) Access to one or more consumers' personal property or records.

(b) "Direct-care position" does not include a person whose sole duties are transporting individuals under Chapter 306. of the Revised Code.

(8) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(9) "Employee" means a person employed by a responsible party in a full-time, part-time, or temporary direct-care position and a person who works in such a position due to being referred to a responsible party by an employment service. "Employee" does not include a person who works in a direct-care position as a volunteer.

(10) "PASSPORT administrative agency" has the same meaning as in section 173.42 of the Revised Code.

(11) "Provider" has the same meaning as in section 173.39 of the Revised Code.

(12) "Responsible party" means the following:

(a) An area agency on aging in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the agency in a full-time, part-time, or temporary direct-care position or is referred to the agency by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the agency in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the agency by an employment service.
(b) A PASSPORT administrative agency in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the agency in a full-time, part-time, or temporary direct-care position or is referred to the agency by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the agency in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the agency by an employment service.

(c) A provider in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the provider in a full-time, part-time, or temporary direct-care position or is referred to the provider by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the provider in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the provider by an employment service.

(d) A subcontractor in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the subcontractor in a full-time, part-time, or temporary direct-care position or is referred to the subcontractor by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the subcontractor in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the subcontractor by an employment service.
(e) A consumer in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the consumer in a full-time, part-time, or temporary direct-care position for which the consumer, as the employer of record, is to direct the person in the provision of community-based long-term care services the person is to provide the consumer or is referred to the consumer by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the consumer in a full-time, part-time, or temporary direct-care position for which the consumer, as the employer of record, directs the person in the provision of community-based long-term care services the person provides to the consumer or who works in such a position due to being referred to the consumer by an employment service.

(13) "Subcontractor" has the meaning specified in rules adopted under this section.

(14) "Volunteer" means a person who serves in a direct-care position without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

(15) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.

(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 173.381 or 3701.881 of the Revised Code or to any individual who is subject to a criminal records check under section 3721.121 of the Revised Code. If a provider or subcontractor also is a waiver agency, the provider or subcontractor may provide for applicants and employees to undergo database reviews and criminal records checks in accordance with section 5164.342 of the Revised Code rather than this section.
(C) No responsible party shall employ an applicant or continue to employ an employee in a direct-care position if any of the following apply:

(1) A review of the databases listed in division (E) of this section reveals any of the following:

(a) That the applicant or employee is included in one or more of the databases listed in divisions (E)(1) to (5) of this section;

(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee abused, neglected, or exploited a long-term care facility or residential care facility resident or misappropriated property of such a resident;

(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules adopted under this section and the rules prohibit the responsible party from employing an applicant or continuing to employ an employee included in such a database in a direct-care position.

(2) After the applicant or employee is provided, pursuant to division (F)(2)(a) of this section, a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section, the applicant or employee fails to complete the form or provide the applicant's or employee's fingerprint impressions on the standard impression sheet.

(3) Unless the applicant or employee meets standards specified in rules adopted under this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a
disqualifying offense.

(D) Except as provided by division (G) of this section, the chief administrator of a responsible party shall inform each applicant of both of the following at the time of the applicant's initial application for employment or referral to the responsible party by an employment service for a direct-care position:

(1) That a review of the databases listed in division (E) of this section will be conducted to determine whether the responsible party is prohibited by division (C)(1) of this section from employing the applicant in the direct-care position;

(2) That, unless the database review reveals that the applicant may not be employed in the direct-care position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check.

(E) As a condition of employing any applicant in a direct-care position, the chief administrator of a responsible party shall conduct a database review of the applicant in accordance with rules adopted under this section. If rules adopted under this section so require, the chief administrator of a responsible party shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a direct-care position. However, a chief administrator is not required to conduct a database review of an applicant or employee if division (G) of this section applies. A database review shall determine whether the applicant or employee is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;
(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to the "Social Security Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5;

(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;

(6) The state nurse aide registry established under section 3721.32 of the Revised Code;

(7) Any other database, if any, specified in rules adopted under this section.

(F)(1) As a condition of employing any applicant in a direct-care position, the chief administrator of a responsible party shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules adopted under this section so require, the chief administrator of a responsible party shall request that the superintendent conduct a criminal records check of an employee at times specified in the rules as a condition of continuing to employ the employee in a direct-care position. However, the chief administrator is not required to request the criminal records check of the applicant or employee if division (G) of this section applies or the responsible party is prohibited by division (C)(1) of this section from employing the applicant or continuing to employ the employee in a direct-care position. If an applicant or employee for whom a criminal records check request is required by this section does not present proof
of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the chief administrator shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check. Even if an applicant or employee for whom a criminal records check request is required by this section presents proof of having been a resident of this state for the five-year period, the chief administrator may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) The chief administrator shall do all of the following:

(a) Provide to each applicant and employee for whom a criminal records check request is required by this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Obtain the completed form and standard impression sheet from the applicant or employee;

(c) Forward the completed form and standard impression sheet to the superintendent.

(3) A responsible party shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check the responsible party requests under this section. A responsible party may charge an applicant a fee not exceeding the amount the responsible party pays to the bureau under this section if both of the following apply:

(a) The responsible party notifies the applicant at the time
of initial application for employment of the amount of the fee and
that, unless the fee is paid, the applicant will not be considered
for employment.

(b) The medicaid program does not pay the responsible party
for the fee it pays to the bureau under this section.

(G) Divisions (D) to (F) of this section do not apply with
regard to an applicant or employee if the applicant or employee is
referred to a responsible party by an employment service that
supplies full-time, part-time, or temporary staff for direct-care
positions and both of the following apply:

(1) The chief administrator of the responsible party receives
from the employment service confirmation that a review of the
databases listed in division (E) of this section was conducted of
the applicant or employee.

(2) The chief administrator of the responsible party receives
from the employment service, applicant, or employee a report of
the results of a criminal records check of the applicant or
employee that has been conducted by the superintendent within the
one-year period immediately preceding the following:

(a) In the case of an applicant, the date of the applicant's
referral by the employment service to the responsible party;

(b) In the case of an employee, the date by which the
responsible party would otherwise have to request a criminal
records check of the employee under division (F) of this section.

(H)(1) A responsible party may employ conditionally an
applicant for whom a criminal records check request is required by
this section prior to obtaining the results of the criminal
records check if the responsible party is not prohibited by
division (C)(1) of this section from employing the applicant in a
direct-care position and either of the following applies:
(a) The chief administrator of the responsible party requests
the criminal records check in accordance with division (F) of this
section not later than five business days after the applicant
begins conditional employment.

(b) The applicant is referred to the responsible party by an
employment service, the employment service or the applicant
provides the chief administrator of the responsible party a letter
that is on the letterhead of the employment service, the letter is
dated and signed by a supervisor or another designated official of
the employment service, and the letter states all of the
following:

(i) That the employment service has requested the
superintendent to conduct a criminal records check regarding the
applicant;

(ii) That the requested criminal records check is to include
a determination of whether the applicant has been convicted of,
pleaded guilty to, or been found eligible for intervention in lieu
of conviction for a disqualifying offense;

(iii) That the employment service has not received the
results of the criminal records check as of the date set forth on
the letter;

(iv) That the employment service promptly will send a copy of
the results of the criminal records check to the chief
administrator of the responsible party when the employment service
receives the results.

(2) If a responsible party employs an applicant conditionally
pursuant to division (H)(1)(b) of this section, the employment
service, on its receipt of the results of the criminal records
check, promptly shall send a copy of the results to the chief
administrator of the responsible party.

(3) A responsible party that employs an applicant
conditionally pursuant to division (H)(1)(a) or (b) of this section shall terminate the applicant's employment if the results of the criminal records check, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the date the request for the criminal records check is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense, the responsible party shall terminate the applicant's employment unless the applicant meets standards specified in rules adopted under this section that permit the responsible party to employ the applicant and the responsible party chooses to employ the applicant. Termination of employment under this division shall be considered just cause for discharge for purposes of division (D)(2) of section 4141.29 of the Revised Code if the applicant makes any attempt to deceive the responsible party about the applicant's criminal record.

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

(1) The applicant or employee who is the subject of the criminal records check or the applicant's or employee's representative;

(2) The chief administrator of the responsible party requesting the criminal records check or the administrator's representative;

(3) The administrator of any other facility, agency, or program that provides community-based long-term care services that
is owned or operated by the same entity that owns or operates the responsible party that requested the criminal records check;

(4) The employment service that requested the criminal records check;

(5) The director of aging or a person authorized by the director to monitor a responsible party's compliance with this section;

(6) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if any of the following apply:

   (a) In the case of a criminal records check requested by a provider or subcontractor, the provider or subcontractor also is a waiver agency;

   (b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a provider or subcontractor that also is a waiver agency;

   (c) The criminal records check is requested by a consumer who is acting as a responsible party.

(7) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

   (a) A denial of employment of the applicant or employee;

   (b) Employment or unemployment benefits of the applicant or employee;

   (c) A civil or criminal action regarding the medicaid program or a program the department of aging administers.

(J) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a responsible party employs in a direct-care position, all of the following
shall apply:

(1) If the responsible party employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the responsible party shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the responsible party employed the applicant in good faith on a conditional basis pursuant to division (H) of this section, the responsible party shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section.

(3) If the responsible party in good faith employed the applicant or employee because the applicant or employee meets standards specified in rules adopted under this section, the responsible party shall not be found negligent solely because the applicant or employee has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(K) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and criminal records checks under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.
(2) The rules shall specify all of the following:

(a) The meaning of the term "subcontractor";

(b) The procedures for conducting database reviews under this section;

(c) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(d) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a responsible party is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases;

(e) Standards that an applicant or employee must meet for a responsible party to be permitted to employ the applicant or continue to employ the employee in a direct-care position if the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

Sec. 173.381. (A) As used in this section:

(1) "Community-based long-term care services" means community-based long-term care services, as defined in section 173.14 of the Revised Code, that are provided under a program the department of aging administers.

(2) "Community-based long-term care services certificate" means a certificate issued under section 173.391 of the Revised Code.

(3) "Community-based long-term care services contract or grant" means a contract or grant awarded under section 173.392 of
the Revised Code.

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

(5) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(6) "Provider" has the same meaning as in section 173.39 of the Revised Code.

(7) "Self-employed provider" means a provider who works for the provider's self and has no employees.

(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 3701.881 of the Revised Code.

(C)(1) The department of aging or its designee shall take the following actions when the circumstances specified in division (C)(2) of this section apply:

(a) Refuse to issue a community-based long-term care services certificate to a self-employed provider;

(b) Revoke a self-employed provider's community-based long-term care services certificate;

(c) Refuse to award a community-based long-term care services contract or grant to a self-employed provider;

(d) Terminate a self-employed provider's community-based long-term care services contract or grant awarded on or after September 15, 2014.

(2) The following are the circumstances that require the department of aging or its designee to take action under division (C)(1) of this section:

(a) A review of the databases listed in division (E) of this
section reveals any of the following:

(i) That the self-employed provider is included in one or more of the databases listed in divisions (E)(1) to (5) of this section;

(ii) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the self-employed provider **abused, neglected, or abused exploited** a long-term care facility or residential care facility resident or misappropriated property of such a resident;

(iii) That the self-employed provider is included in one or more of the databases, if any, specified in rules adopted under this section and the rules require the department or its designee to take action under division (C)(1) of this section if a self-employed provider is included in such a database.

(b) After the self-employed provider is provided, pursuant to division (F)(2)(a) of this section, a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section, the self-employed provider fails to complete the form or provide the self-employed provider's fingerprint impressions on the standard impression sheet.

(c) Unless the self-employed provider meets standards specified in rules adopted under this section, the self-employed provider is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(D) The department of aging or its designee shall inform each self-employed provider of both of the following at the time of the self-employed provider's initial application for a community-based...
long-term care services certificate or initial bid for a community-based long-term care services contract or grant:

(1) That a review of the databases listed in division (E) of this section will be conducted to determine whether the department or its designee is required by division (C) of this section to refuse to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider;

(2) That, unless the database review reveals that the department or its designee is required to refuse to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider, a criminal records check of the self-employed provider will be conducted and the self-employed provider is required to provide a set of the self-employed provider's fingerprint impressions as part of the criminal records check.

(E) As a condition of issuing or awarding a community-based long-term care services certificate or community-based long-term care services contract or grant to a self-employed provider, the department of aging or its designee shall conduct a database review of the self-employed provider in accordance with rules adopted under this section. If rules adopted under this section so require, the department or its designee shall conduct a database review of a self-employed provider in accordance with the rules as a condition of not revoking or terminating the self-employed provider's community-based long-term care services certificate or community-based long-term care services contract or grant. A database review shall determine whether the self-employed provider is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to...
subpart 9.4 of the federal acquisition regulation and available at
the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained
by the office of inspector general in the United States department
of health and human services pursuant to the "Social Security
Act," 42 U.S.C. 1320a-7 and 1320c-5;

(3) The registry of developmental disabilities employees
established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender
database established under division (A)(11) of section 2950.13 of
the Revised Code;

(5) The internet-based database of inmates established under
section 5120.66 of the Revised Code;

(6) The state nurse aide registry established under section
3721.32 of the Revised Code;

(7) Any other database, if any, specified in rules adopted
under this section.

(F)(1) As a condition of issuing or awarding a
community-based long-term care services certificate or
community-based long-term care services contract or grant to a
self-employed provider, the department of aging or its designee
shall request that the superintendent of the bureau of criminal
identification and investigation conduct a criminal records check
of the self-employed provider. If rules adopted under this section
so require, the department or its designee shall request that the
superintendent conduct a criminal records check of a self-employed
provider at times specified in the rules as a condition of not
revoking or terminating the self-employed provider's
community-based long-term care services certificate or
community-based long-term care services contract or grant.
However, the department or its designee is not required to request
the criminal records check of the self-employed provider if the department or its designee, because of circumstances specified in division (C)(2)(a) of this section, is required to refuse to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or to revoke or terminate the self-employed provider's certificate or contract or grant.

If a self-employed provider for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the self-employed provider from the federal bureau of investigation in a criminal records check, the department or its designee shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check. Even if a self-employed provider for whom a criminal records check request is required by this section presents proof of having been a resident of this state for the five-year period, the department or its designee may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) The department or its designee shall do all of the following:

(a) Provide to each self-employed provider for whom a criminal records check request is required by this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Obtain the completed form and standard impression sheet from the self-employed provider;
(c) Forward the completed form and standard impression sheet to the superintendent.

(3) The department or its designee shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check of a self-employed provider the department or its designee requests under this section. The department or its designee may charge the self-employed provider a fee that does not exceed the amount the department or its designee pays to the bureau.

(G) The report of any criminal records check of a self-employed provider conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The self-employed provider or the self-employed provider's representative;

(2) The department of aging, the department's designee, or a representative of the department or its designee;

(3) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if the self-employed provider is to provide, or provides, community-based long-term care services under a component of the medicaid program that the department of aging administers;

(4) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(a) A refusal to issue or award a community-based long-term services certificate or community-based long-term care services contract or grant to the self-employed provider;

(b) A revocation or termination of the self-employed
provider's community-based long-term care services certificate or
community-based long-term care services contract or grant;

(c) A civil or criminal action regarding a program the
department of aging administers.

(H) In a tort or other civil action for damages that is
brought as the result of an injury, death, or loss to person or
property caused by a self-employed provider, both of the following
shall apply:

(1) If the department of aging or its designee, in good faith
and reasonable reliance on the report of a criminal records check
requested under this section, issued or awarded a community-based
long-term care services certificate or community-based long-term
care services contract or grant to the self-employed provider or
did not revoke or terminate the self-employed provider's
certificate or contract or grant, the department and its designee
shall not be found negligent solely because of its reliance on the
report, even if the information in the report is determined later
to have been incomplete or inaccurate.

(2) If the department or its designee in good faith issued or
awarded a community-based long-term care services certificate or
community-based long-term care services contract or grant to the
self-employed provider or did not revoke or terminate the
self-employed provider's certificate or contract or grant because
the self-employed provider meets standards specified in rules
adopted under this section, the department and its designee shall
not be found negligent solely because the self-employed provider
has been convicted of, pleaded guilty to, or been found eligible
for intervention in lieu of conviction for a disqualifying
offense.

(I) The director of aging shall adopt rules in accordance
with Chapter 119. of the Revised Code to implement this section.
(1) The rules may do the following:

(a) Require self-employed providers who have been issued or awarded community-based long-term care services certificates or community-based long-term care services contracts or grants to undergo database reviews and criminal records checks under this section;

(b) If the rules require self-employed providers who have been issued or awarded community-based long-term care services certificates or community-based long-term care services contracts or grants to undergo database reviews and criminal records checks under this section, exempt one or more classes of such self-employed providers from the requirements;

(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The procedures for conducting database reviews under this section;

(b) If the rules require self-employed providers who have been issued or awarded community-based long-term care services certificates or community-based long-term care services contracts or grants to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which the department of aging or its designee is required to refuse to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to a self-employed provider or to revoke or terminate a self-employed provider's certificate or contract or grant when the self-employed
provider is found by a database review to be included in one or more of those databases;

(d) Standards that a self-employed provider must meet for the department or its designee to be permitted to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or not to revoke or terminate the self-employed provider's certificate or contract or grant if the self-employed provider is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

Sec. 173.42. (A) As used in sections 173.42 to 173.434 of the Revised Code:

(1) "Area agency on aging" means a public or private nonprofit entity designated under section 173.011 of the Revised Code to administer programs on behalf of the department of aging.

(2) "Department of aging-administered medicaid waiver component" means each of the following:

(a) The medicaid-funded component of the PASSPORT program created under section 173.52 of the Revised Code;

(b) The choices program created under section 173.53 of the Revised Code;

(c) The medicaid-funded component of the assisted living program created under section 173.54 of the Revised Code;

(d) Any other medicaid waiver component, as defined in section 5166.01 of the Revised Code, that the department of aging administers pursuant to an interagency agreement with the department of medicaid under section 5162.35 of the Revised Code.

(3) "Home and community-based services covered by medicaid..."
components the department of aging administers" means all of the following:

(a) Medicaid waiver services available to a participant in a department of aging-administered medicaid waiver component;

(b) The following medicaid state plan services available to a participant in a department of aging-administered medicaid waiver component as specified in rules adopted under section 5164.02 of the Revised Code:

(i) Home health services;

(ii) Private duty nursing services;

(iii) Durable medical equipment;

(iv) Services of a clinical nurse specialist;

(v) Services of a certified nurse practitioner.

(c) Services available to a participant of the PACE program.

(4) "Long-term care consultation" or "consultation" means the consultation service made available by the department of aging or a program administrator through the long-term care consultation program established pursuant to this section.

(5) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

(6) "PACE program" means the component of the medicaid program the department of aging administers pursuant to section 173.50 of the Revised Code.

(7) "PASSPORT administrative agency" means an entity under contract with the department of aging to provide administrative services regarding the PASSPORT program.

(8) "Program administrator" means an area agency on aging or other entity under contract with the department of aging to administer the long-term care consultation program in a geographic
(9) "Representative" means a person acting on behalf of an individual specified in division (G) of this section who is the subject of a long-term care consultation. A representative may be a family member, attorney, hospital social worker, or any other person chosen to act on behalf of the individual.

(B) The department of aging shall develop a long-term care consultation program whereby individuals or their representatives are provided with long-term care consultations and receive through these professional consultations information about options available to meet long-term care needs and information about factors to consider in making long-term care decisions. The long-term care consultations provided under the program may be provided at any appropriate time, as permitted or required under this section and the rules adopted under it, including either prior to or after the individual who is the subject of a consultation has been admitted to a nursing facility or granted assistance in receiving home and community-based services covered by medicaid components the department of aging administers.

(C) The long-term care consultation program shall be administered by the department of aging, except that the department may have the program administered on a regional basis by one or more program administrators. The department and each program administrator shall administer the program in such a manner that all of the following are included:

1. Coordination and collaboration with respect to all available funding sources for long-term care services;

2. Assessments of individuals regarding their long-term care service needs;

3. Assessments of individuals regarding their on-going eligibility for long-term care services;
(4) Procedures for assisting individuals in obtaining access to, and coordination of, health and supportive services, including department of aging-administered medicaid waiver components;

(5) Priorities for using available resources efficiently and effectively.

(D) The program's long-term care consultations shall be provided by individuals certified by the department under section 173.422 of the Revised Code.

(E) The information provided through a long-term care consultation shall be appropriate to the individual's needs and situation and shall address all of the following:

(1) The availability of any long-term care options open to the individual;

(2) Sources and methods of both public and private payment for long-term care services;

(3) Factors to consider when choosing among the available programs, services, and benefits;

(4) Opportunities and methods for maximizing independence and self-reliance, including support services provided by the individual's family, friends, and community.

(F) An individual's long-term care consultation may include an assessment of the individual's functional capabilities. The consultation may incorporate portions of the determinations required under sections 5119.40, 5123.021, and 5165.03 of the Revised Code and may be provided concurrently with the assessment required under section 173.546 or 5165.04 of the Revised Code.

(G)(1) Unless an exemption specified Except as provided in division (I) of this section is applicable, each of the following shall be provided with a long-term care consultation:

(a) An individual who applies or indicates an intention to
apply for admission to a nursing facility, regardless of the
source of payment to be used for the individual's care in a
nursing facility;

(b) An individual who requests a long-term care consultation;

(c) An individual identified by the department or a program
administrator as being likely to benefit from a long-term care
consultation.

(2) In addition to the individuals specified in division
(G)(1) of this section, a long-term care consultation may be
provided to a nursing facility resident regardless of the source
of payment being used for the resident's care in the nursing
facility a long-term care consultation shall be provided to each
individual for whom the department or a program administrator
determines such a consultation is appropriate.

(H)(1) Except as provided in division (H)(2) or (3) of this
section, a long-term care consultation provided pursuant to
division (G) of this section shall be provided as follows:

(a) If the individual for whom the consultation is being
provided has applied for medicaid and the consultation is being
provided concurrently with the assessment required under section
5165.04 of the Revised Code, the consultation shall be completed
in accordance with within the applicable time frames specified in
that section for providing a level of care determination based on
the assessment.

(b) In all other cases, the consultation shall be provided
not later than five calendar days after the department or program
administrator receives notice of the reason for which the
consultation is to be provided pursuant to division (G) of this
section.

(2) An individual or the individual's representative may
request that a long-term care consultation be provided on a date
that is later than the date required under division (H)(1)(a) or
(b) of this section.

(3) If a long-term care consultation cannot be completed
within the number of days required by division (H)(1) or (2) of
this section, the department or program administrator may do any
of the following:

(a) In the case of an individual specified in division (G)(1)
of this section, exempt the individual from the consultation
pursuant to rules that may be adopted under division (I) of this
section;

(b) In the case of an applicant for admission to a nursing
facility, provide the consultation after the individual is
admitted to the nursing facility;

(c) In the case of a resident of a nursing facility, provide
the consultation as soon as practicable rules adopted under this
section.

(I) An individual is not required to be provided a long-term
care consultation under division (G)(1) of this section if any of
the following apply is the case:

(1) The department or a program administrator has attempted
to provide the consultation, but the individual or the
individual's representative refuses to cooperate;

(2) The individual is to receive care in a nursing facility
under a contract for continuing care as defined in section 173.13
of the Revised Code;

(3) The individual has a contractual right to admission to a
nursing facility operated as part of a system of continuing care
in conjunction with one or more facilities that provide a less
intensive level of services, including a residential care facility
licensed under Chapter 3721. of the Revised Code, a residential
facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults, or an independent living arrangement;

(4) The individual is to receive continual care in a home for the aged exempt from taxation under section 5701.13 of the Revised Code;

(5) The individual is seeking admission to a facility that is not a nursing facility with a provider agreement under section 5165.07, 5165.511, or 5165.512 of the Revised Code;

(6) The individual is Pursuant to rules that may be adopted under this section, the department or a program administrator has exempted the individual from receiving the long-term care consultation requirement by the department or the program administrator pursuant to rules that may be adopted under division (L) of this section.

(J) As part of the long-term care consultation program, the department or a program administrator shall may assist an individual or individual's representative in accessing all sources of care and services that are appropriate for the individual and for which the individual is eligible, including all available home and community-based services covered by medicaid components the department of aging administers. The assistance shall may include providing for the conduct of assessments or other evaluations and the development of individualized plans of care or services under section 173.424 of the Revised Code.

(K) No nursing facility for which an operator has a provider agreement under section 5165.07, 5165.511, or 5165.512 of the Revised Code shall admit any individual as a resident any individual described in division (G) of this section, unless the nursing facility has received evidence that a long-term care
consultation has been completed for the individual or division (I) of this section is applicable to the individual.

(L) The director of aging may shall adopt any rules the director considers necessary for the implementation and administration of this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and. The rules may specify any or all of the following:

(1) Procedures for providing long-term care consultations pursuant to this section;

(2) Information to be provided through long-term care consultations regarding long-term care services that are available;

(3) Criteria and procedures to be used to identify and recommend appropriate service options for an individual receiving a long-term care consultation;

(4) Criteria for exempting individuals from the receiving a long-term care consultation requirement;

(5) Circumstances under which it may be appropriate to provide an individual's long-term care consultation after the individual's admission to a nursing facility rather than before admission;

(6) Criteria for identifying nursing facility residents who would benefit from the provision of individuals for whom a long-term care consultation is appropriate, including nursing facility residents who would benefit from the consultation;

(7) A description of the types of information from a nursing facility that is needed under the long-term care consultation program to assist a resident with relocation from the facility;

(8) Standards to prevent conflicts of interest relative to the referrals made by a person who performs a long-term care
consultation, including standards that prohibit the person from being employed by a provider of long-term care services;

(9) Procedures for providing notice and an opportunity for a hearing under division (N) of this section;

(10) Time frames for providing or completing a long-term care consultation;

(11) Any other standards or procedures the director considers necessary for the program.

(M) To assist the department and each program administrator with identifying individuals who are likely to benefit from for whom a long-term care consultation is appropriate, the department and program administrator may ask to be given access to nursing facility resident assessment data collected through the use of the resident assessment instrument specified in rules authorized by section 5165.191 of the Revised Code for purposes of the medicaid program. Except when prohibited by state or federal law, the department of health, department of medicaid, or nursing facility holding the data shall grant access to the data on receipt of the request from the department of aging or program administrator.

(N)(1) The director of aging, after providing notice and an opportunity for a hearing, may fine a nursing facility an amount determined by rules the director shall adopt in accordance with Chapter 119. of the Revised Code for any of the following reasons:

(a) The nursing facility admits an individual, without evidence that a long-term care consultation has been provided, as required by this section violates division (K) of this section;

(b) The nursing facility denies a person attempting to provide a long-term care consultation access to the facility or a resident of the facility;

(c) The nursing facility denies the department of aging or a
program administrator access to the facility or a resident of the facility, as the department or administrator considers necessary to administer the program.

(2) In accordance with section 5162.66 of the Revised Code, all fines collected under division (N)(1) of this section shall be deposited into the state treasury to the credit of the residents protection fund.

**Sec. 173.424.** If, under federal law, an individual's eligibility for the home and community-based services covered by medicaid components the department of aging administers is dependent on the conduct of an assessment or other evaluation of the individual's needs and capabilities and the development of an individualized plan of care or services, the department shall develop and implement all procedures necessary to comply with the federal law. The procedures shall may include the use of long-term care consultations.

**Sec. 173.48.** (A)(1) The department of aging may charge annual fees to long-term care facilities for the publication of the Ohio long-term care consumer guide, as well as late penalties if applicable. The department may contract with any person or government entity to collect the fees on its behalf. All fees collected under this section shall be deposited in accordance with division (B) of this section.

(2) The Except as provided in division (A)(3) of this section, the annual fees charged under this section shall not exceed the following amounts:

(a) For each long-term care facility that is a nursing home, six hundred fifty dollars;

(b) For each long-term care facility that is a residential care facility:
(i) Until June 30, 2016, three hundred dollars;

(ii) Beginning July 1, 2016, three hundred fifty dollars.

(3) **Fees** The department, by rule adopted in accordance with Chapter 119. of the Revised Code, may establish deadlines for the payment of the annual fees charged under this section. If the annual fee is not received by the department within ninety days of any deadline established by the department, the rules may require a long-term care facility to pay a late penalty equal to and in addition to the amount of the annual fee charged under this section.

(4) Unless prohibited by federal law, fees paid by a long-term care facility that is a nursing facility, including late penalties, shall be reimbursed through the medicaid program.

(B) There is hereby created in the state treasury the long-term care consumer guide fund. Money collected from the fees charged for the publication of the Ohio long-term care consumer guide under division (A) of this section and any late penalties shall be credited to the fund. The department shall use money in the fund for costs associated with publishing the Ohio long-term care consumer guide, including, but not limited to, costs incurred in conducting or providing for the conduct of customer satisfaction surveys.

**Sec. 173.51.** As used in sections 173.51 to 173.56 of the Revised Code:

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

"Assisted living program" means the program that consists of a medicaid-funded component created under section 173.54 of the Revised Code and a state-funded component created under section 173.543 of the Revised Code and provides assisted living services.
to individuals who meet the program's applicable eligibility
requirements.

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

"Assisted living waiver" means the federal medicaid waiver
granted by the United States secretary of health and human
services that authorizes the medicaid-funded component of the
assisted living program.

"Choices program" means the program created under section
173.53 of the Revised Code.

"County or district home" means a county or district home
operated under Chapter 5155. of the Revised Code.

"Long-term care consultation program" means the program the
department of aging is required to develop under section 173.42 of
the Revised Code.

"Long-term care consultation program administrator" or
"administrator" means the department of aging or, if the
department contracts with an area agency on aging or other entity
to administer the long-term care consultation program for a
particular area, that agency or entity.

"Medicaid waiver component" has the same meaning as in
section 5166.01 of the Revised Code.

"Nursing facility" has the same meaning as in section 5165.01
of the Revised Code.

"PASSPORT program" means the preadmission screening system
providing options and resources today program (PASSPORT) that
consists of a medicaid-funded component created under section
173.52 of the Revised Code and a state-funded component created
under section 173.522 of the Revised Code and provides home and
community-based services as an alternative to nursing facility
placement for individuals who are aged and disabled and meet the
program's applicable eligibility requirements.

"PASSPORT waiver" means the federal medicaid waiver granted
by the United States secretary of health and human services that
authorizes the medicaid-funded component of the PASSPORT program.

"Representative" means a person acting on behalf of an
applicant for the medicaid-funded component or state-funded
component of the assisted living program. A representative may be
a family member, attorney, hospital social worker, or any other
person chosen to act on behalf of an applicant.

"Residential care facility" has the same meaning as in
section 3721.01 of the Revised Code.

"Unified long-term services and support medicaid waiver
component" means the medicaid waiver component authorized by
section 5166.14 of the Revised Code.

Sec. 173.541. To be eligible for the medicaid-funded
component of the assisted living program, an individual must meet
all of the following requirements:

(A) Need an intermediate level of care as determined by an
assessment conducted under section 173.546 of the Revised Code;

(B) While receiving assisted living services under the
medicaid-funded component, reside in a residential care
facility any of the following that is authorized by a valid
medicaid provider agreement to participate in the component,
including both of the following assisted living program:

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

(2) A county or district home licensed as a residential care facility;

(3) Any other setting specified in rules adopted under section 173.54 of the Revised Code.

(C) Meet all other eligibility requirements for the medicaid-funded component of the assisted living program established in rules adopted under section 173.54 of the Revised Code.

Sec. 173.544. To be eligible for the state-funded component of the assisted living program, an individual must meet all of the following requirements:

(A) The individual must need an intermediate level of care as determined by an assessment conducted under section 173.546 of the Revised Code.

(B) The individual must have an application for the medicaid-funded component of the assisted living program (or, if the medicaid-funded component is terminated under division (C) of section 173.54 of the Revised Code, the unified long-term services and support medicaid waiver component) pending and the department or the department's designee must have determined that the individual meets the nonfinancial eligibility requirements of the medicaid-funded component (or, if the medicaid-funded component is terminated under division (C) of section 173.54 of the Revised Code, the unified long-term services and support medicaid waiver component) and not have reason to doubt that the individual meets the financial eligibility requirements of the medicaid-funded component (or, if the medicaid-funded component is terminated under division (C) of section 173.54 of the Revised Code, the
unified long-term services and support medicaid waiver component.

(C) While receiving assisted living services under the state-funded component, the individual must reside in a residential care facility any of the following that is are authorized by a valid provider agreement to participate in the component, including both of the following assisted living program:

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

2. A county or district home licensed as a residential care facility;

3. Any other setting specified in rules adopted under section 173.543 of the Revised Code.

(D) The individual must meet all other eligibility requirements for the state-funded component of the assisted living program established in rules adopted under section 173.543 of the Revised Code.

Sec. 173.55. (A) As used in this section:

1. "Department of aging-administered medicaid waiver component" means each both of the following:
   a. The medicaid-funded component of the PASSPORT program;
   b. The choices program;
   c. The medicaid-funded component of the assisted living program.

2. "PACE program" means the component of the medicaid
program the department of aging administers pursuant to section 173.50 of the Revised Code.

(B) If the department of aging determines that there are insufficient funds to enroll all individuals who have applied and been determined eligible for department of aging-administered medicaid waiver components and the PACE program, the department shall establish a unified waiting list for the components and program. Only individuals eligible for a department of aging-administered medicaid waiver component or the PACE program may be placed on the unified waiting list. An individual who may be enrolled in a department of aging-administered medicaid waiver component or the PACE program through a home first component established under section 173.501, 173.521, or 173.542 of the Revised Code may be so enrolled without being placed on the unified waiting list.

Sec. 173.99. (A) A long-term care provider, person employed by a long-term care provider, other entity, or employee of such other entity that whoever violates division (C) of section 173.24 of the Revised Code is subject to a fine not to exceed one thousand dollars for each violation.

(B) Whoever violates division (C) of section 173.23 of the Revised Code is guilty of registering a false complaint, a misdemeanor of the first degree.

(C) A long-term care provider, other entity, or person employed by a long-term care provider or other entity that whoever violates division (E)(G)(1) or (2) of section 173.19 of the Revised Code by denying a representative of the office of the state long-term care ombudsman program the access required by that division is subject to a fine not to exceed five hundred dollars for each violation.

(D) Whoever violates division (C) of section 173.44 of the Revised Code is guilty of registering a false complaint, a misdemeanor of the first degree.
Revised Code is subject to a fine of one hundred dollars.

**Sec. 183.51.** (A) As used in this section and in the applicable bond proceedings unless otherwise provided:

(1) "Bond proceedings" means the resolutions, orders, indentures, purchase and sale and trust and other agreements including any amendments or supplements to them, and credit enhancement facilities, and amendments and supplements to them, or any one or more or combination of them, authorizing, awarding, or providing for the terms and conditions applicable to or providing for the security or liquidity of, the particular obligations, and the provisions contained in those obligations.

(2) "Bond service fund" means the bond service fund created in the bond proceedings for the obligations.

(3) "Capital facilities" means, as applicable, capital facilities or projects as referred to in section 151.03 or 151.04 of the Revised Code.

(4) "Consent decree" means the consent decree and final judgment entered November 25, 1998, in the court of common pleas of Franklin county, Ohio, as the same may be amended or supplemented from time to time.

(5) "Cost of capital facilities" has the same meaning as in section 151.01 of the Revised Code, as applicable.

(6) "Credit enhancement facilities," "financing costs," and "interest" or "interest equivalent" have the same meanings as in section 133.01 of the Revised Code.

(7) "Debt service" means principal, including any mandatory sinking fund or redemption requirements for retirement of obligations, interest and other accreted amounts, interest equivalent, and any redemption premium, payable on obligations. If not prohibited by the applicable bond proceedings, "debt service"
may include costs relating to credit enhancement facilities that are related to and represent, or are intended to provide a source of payment of or limitation on, other debt service.

(8) "Improvement fund" means, as applicable, the school building program assistance fund created in section 3318.25 of the Revised Code and the higher education improvement fund created in section 154.21 of the Revised Code.

(9) "Issuing authority" means the buckeye tobacco settlement financing authority created in section 183.52 of the Revised Code.

(10) "Net proceeds" means amounts received from the sale of obligations, excluding amounts used to refund or retire outstanding obligations, amounts required to be deposited into special funds pursuant to the applicable bond proceedings, and amounts to be used to pay financing costs.

(11) "Obligations" means bonds, notes, or other evidences of obligation of the issuing authority, including any appertaining interest coupons, issued by the issuing authority under this section and Section 2i of Article VIII, Ohio Constitution, for the purpose of providing funds to the state, in exchange for the assignment and sale described in division (B) of this section, for the purpose of paying costs of capital facilities for: (a) housing branches and agencies of state government limited to facilities for a system of common schools throughout the state and (b) state-supported or state-assisted institutions of higher education.

(12) "Pledged receipts" means, as and to the extent provided for in the applicable bond proceedings:

(a) Pledged tobacco settlement receipts;
(b) Accrued interest received from the sale of obligations;
(c) Income from the investment of the special funds;
(d) Additional or any other specific revenues or receipts lawfully available to be pledged, and pledged, pursuant to the bond proceedings, including but not limited to amounts received under credit enhancement facilities, to the payment of debt service.

(13) "Pledged tobacco settlement receipts" means all amounts received by the issuing authority pursuant to division (B) of this section.

(14) "Principal amount" means the aggregate of the amount as stated or provided for in the applicable bond proceedings as the amount on which interest or interest equivalent on particular obligations is initially calculated. "Principal amount" does not include any premium paid to the issuing authority by the initial purchaser of the obligations. "Principal amount" of a capital appreciation bond, as defined in division (C) of section 3334.01 of the Revised Code, means its original face amount and not its accreted value, and "principal amount" of a zero coupon bond, as defined in division (J) of section 3334.01 of the Revised Code, means the discounted offering price at which the bond is initially sold to the public, disregarding any purchase price discount to the original purchaser, if provided in or for pursuant to the bond proceedings.

(15) "Special funds" or "funds," unless the context indicates otherwise, means the bond service fund, and any other funds, including any reserve funds, created under the bond proceedings and stated to be special funds in those proceedings, including moneys and investments, and earnings from investments, credited and to be credited to the particular fund. "Special funds" does not include any improvement fund or investment earnings on amounts in any improvement fund, or other funds created by the bond proceedings that are not stated by those proceedings to be special funds.
(B) The state may assign and sell to the issuing authority, and the issuing authority may accept and purchase, all or a portion of the amounts to be received by the state under the tobacco master settlement agreement for a purchase price payable by the issuing authority to the state consisting of the net proceeds of obligations and any residual interest, if any. Any such assignment and sale shall be irrevocable in accordance with its terms during the period any obligations secured by amounts so assigned and sold are outstanding under the applicable bond proceedings, and shall constitute a contractual obligation to the holders or owners of those obligations. Any such assignment and sale shall also be treated as an absolute transfer and true sale for all purposes, and not as a pledge or other security interest. The characterization of any such assignment and sale as a true sale and absolute transfer shall not be negated or adversely affected by only a portion of the amounts to be received under the tobacco master settlement agreement being transferred, the acquisition or retention by the state of a residual interest, the participation of any state officer or employee as a member or officer of, or providing staff support to, the issuing authority, any responsibility of an officer or employee of the state for collecting the amounts to be received under the tobacco master settlement agreement or otherwise enforcing that agreement or retaining any legal title to or interest in any portion of the amounts to be received under that agreement for the purpose of these collection activities, any characterization of the issuing authority or its obligations for purposes of accounting, taxation, or securities regulation, or by any other factors whatsoever. A true sale shall exist under this section regardless of whether the issuing authority has any recourse against the state or any other term of the bond proceedings or the treatment or characterization of the transfer as a financing for any purpose. Upon and following the assignment and sale, the state shall not have any right,
title, or interest in the portion of the receipts under the tobacco master settlement agreement so assigned and sold, other than any residual interest that may be described in the applicable bond proceedings for those obligations, and that portion, if any, shall be the property of the issuing authority and not of the state, and shall be paid directly to the issuing authority, and shall be owned, received, held, and disbursed by the issuing authority and not by the state.

The state may covenant, pledge, and agree in the bond proceedings, with and for the benefit of the issuing authority, the holders and owners of obligations, and providers of any credit enhancement facilities, that it shall: (1) maintain statutory authority for, and cause to be collected and paid directly to the issuing authority or its assignee, the pledged receipts, (2) enforce the rights of the issuing authority to receive the receipts under the tobacco master settlement agreement assigned and sold to the issuing authority, (3) not materially impair the rights of the issuing authority to fulfill the terms of its agreements with the holders or owners of outstanding obligations under the bond proceedings, (4) not materially impair the rights and remedies of the holders or owners of outstanding obligations or materially impair the security for those outstanding obligations, and (5) enforce Chapter 1346. of the Revised Code, the tobacco master settlement agreement, and the consent decree to effectuate the collection of the pledged tobacco settlement receipts. The bond proceedings may provide or authorize the manner for determining material impairment of the security for any outstanding obligations, including by assessing and evaluating the pledged receipts in the aggregate.

As further provided for in division (H) of this section, the bond proceedings may also include such other covenants, pledges, and agreements by the state to protect and safeguard the security
and rights of the holders and owners of the obligations, and of
the providers of any credit enhancement facilities, including,
without limiting the generality of the foregoing, any covenant,
pledge, or agreement customary in transactions involving the
issuance of securities the debt service on which is payable from
or secured by amounts received under the tobacco master settlement
agreement. Notwithstanding any other provision of law, any
covenant, pledge, and agreement of the state, if and when made in
the bond proceedings, shall be controlling and binding upon, and
enforceable against the state in accordance with its terms for so
long as any obligations are outstanding under the applicable bond
proceedings. The bond proceedings may also include limitations on
the remedies available to the issuing authority, the holders and
owners of the obligations, and the providers of any credit
enhancement facilities, including, without limiting the generality
of the foregoing, a provision that those remedies may be limited
to injunctive relief in circumstances where there has been no
prior determination by a court of competent jurisdiction that the
state has not enforced Chapter 1346. of the Revised Code, the
tobacco master settlement agreement, or the consent decree as may
have been covenanted or agreed in the bond proceedings under
division (B)(5) of this section.

Nothing in this section or the bond proceedings shall
preclude or limit, or be construed to preclude or limit, the state
from regulating or authorizing or permitting the regulation of
smoking or from taxing and regulating the sale of cigarettes or
other tobacco products, or from defending or prosecuting cases or
other actions relating to the sale or use of cigarettes or other
tobacco products. Except as otherwise may be agreed in writing by
the attorney general, nothing in this section or the bond
proceedings shall modify or limit, or be construed to modify or
limit, the responsibility, power, judgment, and discretion of the
attorney general to protect and discharge the duties, rights, and
obligations of the state under the tobacco master settlement agreement, the consent decree, or Chapter 1346. of the Revised Code.

The governor and the director of budget and management, in consultation with the attorney general, on behalf of the state, and any member or officer of the issuing authority as authorized by that issuing authority, on behalf of the issuing authority, may take any action and execute any documents, including any purchase and sale agreements, necessary to effect the assignment and sale and the acceptance of the assignment and title to the receipts including, providing irrevocable direction to the escrow agent acting under the tobacco master settlement agreement to transfer directly to the issuing authority the amounts to be received under that agreement that are subject to such assignment and sale. Any purchase and sale agreement or other bond proceedings may contain the terms and conditions established by the state and the issuing authority to carry out and effectuate the purposes of this section, including, without limitation, covenants binding the state in favor of the issuing authority and its assignees and the owners of the obligations. Any such purchase and sale agreement shall be sufficient to effectuate such purchase and sale without regard to any other laws governing other property sales or financial transactions by the state.

Not later than two years following the date on which there are no longer any obligations outstanding under the bond proceedings, all assets of the issuing authority shall vest in the state, the issuing authority shall execute any necessary assignments or instruments, including any assignment of any right, title, or ownership to the state for receipt of amounts under the tobacco master settlement agreement, and the issuing authority shall be dissolved.

(C) The issuing authority is authorized to issue and to sell
obligations as provided in this section. The aggregate principal
amount of obligations issued under this section shall not exceed
six billion dollars, exclusive of obligations issued under
division (M)(1) of this section to refund, renew, or advance
refund other obligations issued or incurred. At least seventy-five
per cent of the aggregate net proceeds of the obligations issued
under the authority of this section, exclusive of obligations
issued to refund, renew, or advance refund other obligations,
shall be paid to the state for deposit into the school building
program assistance fund created in section 3318.25 of the Revised
Code.

(D) Each issue of obligations shall be authorized by
resolution or order of the issuing authority. The bond proceedings
shall provide for or authorize the manner for determining the
principal amount or maximum principal amount of obligations of an
issue, the principal maturity or maturities, the interest rate or
rates, the date of and the dates of payment of interest on the
obligations, their denominations, and the place or places of
payment of debt service which may be within or outside the state.
Unless otherwise provided by law, the latest principal maturity
may not be later than the earlier of the thirty-first day of
December of the fiftieth calendar year after the year of issuance
of the particular obligations or of the fiftieth calendar year
after the year in which the original obligation to pay was issued
or entered into. Sections 9.96, 9.98, 9.981, 9.982, and 9.983 of
the Revised Code apply to the obligations.

The purpose of the obligations may be stated in the bond
proceedings in general terms, such as, as applicable, "paying
costs of capital facilities for a system of common schools" and
"paying costs of facilities for state-supported and state-assisted
institutions of higher education." Unless otherwise provided in
the bond proceedings or in division (C) of this section, the net
proceeds from the issuance of the obligations shall be paid to the
state for deposit into the applicable improvement fund. In
addition to the investments authorized in Chapter 135. of the
Revised Code, the net proceeds held in an improvement fund may be
invested by the treasurer of state in guaranteed investment
contracts with providers rated at the time of any investment in
the three highest rating categories by two nationally recognized
rating agencies, all subject to the terms and conditions set forth
in those agreements or the bond proceedings. Notwithstanding
anything to the contrary in Chapter 3318. of the Revised Code, net
proceeds of obligations deposited into the school building program
assistance fund created in section 3318.25 of the Revised Code may
be used to pay basic project costs under that chapter at the times
determined by the Ohio school facilities construction commission
without regard to whether those expenditures are in proportion to
the state's and the school district's respective shares of that
basic project cost; provided that this shall not result in any
change in the state or school district shares of the basic project
costs as determined under that chapter. As used in the preceding
sentence, "Ohio school facilities construction commission" and
"basic project costs" have the same meanings as in section 3318.01
of the Revised Code.

(E) The issuing authority may, without need for any other
approval, appoint or provide for the appointment of paying agents,
bond registrars, securities depositories, credit enhancement
providers or counterparties, clearing corporations, and transfer
agents, and retain or contract for the services of underwriters,
investment bankers, financial advisers, accounting experts,
marketing, remarketing, indexing, and administrative agents, other
consultants, and independent contractors, including printing
services, as are necessary in the judgment of the issuing
authority to carry out the issuing authority's functions under
this section and section 183.52 of the Revised Code. The attorney
general as counsel to the issuing authority shall represent the
authority in the execution of its powers and duties, and shall
institute and prosecute all actions on its behalf. The issuing
authority, in consultation with the attorney general, shall select
counsel, and the attorney general shall appoint the counsel
selected, for the purposes of carrying out the functions under
this section and related sections of the Revised Code. Financing
costs are payable, as may be provided in the bond proceedings,
from the proceeds of the obligations, from special funds, or from
other moneys available for the purpose, including as to future
financing costs, from the pledged receipts.

(F) The issuing authority may irrevocably pledge and assign
all, or such portion as the issuing authority determines, of the
pledged receipts to the payment of the debt service charges on
obligations issued under this section, and for the establishment
and maintenance of any reserves, as provided in the bond
proceedings, and make other provisions in the bond proceedings
with respect to pledged receipts as authorized by this section,
which provisions are controlling notwithstanding any other
provisions of law pertaining to them. Any and all pledged receipts
received by the issuing authority and required by the bond
proceedings, consistent with this section, to be deposited,
transferred, or credited to the bond service fund, and all other
money transferred or allocated to or received for the purposes of
that fund, shall be deposited and credited to the bond service
fund created in the bond proceedings for the obligations, subject
to any applicable provisions of those bond proceedings, but
without necessity for any act of appropriation. Those pledged
receipts shall immediately be subject to the lien of that pledge
without any physical delivery thereof or further act, and shall
not be subject to other court judgments. The lien of the pledge of
those pledged receipts shall be valid and binding against all
parties having claims of any kind against the issuing authority,
irrespective of whether those parties have notice thereof. The pledge shall create a perfected security interest for all purposes of Chapter 1309. of the Revised Code and a perfected lien for purposes of any other interest, all without the necessity for separation or delivery of funds or for the filing or recording of the applicable bond proceedings by which that pledge is created or any certificate, statement, or other document with respect thereto. The pledge of the pledged receipts shall be effective and the money therefrom and thereof may be applied to the purposes for which pledged.

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

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

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

(3) The rights and remedies of the holders or owners of obligations and of the trustee and provisions for protecting and enforcing them, including limitations on rights of individual holders and owners.
(H) The bond proceedings may contain additional provisions customary or appropriate to the financing or to the obligations or to particular obligations including, but not limited to, provisions for:

(1) The redemption of obligations prior to maturity at the option of the issuing authority or of the holder or upon the occurrence of certain conditions, and at a particular price or prices and under particular terms and conditions;

(2) The form of and other terms of the obligations;

(3) The establishment, deposit, investment, and application of special funds, and the safeguarding of moneys on hand or on deposit, in lieu of the applicability of provisions of Chapter 131. or 135. of the Revised Code, but subject to any special provisions of this section with respect to the application of particular funds or moneys. Any financial institution that acts as a depository of any moneys in special funds or other funds under the bond proceedings may furnish indemnifying bonds or pledge securities as required by the issuing authority.

(4) Any or every provision of the bond proceedings being binding upon the issuing authority and upon such governmental agency or entity, officer, board, authority, agency, department, institution, district, or other person or body as may from time to time be authorized to take actions as may be necessary to perform all or any part of the duty required by the provision;

(5) The maintenance of each pledge or instrument comprising part of the bond proceedings until the issuing authority has fully paid or provided for the payment of the debt service on the obligations or met other stated conditions;

(6) In the event of default in any payments required to be made by the bond proceedings, or by any other agreement of the issuing authority made as part of a contract under which the
obligations were issued or secured, including a credit enhancement facility, the enforcement of those payments by mandamus, a suit in equity, an action at law, or any combination of those remedial actions;

(7) The rights and remedies of the holders or owners of obligations or of book-entry interests in them, and of third parties under any credit enhancement facility, and provisions for protecting and enforcing those rights and remedies, including limitations on rights of individual holders or owners;

(8) The replacement of mutilated, destroyed, lost, or stolen obligations;

(9) The funding, refunding, or advance refunding, or other provision for payment, of obligations that will then no longer be outstanding for purposes of this section or of the applicable bond proceedings;

(10) Amendment of the bond proceedings;

(11) Any other or additional agreements with the owners of obligations, and such other provisions as the issuing authority determines, including limitations, conditions, or qualifications, relating to any of the foregoing or the activities of the issuing authority in connection therewith.

The bond proceedings shall make provision for the payment of the expenses of the enforcement activity of the attorney general referred to in division (B) of this section from the amounts from the tobacco master settlement agreement assigned and sold to the issuing authority under that division or from the proceeds of obligations, or a combination thereof, which may include provision for both annual payments and a special fund providing reserve amounts for the payment of those expenses.

The issuing authority shall not, and shall covenant in the bond proceedings that it shall not, be authorized to and shall not
file a voluntary petition under the United States Bankruptcy Code, 11 U.S.C. 101 et seq., as amended, or voluntarily commence any similar bankruptcy proceeding under state law including, without limitation, consenting to the appointment of a receiver or trustee or making a general or specific assignment for the benefit of creditors, and neither any public officer or any organization, entity, or other person shall authorize the issuing authority to be or become a debtor under the United States Bankruptcy Code or take any of those actions under the United States Bankruptcy Code or state law. The state hereby covenants, and the issuing authority shall covenant, with the holders or owners of the obligations, that the state shall not permit the issuing authority to file a voluntary petition under the United States Bankruptcy Code or take any of those actions under the United States Bankruptcy Code or state law during the period obligations are outstanding and for any additional period for which the issuing authority covenants in the bond proceedings, which additional period may, but need not, be a period of three hundred sixty-seven days or more.

(I) The obligations requiring execution by or for the issuing authority shall be signed as provided in the bond proceedings, and may bear the official seal of the issuing authority or a facsimile thereof. Any obligation may be signed by the individual who, on the date of execution, is the authorized signer even though, on the date of the obligations, that individual is not an authorized signer. In case the individual whose signature or facsimile signature appears on any obligation ceases to be an authorized signer before delivery of the obligation, that signature or facsimile is nevertheless valid and sufficient for all purposes as if that individual had remained the authorized signer until delivery.

(J) Obligations are investment securities under Chapter 1308.
of the Revised Code. Obligations may be issued in bearer or in
registered form, registrable as to principal alone or as to both
principal and interest, or both, or in certificated or
uncertificated form, as the issuing authority determines.
Provision may be made for the exchange, conversion, or transfer of
obligations and for reasonable charges for registration, exchange,
conversion, and transfer. Pending preparation of final
obligations, the issuing authority may provide for the issuance of
interim instruments to be exchanged for the final obligations.

(K) Obligations may be sold at public sale or at private
sale, in such manner, and at such price at, above, or below par,
all as determined by and provided by the issuing authority in the
bond proceedings.

(L) Except to the extent that rights are restricted by the
bond proceedings, any owner of obligations or provider of or
counterparty to a credit enhancement facility may by any suitable
form of legal proceedings protect and enforce any rights relating
to obligations or that facility under the laws of this state or
granted by the bond proceedings. Those rights include the right to
compel the performance of all applicable duties of the issuing
authority and the state. Each duty of the issuing authority and
that issuing authority's officers, staff, and employees, and of
each state entity or agency, or using district or using
institution, and its officers, members, staff, or employees,
undertaken pursuant to the bond proceedings, is hereby established
as a duty of the entity or individual having authority to perform
that duty, specifically enjoined by law and resulting from an
office, trust, or station within the meaning of section 2731.01 of
the Revised Code. The individuals who are from time to time
members of the issuing authority, or their designees acting
pursuant to section 183.52 of the Revised Code, or the issuing
authority's officers, staff, agents, or employees, when acting
within the scope of their employment or agency, shall not be liable in their personal capacities on any obligations or otherwise under the bond proceedings, or for otherwise exercising or carrying out any purposes or powers of the issuing authority.

(M)(1) Subject to any applicable limitations in division (C) of this section, the issuing authority may also authorize and provide for the issuance of:

(a) Obligations in the form of bond anticipation notes, and may authorize and provide for the renewal of those notes from time to time by the issuance of new notes. The holders of notes or appertaining interest coupons have the right to have debt service on those notes paid solely from the moneys and special funds, and all or any portion of the pledged receipts, that are or may be pledged to that payment, including the proceeds of bonds or renewal notes or both, as the issuing authority provides in the bond proceedings authorizing the notes. Notes may be additionally secured by covenants of the issuing authority to the effect that the issuing authority will do all things necessary for the issuance of bonds or renewal notes in such principal amount and upon such terms as may be necessary to provide moneys to pay when due the debt service on the notes, and apply their proceeds to the extent necessary, to make full and timely payment of debt service on the notes as provided in the applicable bond proceedings. In the bond proceedings authorizing the issuance of bond anticipation notes the issuing authority shall set forth for the bonds anticipated an estimated schedule of annual principal payments the latest of which shall be no later than provided in division (D) of this section. While the notes are outstanding there shall be deposited, as shall be provided in the bond proceedings for those notes, from the sources authorized for payment of debt service on the bonds, amounts sufficient to pay the principal of the bonds anticipated as set forth in that estimated schedule during the
time the notes are outstanding, which amounts shall be used solely to pay the principal of those notes or of the bonds anticipated.

(b) Obligations for the refunding, including funding and retirement, and advance refunding, with or without payment or redemption prior to maturity, of any obligations previously issued under this section and any bonds or notes previously issued for the purpose of paying costs of capital facilities for: (i) state-supported or state-assisted institutions of higher education as authorized by sections 151.01 and 151.04 of the Revised Code, pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution, and (ii) housing branches and agencies of state government limited to facilities for a system of common schools throughout the state as authorized by sections 151.01 and 151.03 of the Revised Code, pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution. Refunding obligations may be issued in amounts sufficient to pay or to provide for repayment of the principal amount, including principal amounts maturing prior to the redemption of the remaining prior obligations or bonds or notes, any redemption premium, and interest accrued or to accrue to the maturity or redemption date or dates, payable on the prior obligations or bonds or notes, and related financing costs and any expenses incurred or to be incurred in connection with that issuance and refunding. Subject to the applicable bond proceedings, the portion of the proceeds of the sale of refunding obligations issued under division (M)(1)(b) of this section to be applied to debt service on the prior obligations or bonds or notes shall be credited to an appropriate separate account in the bond service fund and held in trust for the purpose by the issuing authority or by a corporate trustee, and may be invested as provided in the bond proceedings. Obligations authorized under this division shall be considered to be issued for those purposes for which the prior obligations or bonds or notes were issued.
(2) The principal amount of refunding, advance refunding, or renewal obligations issued pursuant to division (M) of this section shall be in addition to the amount authorized in division (C) of this section.

(N) Obligations are lawful investments for banks, savings and loan associations, credit union share guaranty corporations, trust companies, trustees, fiduciaries, insurance companies, including domestic for life and domestic not for life, trustees or other officers having charge of sinking and bond retirement or other special funds of the state and political subdivisions and taxing districts of this state, notwithstanding any other provisions of the Revised Code or rules adopted pursuant to those provisions by any state agency with respect to investments by them, and are also acceptable as security for the repayment of the deposit of public moneys. The exemptions from taxation in Ohio as provided for in particular sections of the Ohio Constitution and section 5709.76 of the Revised Code apply to the obligations.

(O)(1) Unless otherwise provided or provided for in any applicable bond proceedings, moneys to the credit of or in a special fund shall be disbursed on the order of the issuing authority. No such order is required for the payment, from the bond service fund or other special fund, when due of debt service or required payments under credit enhancement facilities.

(2) Payments received by the issuing authority under interest rate hedges entered into as credit enhancement facilities under this section shall be deposited as provided in the applicable bond proceedings.

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

(Q) Each bond service fund is a trust fund and is hereby pledged to the payment of debt service on the applicable obligations. Payment of that debt service shall be made or provided for by the issuing authority in accordance with the bond proceedings without necessity for any act of appropriation. The bond proceedings may provide for the establishment of separate accounts in the bond service fund and for the application of those accounts only to debt service on specific obligations, and for other accounts in the bond service fund within the general purposes of that fund.

(R) Subject to the bond proceedings pertaining to any obligations then outstanding in accordance with their terms, the issuing authority may in the bond proceedings pledge all, or such portion as the issuing authority determines, of the moneys in the bond service fund to the payment of debt service on particular obligations, and for the establishment and maintenance of any reserves for payment of particular debt service.

(S)(1) Unless otherwise provided in any applicable bond proceedings, moneys to the credit of special funds may be invested by or on behalf of the issuing authority only in one or more of the following:

(a) Notes, bonds, or other direct obligations of the United States or of any agency or instrumentality of the United States, or in no-front-end-load money market mutual funds consisting
exclusively of those obligations, or in repurchase agreements, including those issued by any fiduciary, secured by those obligations, or in collective investment funds consisting exclusively of those obligations;

(b) Obligations of this state or any political subdivision of this state;

(c) Certificates of deposit of any national bank located in this state and any bank, as defined in section 1101.01 of the Revised Code, subject to inspection by the superintendent of financial institutions;

(d) The treasurer of state's pooled investment program under section 135.45 of the Revised Code;

(e) Other investment agreements or repurchase agreements that are consistent with the ratings on the obligations.

(2) The income from investments referred to in division (S)(1) of this section shall be credited to special funds or otherwise as the issuing authority determines in the bond proceedings. Those investments may be sold or exchanged at times as the issuing authority determines, provides for, or authorizes.

(T) The treasurer of state shall have responsibility for keeping records, making reports, and making payments, relating to any arbitrage rebate requirements under the applicable bond proceedings.

(U) The issuing authority shall make quarterly reports to the general assembly of the amounts in, and activities of, each improvement fund, including amounts and activities on the subfund level. Each report shall include a detailed description and analysis of the amount of proceeds remaining in each fund from the sale of obligations pursuant to this section, and any other deposits, credits, interest earnings, disbursements, expenses, transfers, or activities of each fund.
(V) The costs of the annual audit of the authority conducted pursuant to section 117.112 of the Revised Code are payable, as may be provided in the bond proceedings, from the proceeds of the obligations, from special funds, or from other moneys available for the purpose, including as to future financing costs, from the pledged receipts.

Sec. 191.04. (A) In accordance with federal laws governing
the confidentiality of individually identifiable health
information, including the "Health Insurance Portability and
42 U.S.C. 1320d et seq., as amended, and regulations promulgated
by the United States department of health and human services to
implement the act, a state agency may exchange protected health
information with another state agency relating to eligibility for
or enrollment in a health plan or relating to participation in a
government program providing public benefits if the exchange of
information is necessary for either or both of the following:

(1) Operating a health plan;

(2) Coordinating, or improving the administration or
management of, the health care-related functions of at least one
government program providing public benefits.

(B) For fiscal years 2013 through 2017 2019 only, a state
agency also may exchange personally identifiable information with
another state agency for purposes related to and in support of a
health transformation initiative identified by the executive
director of the office of health transformation pursuant to
division (C) of section 191.06 of the Revised Code.

(C) With respect to a state agency that uses or discloses
personally identifiable information, all of the following
conditions apply:
(1) The state agency shall use or disclose the information only as permitted or required by state and federal law. In addition, if the information is obtained during fiscal year 2013, 2014, or 2015 from an exchange of personally identifiable information permitted under division (B) of this section, the agency shall also use or disclose the information in accordance with all operating protocols that apply to the use or disclosure.

(2) If the state agency is a state agency other than the department of medicaid and it uses or discloses protected health information that is related to a medicaid recipient and obtained from the department of medicaid or another agency operating a component of the medicaid program, the state agency shall comply with all state and federal laws that apply to the department of medicaid when that department, as the state's single state agency to supervise the medicaid program, uses or discloses protected health information.

(3) A state agency shall implement administrative, physical, and technical safeguards for the purpose of protecting the confidentiality, integrity, and availability of personally identifiable information the creation, receipt, maintenance, or transmittal of which is affected or governed by this section.

(4) If a state agency discovers an unauthorized use or disclosure of unsecured protected health information or unsecured individually identifiable health information, the state agency shall, not later than seventy-two hours after the discovery, do all of the following:

(a) Identify the individuals who are the subject of the protected health information or individually identifiable health information;

(b) Report the discovery and the names of all individuals identified pursuant to division (C)(4)(a) of this section to all
other state agencies and the executive director of the office of health transformation or the executive director's designee;

(c) Mitigate, to the extent reasonably possible, any potential adverse effects of the unauthorized use or disclosure.

(5) A state agency shall make available to the executive director of the office of health transformation or the executive director's designee, and to any other state or federal governmental entity required by law to have access on that entity's request, all internal practices, records, and documentation relating to personally identifiable information it receives, uses, or discloses that is affected or governed by this section.

(6) On termination or expiration of an operating protocol and if feasible, a state agency shall return or destroy all personally identifiable information received directly from or received on behalf of another state agency. If the personally identifiable information is not returned or destroyed, the state agency maintaining the information shall extend the protections set forth in this section for as long as it is maintained.

(7) If a state agency enters into a subcontract or, when required by 45 C.F.R. 164.502(e)(2), a business associate agreement, the subcontract or business associate agreement shall require the subcontractor or business associate to comply with the terms of this section as if the subcontractor or business associate were a state agency.

Sec. 191.06. (A) The provisions of this section shall apply only for fiscal years 2013 through 2019.

(B) The executive director of the office of health transformation or the executive director's designee may facilitate the coordination of operations and exchange of information between
state agencies. The purpose of the executive director's authority under this section is to support agency collaboration for health transformation purposes, including modernization of the medicaid program, streamlining of health and human services programs in this state, and improving the quality, continuity, and efficiency of health care and health care support systems in this state.

(C) In furtherance of the authority of the executive director of the office of health transformation under division (B) of this section, the executive director or the executive director's designee shall identify each health transformation initiative in this state that involves the participation of two or more state agencies and that permits or requires an interagency agreement to be entered into for purposes of specifying each participating agency's role in coordinating, operating, or funding the initiative, or facilitating the exchange of data or other information for the initiative. The executive director shall publish a list of the identified health transformation initiatives on the internet web site maintained by the office of health transformation.

(D) For each health transformation initiative that is identified under division (C) of this section, the executive director or the executive director's designee shall, in consultation with each participating agency, adopt one or more operating protocols. Notwithstanding any law enacted by the general assembly or rule adopted by a state agency, the provisions in a protocol shall supersede any provisions in an interagency agreement, including an interagency agreement entered into under section 5101.10 or 5162.35 of the Revised Code, that differ from the provisions of the protocol.

(E)(1) An operating protocol adopted under division (D) of this section shall include both of the following:

(a) All terms necessary to meet the requirements of "other...
arrangements" between a covered entity and a business associate that are referenced in 45 C.F.R. 164.314(a)(2)(ii);

(b) If known, the date on which the protocol will terminate or expire.

(2) In addition, a protocol may specify the extent to which each participating agency is responsible and accountable for completing the tasks necessary for successful completion of the initiative, including tasks relating to the following components of the initiative:

(a) Workflow;

(b) Funding;

(c) Exchange of data or other information that is confidential pursuant to state or federal law.

(F) An operating protocol adopted under division (D) of this section shall have the same force and effect as an interagency agreement or data sharing agreement, and each participating agency shall comply with it.

**Sec. 307.631.** A board of county commissioners may appoint a health commissioner of the board of health of a city or general health district that is entirely or partially located in the county in which the board of county commissioners is located to establish a drug overdose fatality review committee to review drug overdose deaths and opioid-involved deaths. The boards of county commissioners of two or more counties may, by adopting a joint resolution passed by a majority of the members of each participating board of county commissioners, create a regional drug overdose fatality review committee to serve all participating counties. The joint resolution shall appoint, for each county participating as part of the regional review committee, one health commissioner from a board of health of a city or general health district.
district located at least in part in each county. The health commissioners appointed shall select one of their number as the health commissioner to establish the regional review committee. The regional review committee may be established in the same manner as provided for single county review committees.

In any county that has a body acting as a drug overdose fatality review committee on the effective date of this section, the board of county commissioners of that county, in lieu of having a health commissioner establish a drug overdose fatality review committee, may appoint that body to function as the drug overdose fatality review committee for the county. The body shall have the same duties, obligations, and protections as a drug overdose fatality review committee appointed by a health commissioner. The board of county commissioners or an individual designated by the board shall convene the body as required by section 307.634 of the Revised Code.

Sec. 307.632. (A) If a health commissioner of the board of health of a city or a general health district is appointed under section 307.631 of the Revised Code to establish a drug overdose fatality review committee, the commissioner shall select five members to serve on the review committee along with the commissioner. The review committee shall consist of the following:

(1) A county coroner or designee;

(2) The chief of police of a police department or the sheriff that serves the greatest population in the county or region or a designee of the chief or sheriff;

(3) A public health official or designee;

(4) The executive director of a board of alcohol, drug addiction, and mental health services or designee;

(5) A physician who holds a certificate issued pursuant to
Chapter 4731. of the Revised Code authorizing the practice of medicine and surgery or osteopathic medicine and surgery.

(B) The majority of the members of a review committee may invite additional members to serve on the committee. The additional members invited under this division shall serve for a period of time determined by a majority of the members described in division (A) of this section. An additional member shall have the same authority, duties, and responsibilities as members described in division (A) of this section.

(C) A vacancy in a drug overdose review committee shall be filled in the same manner as the original appointment.

(D) A drug overdose fatality review committee member shall not receive any compensation for, and shall not be paid for any expenses incurred pursuant to, fulfilling the member's duties on the committee unless compensation for, or payment for expenses incurred pursuant to, those duties is received pursuant to a member's regular employment.

Sec. 307.633. The purpose of a drug overdose fatality review committee established under section 307.631 of the Revised Code is to decrease the incidence of preventable overdose deaths by doing all of the following:

(A) Promoting cooperation, collaboration, and communication between all groups, professions, agencies, or entities engaged in drug abuse prevention, education, or treatment efforts;

(B) Maintaining a comprehensive database of all overdose deaths that occur in the county or region served by the review committee in order to develop an understanding of the causes and incidence of those deaths;

(C) Recommending and developing plans for implementing local service and program changes and changes to the groups,
professions, agencies, or entities that serve local residents that might prevent overdose deaths;

(D) Advising the department of health of aggregate data, trends, and patterns concerning overdose deaths.

Sec. 307.634. If a drug overdose fatality review committee is established under section 307.631 of the Revised Code, the board of county commissioners, or if a regional drug overdose fatality review committee is established, the group of health commissioners appointed to select the health commissioner to establish the regional review committee, shall designate either the health commissioner that establishes the review committee or a representative of the health commissioner to convene meetings and be the chairperson of the review committee. If a regional review committee includes a county with more than one health district, the regional review committee meeting shall be convened in that county. If more than one of the counties participating on the regional review committee has more than one health district, the person convening the meeting shall select one of the counties with more than one health district as the county in which to convene the meeting.

Sec. 307.635. A drug overdose fatality review committee may not conduct a review of a death while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney agrees to allow the review. The law enforcement agency conducting the criminal investigation, on the conclusion of the investigation, and the prosecuting attorney prosecuting the case, on the conclusion of the prosecution, shall notify the chairperson of the review committee of the conclusion.

Sec. 307.636. (A) A drug overdose fatality review committee shall establish a system for collecting and maintaining
information necessary for the review of drug overdose or opioid-involved deaths in the county or region. In an effort to ensure confidentiality, each committee shall do all of the following:

1. Maintain all records in a secure location;
2. Develop security measures to prevent unauthorized access to records containing information that could reasonably identify any person;
3. Develop a system for storing, processing, indexing, retrieving, and destroying information obtained in the course of reviewing a drug overdose or opioid-involved death.

(B) For each drug overdose or opioid-involved death reviewed by a committee, the committee shall collect all of the following:

1. Demographic information of the deceased, including age, sex, race, and ethnicity;
2. The year in which the death occurred;
3. The geographic location of the death;
4. The cause of death;
5. Any factors contributing to the death;
6. Any other information the committee considers relevant.

(C) By the first day of April of each year, the person convening a drug overdose fatality review committee shall prepare and submit to the Ohio department of health in the manner and format prescribed by the department a report that includes all of the following information for the previous calendar year:

1. The total number of drug overdose or opioid-involved deaths in the county or region;
2. The total number of drug overdose or opioid-involved deaths reviewed by the committee;
A summary of demographic information for the deaths reviewed, including age, sex, race, and ethnicity;

A summary of any trends or patterns identified by the committee.

The report shall specify the number of drug overdose or opioid-involved deaths that were not reviewed during the previous calendar year.

The report shall include recommendations for actions that might prevent other deaths, as well as any other information the review board determines should be included.

(D) Reports prepared under division (C) of this section shall be considered public records under section 149.43 of the Revised Code.

Sec. 307.637. (A) Notwithstanding section 3701.243 and any other section of the Revised Code pertaining to confidentiality, any individual, law enforcement agency, or other public or private entity that provided services to a person whose death is being reviewed by a drug overdose fatality review committee, on the request of the review committee, shall submit to the review committee a summary sheet of information.

(1) With respect to a request made to a health care entity, the summary sheet shall contain only information available and reasonably drawn from the person's medical record created by the health care entity.

(2) With respect to a request made to any other individual or entity, the summary shall contain only information available and reasonably drawn from any record involving the person that the individual or entity develops in the normal course of business.

(3) On the request of the review committee, an individual or entity may, at the individual or entity's discretion, make any
additional information, documents, or reports available to the
review committee.

(B) Notwithstanding division (A) of this section, no person, entity, law enforcement agency, or prosecuting attorney shall provide any information regarding the death of a person to a drug overdose fatality review committee while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney has agreed pursuant to section 307.635 of the Revised Code to allow review of the death.

Sec. 307.638. (A) An individual or public or private entity providing information, documents, or reports to a drug overdose fatality review committee is immune from any civil liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of providing the information, documents, or reports to the review committee.

(B) Each member of a review committee is immune from any civil liability for injury, death, or loss to person or property that might otherwise be incurred or imposed as a result of the member's participation on the review committee.

Sec. 307.639. Any information, document, or report presented to a drug overdose fatality review committee, all statements made by review committee members during meetings of the review committee, all work products of the review committee, and data submitted by the review committee to the department of health, other than the report prepared pursuant to section 307.636 of the Revised Code, are confidential and shall be used by the review committee, its members, and the department of health only in the exercise of the proper functions of the review committee and the department.

Sec. 307.984. (A) To enhance the administration, delivery,
and effectiveness of family services duties and workforce development activities, a board of county commissioners may enter into one or more regional plans of cooperation with the following:

(1) One or more other boards of county commissioners;

(2) The chief elected official or officials of one or more municipal corporations that are the type of local area areas as defined in division (A)(1) of section 6301.01 of the Revised Code;

(3) Both boards of county commissioners and such chief elected officials.

(B) A regional plan of cooperation must specify how the private and government entities included in the plan will coordinate and enhance the administration, delivery, and effectiveness of family services duties and workforce development activities.

Sec. 313.01. (A) Except as provided in division (B) of this section, a coroner shall be elected quadrennially in each county, who shall hold office for a term of four years, beginning on the first Monday of January next after election.

(B) The electors of any county may authorize the board of county commissioners to appoint, instead of electing, the coroner, in the manner provided by Chapter 314. of the Revised Code. The election of a coroner shall be eliminated in any county in which the appointment of the coroner, or the merger of the coroner's position, has been approved by the electors under that chapter.

(C) As used in the Revised Code, unless the context otherwise requires:

(1) "Coroner" means the coroner or medical examiner of the county in which death occurs or the dead human body is found.

(2) "Deputy coroner" means the deputy coroner or deputy medical examiner of the county in which death occurs or the dead
human body is found.

**Sec. 314.01.** As used in this chapter:

(A) "Appointed county officer" means a county officer who is appointed by a board of county commissioners in the manner provided by sections 314.02 to 314.05 of the Revised Code, or pursuant to a merger under sections 314.06 to 314.10 of the Revised Code.

(B) "County officer" means a coroner or a county engineer.

**Sec. 314.02.** (A) The board of county commissioners of any county may adopt, by a two-thirds vote of the board, or shall adopt, upon petition filed with the board by three per cent of the electors of the county as determined by the number of votes cast therein for the office of governor at the most recent gubernatorial election, a resolution seeking to authorize the board of county commissioners to appoint a county officer or county officers in the manner provided by this section and sections 314.03 to 314.05 of the Revised Code. The resolution shall specify the county officer or county officers to be appointed, rather than elected, and the date on which the county officer or county officers take office.

(B) The board of county commissioners shall certify the resolution to the board of elections in the county within five days after its adoption.

**Sec. 314.03.** (A)(1) The board of elections shall submit to the electors of the county the question of authorizing the board of county commissioners to appoint a county officer or county officers, at the next general election occurring not less than ninety days after the resolution adopted under section 314.02 of the Revised Code is certified to the board of elections. The board
of elections shall submit the question to the electors in language substantially as follows:

"Shall the .......... County board of county commissioners be authorized to appoint, rather than elect, the county .......... (county officer to be appointed) in the manner provided by sections 314.04 and 314.05 of the Revised Code?

( ) For the board of county commissioners appointing the county .......... (county officer to be appointed).

( ) Against the board of county commissioners appointing the county .......... (county officer to be appointed)."

(2) If the resolution certified under section 314.02 of the Revised Code specifies that more than one county officer is to be appointed, the board of elections shall submit to the electors a separate question regarding each of the county officers.

(B) Immediately following the election, the board of elections shall file a certificate of the results thereof with the secretary of state.

(C)(1) If a majority of the votes cast on the question of appointing a county officer is in the affirmative, the board of county commissioners shall appoint the county officer in the manner provided by sections 314.04 and 314.05 of the Revised Code; however, if the electors, at the same election, elected a county officer for the same position for which they approved appointment, the election results for the elected county office are void and the board of county commissioners shall appoint the county officer in the manner provided by that section.

(2) If a majority of the votes cast on the question of appointing a county officer is in the negative, that county officer shall continue to be elected.
Sec. 314.04. (A) If the appointment of a county officer is approved by the electors under section 314.03 of the Revised Code, the board of county commissioners shall make the appointment and the county officer so appointed shall take office on the first day after the expiration of the current elected county officer's term of office. The county officer shall be appointed for an indefinite term of office, but may be removed from office by a majority vote of the board of county commissioners. 

(B) A candidate for appointment shall meet the qualifications to hold the office that are required by law, as if the county officer were still elected to that office.

(C) No member of the board of county commissioners shall be eligible for appointment as a county officer until the conclusion of one year after the expiration of the member's term.

Sec. 314.05. (A) Notwithstanding section 325.01, division (A) of section 325.14, division (A) of section 325.15, and section 325.22 of the Revised Code, the board of county commissioners shall fix the salary of the appointed county officer. The salary shall be not less than the salary that the appointed county officer otherwise would have received were the officer still elected. The board shall pay the appointed county officer biweekly from the county treasury, upon the warrant of the county auditor.

(B) An appointed county officer is the county officer of the county for purposes of the Revised Code. An appointed county officer shall exercise any power, perform any function, and render any service vested by law in the elected county officer, and shall comply with all laws that apply to the elected county officer, as if the appointed county officer were still elected.

(C) Notwithstanding sections 302.09, 305.02, and 313.04 of the Revised Code, if a vacancy occurs in the office of an
appointed county officer, the vacancy shall be filled in the same
manner as provided for appointments under section 314.04 of the
Revised Code.

Sec. 314.06. (A) A question to discontinue the appointment of
a county officer or county officers may be submitted to the
electors of the county at any general election in the manner
provided for submitting the question of appointing a county
officer or county officers under sections 314.02 and 314.03 of the
Revised Code. The question submitted shall be whether the county
shall discontinue appointing a county officer or county officers,
as appropriate.

(B) Immediately following the election, the board of
elections shall file a certificate of the results thereof with the
secretary of state.

(C) If a majority of the electors of the county vote to
discontinue appointing a county officer or county officers, the
county board of elections shall publish a notice once a week for
two consecutive weeks in a newspaper of general circulation or as
provided in section 7.16 of the Revised Code, stating that the
board of elections will accept declarations of candidacy for the
county office.

Sec. 314.07. (A) A county that has an appointed county
officer may merge that officer's position, or office and position,
with the same appointed county officer position, or office and
position, in any number of adjoining counties, in the manner
provided by this section and sections 314.08 to 314.10 of the
Revised Code. Each county must approve the merger separately.

(B) The board of county commissioners of each county may
adopt, by a two-thirds vote of the board, or shall adopt, upon
petition filed with the board by three per cent of the electors of
the county as determined by the number of votes cast therein for
the office of governor at the most recent gubernatorial election.
a resolution seeking a merger. Each resolution shall specify all
of the following:

(1) The appointed county officer position being merged;

(2) The names of all of the counties that will be
participating in the merger;

(3) Which county's or counties' appointed county officer
position, or office and position, will be eliminated;

(4) The location of the appointed county officer's merged
office, if offices are merged;

(5) The minimum amount of funds, the services, and the
property to be contributed to the appointed county officer's
office by each county participating in the merger;

(6) A transition plan and schedule for the merger; and

(7) The name of the position, or office and position, of a
merged position, or office and position.

(C) Each board of county commissioners shall certify its
resolution to the board of elections in that county within five
days after its adoption.

Sec. 314.08. (A) Once every county that seeks to participate
in the merger has certified its resolution to the board of
elections of its respective county, each board of elections shall
submit to the electors of the county the question of merging
appointed county officers' positions, or offices and positions, as
designated in the resolution, at the next general election
occurring not less than ninety days after the resolution adopted
under section 314.07 of the Revised Code is certified to the board
of elections. The board of elections of each of the counties
seeking the merger shall submit the question to the electors in
language substantially as follows:

(1) If the appointed county officers' positions are to be merged:

"Shall the County of ....... merge its appointed county
officer's position of ....... (name of position) with the same
appointed county officer's position of the County (or Counties) of
....... into one position serving (both or all) of the counties,
in the manner provided by sections 314.09 and 314.10 of the
Revised Code?

( ) For adoption of the merger of the position of .......
(name of appointed county officer's position).

( ) Against adoption of the merger of the position of
....... (name of appointed county officer's position)."

(2) If both the offices and positions of appointed county
officers are to be merged:

"Shall the County of ....... merge its appointed county
officer's position of ....... (name of position) and that
officer's office with the same appointed county officer's position
and office of the County (or Counties) of ....... into one
position and office serving (both or all) of the counties, in the
manner provided by sections 314.09 and 314.10 of the Revised Code?

( ) For adoption of the merger of the position of .......
(name of appointed county officer's position) and the officer's
office.

( ) Against adoption of the merger of the position of
....... (name of appointed county officer's position) and the
officer's office."

(B) Immediately following the election, the board of
elections shall file a certificate of the results thereof with the
secretary of state.
(C)(1) If a merger is approved by a majority of those voting on it in each county, separately, the appointed county officer positions shall be merged into one position in accordance with the resolutions adopted under section 314.07 of the Revised Code. If the ballot also included a question of merging offices and the merger is so approved, the offices of the appointed county officers shall be merged into one in accordance with the resolutions adopted under section 314.07 of the Revised Code.

(2) If a merger is disapproved by a majority of those voting on it in any county, the merger shall not occur.

Sec. 314.09. (A) If a merger is approved by the electors under section 314.08 of the Revised Code, a county officer shall be appointed by vote of a majority of the county commissioners of all of the counties participating in the merger, and the county officer shall take office on the first day of January after the election. At least one county commissioner of each county participating in the merger must approve the candidate appointed. If the merger approved by the electors also merges offices, the offices shall be merged in accordance with the resolutions adopted under section 314.07 of the Revised Code. Notwithstanding sections 313.07 and 315.11 of the Revised Code, the merged office may be located outside a county participating in the merger, as long as it is located in one of the counties participating in the merger.

(B) A candidate for appointment under this section shall meet the requirements of divisions (B) and (C) of section 314.04 of the Revised Code.

(C) The county officer of the merger shall be appointed for an indefinite term of office, but may be removed from office by vote of a majority of the county commissioners of all of the counties participating in the merger.
Sec. 314.10. (A) The salary of the appointed county officer shall be as provided in division (A) of section 314.05 of the Revised Code, except that the salary shall be fixed by vote of a majority of the county commissioners of all of the counties participating in the merger.

(B) The appointed county officer of the merger is the county officer of each county participating in the merger for purposes of the Revised Code. The appointed county officer of the merger shall exercise any power, perform any function, or render any service vested by law in a county officer in all of the counties that participate in the merger, and shall comply with all laws that apply to an elected county officer, as if the appointed county officer were still elected.

(C) Notwithstanding sections 302.09, 305.02, and 313.04 of the Revised Code, if a vacancy occurs in the office of the appointed county officer of the merger, the vacancy shall be filled in the same manner as provided for appointments under section 314.09 of the Revised Code.

(D) Before the effective date of the appointment of any appointed county officer under this section, the counties shall agree on the total amount of funds to be contributed to the appointed county officer's office by each county participating in the merger. If the counties cannot agree on the total amount to be contributed, each county shall contribute at least the minimum amount of the funds specified in the resolution certified under section 314.07 of the Revised Code.

Sec. 314.11. (A) A question to discontinue a merger that was approved by the electors under section 314.08 of the Revised Code may be submitted to the electors of any county that is participating in the merger, at any general election, in the
manner provided for the submission of a merger question pursuant to that section. The question submitted shall be whether the county shall continue to participate in the merger.

(B) Immediately following the election, the board of elections shall file a certificate of the results thereof with the secretary of state.

(C) If a majority of the electors of the county vote to discontinue the merger, that county's board of county commissioners immediately shall appoint a county officer as provided by sections 314.04 and 314.05 of the Revised Code. Any other counties that participate in the merger shall continue to so participate.

(D) If the discontinuance of the merger by a county would leave only one county participating in the merger, the merger shall be dissolved, and each of the counties immediately shall appoint a county officer as provided by sections 314.04 and 314.05 of the Revised Code.

Sec. 314.12. A county that has appointed a county officer under sections 314.02 to 314.05 of the Revised Code and that is adjacent to a county participating in an existing merger that has merged that same appointed county officer position may join the existing merger in the manner provided by sections 314.07 to 314.10 of the Revised Code.

Sec. 314.13. (A) The adoption or discontinuance of appointing a county officer or of a merger under this chapter shall not affect any act done, ratified, or affirmed, or any contract or other right or obligation other than contracts for personal services, accrued or established, or any cause of action, prosecution, or proceeding, civil or criminal, pending at the time such change takes effect; nor shall the adoption or discontinuance
of appointing a county officer or of a merger affect such actions, prosecutions, or proceedings existing at the time it takes effect; but such rights shall attach to, and actions, prosecutions, or proceedings may be prosecuted and continued, or instituted and prosecuted against, by, or before the office having jurisdiction or power of the subject matter to which such action, prosecution, or proceeding pertains. All rules, regulations, and orders lawfully promulgated before such adoption or discontinuance shall continue in force and effect until amended or rescinded.

(B) On the effective date of the adoption or discontinuance of appointing a county officer or of a merger under this chapter that causes a transfer of rights, duties, and powers from one office to another, all books, records, papers, documents, property, real and personal, funds, appropriations and balances of appropriations, and pending business in any way pertaining to such rights, powers, and duties shall be similarly transferred.

Sec. 315.01. (A) Except as provided in division (B) of this section, there shall be elected quadrennially in each county a county engineer who shall assume office on the first Monday in January next after his election and shall hold such office for four years.

(B) The electors of any county may authorize the board of county commissioners to appoint, instead of electing, the county engineer, in the manner provided by Chapter 314. of the Revised Code. The election of a county engineer shall be eliminated in any county in which the appointment of the county engineer, or the merger of the county engineer's position, has been approved by the electors under that chapter.

Sec. 319.11. The county auditor shall, on or before ninety days after the close of the fiscal year, prepare a financial
report of the county for the preceding fiscal year in such form as prescribed by the auditor of state and by such date as required under section 117.38 of the Revised Code. Upon completing the report, the county auditor shall publish notice that the report has been completed and is available for public inspection at the office of the county auditor. The notice shall be published once in a newspaper of general circulation in the county. If there is no newspaper of general circulation in the county, then publication is required in the newspaper of general circulation in an adjoining county that has the largest circulation in that adjoining county. The report shall contain at least the information required by section 117.38 of the Revised Code, and a copy shall be filed with the auditor of state.

No county auditor shall fail or neglect to prepare the report or publish notice of completion of the report as required by this section.

Sec. 319.54. (A) On all moneys collected by the county treasurer on any tax duplicate of the county, other than estate tax duplicates, and on all moneys received as advance payments of personal property and classified property taxes, the county auditor, on settlement with the treasurer and tax commissioner, on or before the date prescribed by law for such settlement or any lawful extension of such date, shall be allowed as compensation for the county auditor's services the following percentages:

(1) On the first one hundred thousand dollars, two and one-half per cent;

(2) On the next two million dollars, eight thousand three hundred eighteen ten-thousandths of one per cent;

(3) On the next two million dollars, six thousand six hundred fifty-five ten-thousandths of one per cent;
(4) On all further sums, one thousand six hundred sixty-three ten-thousandths of one per cent.

If any settlement is not made on or before the date prescribed by law for such settlement or any lawful extension of such date, the aggregate compensation allowed to the auditor shall be reduced one per cent for each day such settlement is delayed after the prescribed date. No penalty shall apply if the auditor and treasurer grant all requests for advances up to ninety percent of the settlement pursuant to section 321.34 of the Revised Code. The compensation allowed in accordance with this section on settlements made before the dates prescribed by law, or the reduced compensation allowed in accordance with this section on settlements made after the date prescribed by law or any lawful extension of such date, shall be apportioned ratably by the auditor and deducted from the shares or portions of the revenue payable to the state as well as to the county, townships, municipal corporations, and school districts.

(B) For the purpose of reimbursing county auditors for the expenses associated with the increased number of applications for reductions in real property taxes under sections 323.152 and 4503.065 of the Revised Code that result from the amendment of those sections by Am. Sub. H.B. 119 of the 127th general assembly, there shall be paid from the state's general revenue fund to the county treasury, to the credit of the real estate assessment fund created by section 325.31 of the Revised Code, an amount equal to one per cent of the total annual amount of property tax relief reimbursement paid to that county under sections 323.156 and 4503.068 of the Revised Code for the preceding tax year. Payments made under this division shall be made at the same times and in the same manner as payments made under section 323.156 of the Revised Code.

(C) From all moneys collected by the county treasurer on any
tax duplicate of the county, other than estate tax duplicates, and on all moneys received as advance payments of personal property and classified property taxes, there shall be paid into the county treasury to the credit of the real estate assessment fund created by section 325.31 of the Revised Code, an amount to be determined by the county auditor, which shall not exceed the percentages prescribed in divisions (C)(1) and (2) of this section.

(1) For payments made after June 30, 2007, and before 2011, the following percentages:

(a) On the first five hundred thousand dollars, four per cent;

(b) On the next five million dollars, two per cent;

(c) On the next five million dollars, one per cent;

(d) On all further sums not exceeding one hundred fifty million dollars, three-quarters of one per cent;

(e) On amounts exceeding one hundred fifty million dollars, five hundred eighty-five thousandths of one per cent.

(2) For payments made in or after 2011, the following percentages:

(a) On the first five hundred thousand dollars, four per cent;

(b) On the next ten million dollars, two per cent;

(c) On amounts exceeding ten million five hundred thousand dollars, three-fourths of one per cent.

Such compensation shall be apportioned ratably by the auditor and deducted from the shares or portions of the revenue payable to the state as well as to the county, townships, municipal corporations, and school districts.

(D) Each county auditor shall receive four per cent of the
amount of tax collected and paid into the county treasury, on property omitted and placed by the county auditor on the tax duplicate.

  (E) On all estate tax moneys collected by the county treasurer, the county auditor, on settlement semiannually annually with the tax commissioner, shall be allowed, as compensation for the auditor's services under Chapter 5731. of the Revised Code, the following percentages:

    (1) Four per cent on the first one hundred thousand dollars;

    (2) One-half of one per cent on all additional sums.

    Such percentages shall be computed upon the amount collected and reported at each semiannual annual settlement, and shall be for the use of the general fund of the county.

  (F) On all cigarette license moneys collected by the county treasurer, the county auditor, on settlement semiannually with the treasurer, shall be allowed as compensation for the auditor's services in the issuing of such licenses one-half of one per cent of such moneys, to be apportioned ratably and deducted from the shares of the revenue payable to the county and subdivisions, for the use of the general fund of the county.

  (G) The county auditor shall charge and receive fees as follows:

    (1) For deeds of land sold for taxes to be paid by the purchaser, five dollars;

    (2) For the transfer or entry of land, lot, or part of lot, or the transfer or entry on or after January 1, 2000, of a used manufactured home or mobile home as defined in section 5739.0210 of the Revised Code, fifty cents for each transfer or entry, to be paid by the person requiring it;

    (3) For receiving statements of value and administering
section 319.202 of the Revised Code, one dollar, or ten cents for
each one hundred dollars or fraction of one hundred dollars,
whichever is greater, of the value of the real property
transferred or, for sales occurring on or after January 1, 2000,
the value of the used manufactured home or used mobile home, as
defined in section 5739.0210 of the Revised Code, transferred,
except no fee shall be charged when the transfer is made:

(a) To or from the United States, this state, or any
instrumentality, agency, or political subdivision of the United
States or this state;

(b) Solely in order to provide or release security for a debt
or obligation;

(c) To confirm or correct a deed previously executed and
recorded or when a current owner on any record made available to
the general public on the internet or a publicly accessible
database and the general tax list of real and public utility
property and the general duplicate of real and public utility
property is a peace officer, parole officer, prosecuting attorney,
assistant prosecuting attorney, correctional employee, youth
services employee, firefighter, EMT, or investigator of the bureau
of criminal identification and investigation and is changing the
current owner name listed on any record made available to the
general public on the internet or a publicly accessible database
and the general tax list of real and public utility property and
the general duplicate of real and public utility property to the
initials of the current owner as prescribed in division (B)(1) of
section 319.28 of the Revised Code;

(d) To evidence a gift, in trust or otherwise and whether
revocable or irrevocable, between husband and wife, or parent and
child or the spouse of either;

(e) On sale for delinquent taxes or assessments;
(f) Pursuant to court order, to the extent that such transfer is not the result of a sale effected or completed pursuant to such order;

(g) Pursuant to a reorganization of corporations or unincorporated associations or pursuant to the dissolution of a corporation, to the extent that the corporation conveys the property to a stockholder as a distribution in kind of the corporation's assets in exchange for the stockholder's shares in the dissolved corporation;

(h) By a subsidiary corporation to its parent corporation for no consideration, nominal consideration, or in sole consideration of the cancellation or surrender of the subsidiary's stock;

(i) By lease, whether or not it extends to mineral or mineral rights, unless the lease is for a term of years renewable forever;

(j) When the value of the real property or the manufactured or mobile home or the value of the interest that is conveyed does not exceed one hundred dollars;

(k) Of an occupied residential property, including a manufactured or mobile home, being transferred to the builder of a new residence or to the dealer of a new manufactured or mobile home when the former residence is traded as part of the consideration for the new residence or new manufactured or mobile home;

(l) To a grantee other than a dealer in real property or in manufactured or mobile homes, solely for the purpose of, and as a step in, the prompt sale of the real property or manufactured or mobile home to others;

(m) To or from a person when no money or other valuable and tangible consideration readily convertible into money is paid or to be paid for the real estate or manufactured or mobile home and the transaction is not a gift;
(n) Pursuant to division (B) of section 317.22 of the Revised Code, or section 2113.61 of the Revised Code, between spouses or to a surviving spouse pursuant to section 5302.17 of the Revised Code as it existed prior to April 4, 1985, between persons pursuant to section 5302.17 or 5302.18 of the Revised Code on or after April 4, 1985, to a person who is a surviving, survivorship tenant pursuant to section 5302.17 of the Revised Code on or after April 4, 1985, or pursuant to section 5309.45 of the Revised Code;

(o) To a trustee acting on behalf of minor children of the deceased;

(p) Of an easement or right-of-way when the value of the interest conveyed does not exceed one thousand dollars;

(q) Of property sold to a surviving spouse pursuant to section 2106.16 of the Revised Code;

(r) To or from an organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such transfer is without consideration and is in furtherance of the charitable or public purposes of such organization;

(s) Among the heirs at law or devisees, including a surviving spouse, of a common decedent, when no consideration in money is paid or to be paid for the real property or manufactured or mobile home;

(t) To a trustee of a trust, when the grantor of the trust has reserved an unlimited power to revoke the trust;

(u) To the grantor of a trust by a trustee of the trust, when the transfer is made to the grantor pursuant to the exercise of the grantor's power to revoke the trust or to withdraw trust assets;

(v) To the beneficiaries of a trust if the fee was paid on
the transfer from the grantor of the trust to the trustee or if
the transfer is made pursuant to trust provisions which became
irrevocable at the death of the grantor;

(w) To a corporation for incorporation into a sports facility
constructed pursuant to section 307.696 of the Revised Code;

(x) Between persons pursuant to section 5302.18 of the
Revised Code;

(y) From a county land reutilization corporation organized
under Chapter 1724. of the Revised Code, or its wholly owned
subsidiary, to a third party.

(4) For the cost of publishing the delinquent manufactured
home tax list, the delinquent tax list, and the delinquent vacant
land tax list, a flat fee, as determined by the county auditor, to
be charged to the owner of a home on the delinquent manufactured
home tax list or the property owner of land on the delinquent tax
list or the delinquent vacant land tax list.

The auditor shall compute and collect the fee. The auditor
shall maintain a numbered receipt system, as prescribed by the tax
commissioner, and use such receipt system to provide a receipt to
each person paying a fee. The auditor shall deposit the receipts
of the fees on conveyances in the county treasury daily to the
credit of the general fund of the county, except that fees charged
and received under division (G)(3) of this section for a transfer
of real property to a county land reutilization corporation shall
be credited to the county land reutilization corporation fund
established under section 321.263 of the Revised Code.

The real property transfer fee provided for in division
(G)(3) of this section shall be applicable to any conveyance of
real property presented to the auditor on or after January 1,
1968, regardless of its time of execution or delivery.

The transfer fee for a used manufactured home or used mobile
home shall be computed by and paid to the county auditor of the county in which the home is located immediately prior to the transfer.

**Sec. 321.27.** (A) On settlement semiannually annually with the county auditor, the county treasurer shall be allowed as fees on all moneys collected by him the treasurer on inheritance estate tax duplicates, the following percentages: three per cent on the first one hundred thousand dollars; two per cent on the next one hundred thousand dollars; five tenths per cent on all additional sums. Such percentages shall be computed upon the amount collected and reported at each semiannual annual settlement, and shall be for the use of the general fund of the county.

(B) On such settlement semiannually with the county auditor, the county treasurer shall also be allowed as fees on all cigarette license moneys collected by him the treasurer one-half per cent on the amount received, to be paid upon the warrant of the auditor and by him apportioned ratably and deducted from the shares of revenue payable to the county and subdivisions of the county under section 5743.15 of the Revised Code, for the use of the general fund of the county.

**Sec. 323.01.** Except as otherwise provided, as used in Chapter 323. of the Revised Code:

(A) "Subdivision" means any county, township, school district, or municipal corporation.

(B) "Municipal corporation" includes charter municipalities.

(C) "Taxes" means the total amount of all charges against an entry appearing on a tax list and the duplicate thereof that was prepared and certified in accordance with section 319.28 of the Revised Code, including taxes levied against real estate; taxes on property whose value is certified pursuant to section 5727.23 of
the Revised Code; recoupment charges applied pursuant to section 5713.35 of the Revised Code; all assessments; penalties and interest charged pursuant to section 323.121 of the Revised Code; charges added pursuant to section 319.35 of the Revised Code; and all of such charges which remain unpaid from any previous tax year.

(D) "Current taxes" means all taxes charged against an entry on the general tax list and duplicate of real and public utility property that have not appeared on such list and duplicate for any prior tax year and any penalty thereon charged by division (A) of section 323.121 of the Revised Code. Current taxes, whether or not they have been certified delinquent, become delinquent taxes if they remain unpaid after the last day prescribed for payment of the second installment of current taxes without penalty.

(E) "Delinquent taxes" means:

(1) Any taxes charged against an entry on the general tax list and duplicate of real and public utility property that were charged against an entry on such list and duplicate for a prior tax year and any penalties and interest charged against such taxes.

(2) Any current taxes charged on the general tax list and duplicate of real and public utility property that remain unpaid after the last day prescribed for payment of the second installment of such taxes without penalty, whether or not they have been certified delinquent, and any penalties and interest charged against such taxes.

(F) "Current tax year" means, with respect to particular taxes, the calendar year in which the first installment of taxes is due prior to any extension granted under section 323.17 of the Revised Code.

(G) "Liquidated claim" means:
(1) Any sum of money due and payable, upon a written contractual obligation executed between the subdivision and the taxpayer, but excluding any amount due on general and special assessment bonds and notes;

(2) Any sum of money due and payable, for disability financial assistance provided under Chapter 5115 of the Revised Code that is furnished to or in behalf of a subdivision, provided that such claim is recognized by a resolution or ordinance of the legislative body of such subdivision;

(3) Any sum of money advanced and paid to or received and used by a subdivision, pursuant to a resolution or ordinance of such subdivision or its predecessor in interest, and the moral obligation to repay which sum, when in funds, shall be recognized by resolution or ordinance by the subdivision.

Sec. 323.32. As used in this section, "railroad note" means a note issued pursuant to a court order in the reorganization of a railroad company under section 77 of the Bankruptcy Act.

Notwithstanding any other provision of law to the contrary, with respect to all payments received in settlement of claims arising from delinquent property tax charges and ordered to be paid by a railroad company under a plan of reorganization as ordered by a federal district court in accordance with provisions of Chapter VIII of the "Federal Bankruptcy Act," 11 U.S.C.A. 201-208, the following provisions shall apply:

(A) Except as provided in division (H) of this section, all of such payments shall be made payable, and delivered, to the county in which the taxing district sharing in a claim for delinquent taxes is located. Any notes included in such payment shall be issued to such county treasurer, who shall be the custodian of all of said notes, and who shall be liable therefor upon his bond until such time as said notes...
mature, are sold, or otherwise lawfully pass from his the treasurer's custody.

(B) Upon receipt of a payment by cash or check, the county treasurer shall immediately cause such funds to be paid into the county treasury and credited to a special fund established for this purpose, which shall be known as the "undivided bankruptcy claims fund." All of such moneys so received, including any earned interest, shall be credited to said fund.

(C) When the total claim for each county has been satisfied by the receipt of cash or notes, or both, the county auditor shall remit from the tax list and duplicate of real and public utility property in each county, all charges appearing thereon in the name of the railroad company for which such payment has been made, which are delinquent and unpaid from any year previous to the tax year 1977.

(D) At any time that funds are present in the undivided bankruptcy claims fund, either upon initial settlement or at any later time, the county auditor shall, forthwith, distribute by auditors' warrant, such funds to the various taxing districts of the county, in which the property taxes, from which the claim in bankruptcy has derived, were originally charged. The funds so distributed shall be apportioned among the various taxing authorities within each taxing district in the same proportions as the said taxes were originally levied, taking into account the various rates of taxation levied for different purposes for each year in which such taxes were charged and remained unpaid, and any unpaid special assessments, including compound interest thereon at the rate of six per cent per annum to January 1, 1978.

In making such distribution, the auditor shall, first, deduct an amount equal to one per cent of the total amount to be distributed, as fees for services of the county auditor and treasurer in making collection and distribution of the claim in
bankruptcy. Such deduction shall be in lieu of all fees provided for in sections 319.54 and 321.26 of the Revised Code. The amount so deducted shall be credited to the general fund of the county.

If any funds received pursuant to this section represent taxes which, if collected, would have resulted from any general or emergency levy which has since expired, such funds may be credited to the general operating fund and expended as though they are proceeds from a current levy, and if any of such funds represent taxes from any current general bond retirement levy or one which has since expired, said funds may be credited to the current bond retirement fund and used to service any current bond indebtedness, or may be credited to the general operating fund of the district, if so designated by a majority of the members of the taxing authority of the taxing district.

(E) Except as provided in division (H) of this section, when, as a part of the settlement of a claim in bankruptcy of a reorganized railroad company a county receives notes on behalf of a taxing authority in partial payment of said claim, the county treasurer shall, within a reasonable length of time, notify the taxing authority of each taxing district sharing in the claim that such notes are in his the treasurer's custody. Within sixty days of receipt of such notice, each taxing authority shall decide by a resolution approved by a majority of its members whether:

(1) The notes shall remain in custody of the county treasurer, as issued, and allowed to mature according to the terms presented on their face with the proceeds to be distributed upon maturity pursuant to division (D) of this section; or

(2) The railroad notes shall be exchanged for several new notes in denominations equal to the proportionate share, or portion thereof, of the taxing district having a share in the claim in bankruptcy as determined in division (D) of this section. The new notes shall be distributed, upon receipt, to each taxing authority of the taxing district.
authority in full satisfaction of its claim or in full satisfaction of the portion of its claim represented by the notes so received. If notes cannot be issued in denominations equal to the taxing district's proportionate share, the treasurer shall certify to the taxing authority of the district the amount of notes held by the treasurer on behalf of the district and for which notes cannot be issued pursuant to the taxing authority's decision under this subdivision. Upon receipt of such certification, the taxing authority may borrow money and issue notes against such certification in the same manner as is provided by division (F) of this section.

If a taxing authority elects the option provided under division (E)(1) of this section, it may at any subsequent time elect instead the option provided under division (E)(2) of this section by resolution approved by a majority of its members. The election of the option provided under division (E)(2) of this section becomes final upon receipt by the taxing authority of the new notes or certification distributed by the county treasurer under such division.

Each taxing authority shall certify a copy of any resolution adopted under this division to the county treasurer who shall take appropriate action as directed by each taxing authority.

(F) A taxing authority having possession of any railroad note or a treasurer's certification issued under division (E)(2) of this section may, by approval of a majority of its members, borrow money and issue its note in anticipation of the revenue payable on maturity of the railroad note and pledge the railroad note or the proceeds thereof. Such anticipation note shall mature no later than the railroad note and shall be in an amount no greater than seventy per cent of the face amount of said railroad note. By like action a taxing authority may sell any railroad note in its possession at public or private offering for not less than the
prevailing market price. Such a sale or borrowing shall be exempt from all other requirements and limitations of the Revised Code, including the requirements of the Uniform Bond Law.

(1) If a taxing authority desires to issue delinquent tax bonds pursuant to section 131.23 of the Revised Code prior to either receipt of any payment from a railroad in bankruptcy or utilization of the authority granted in this section, the taxing authority may determine whether or not the net amount of delinquent taxes unpledged for purposes of division (B)(6)(5) of section 131.23 of the Revised Code shall include all or part of the delinquent taxes owed by a railroad, or, if notes have been received pursuant to this section, the unpaid principal amount of such notes. If the taxing authority determines that any such railroad delinquencies or note amount shall be included under section 131.23 of the Revised Code, the amount which may be borrowed pursuant to this section may not exceed seventy per cent of the total face amount of railroad notes remaining after deducting the amount so included.

(2) If a taxing authority desires to issue delinquent tax bonds pursuant to section 131.23 of the Revised Code after utilization of the authority granted in this section, the net amount of delinquent taxes unpledged for purposes of division (B)(6)(5) of section 131.23 of the Revised Code may not include the principal amount of railroad notes which have been borrowed against or sold pursuant to this section.

(G) When a taxing authority receives a railroad note, the face amount of such note shall not be considered as revenue for any purpose in the year in which the note is received. Upon sale or maturity of the note, any proceeds not pledged pursuant to division (F) of this section shall be considered as unanticipated revenue from a new source and all of the provisions of law pertaining to such revenue, including section 5705.36 of the
Revised Code, shall apply.

(H) When there are present in a county nonrepresented taxing districts as provided in amended substitute house bill 336 of the 112th general assembly, all of the provisions of this section shall apply to such districts, except as follows:

(1) Payments by cash or check may be made payable, and delivered, directly to the treasurer of the taxing district. Any notes included in the settlement of the district's claim may be issued, and delivered, directly to said treasurer.

Upon receipt of any of such payments, the treasurer of the taxing district shall certify, to the county treasurer of the county in which the district is located, the fact of such receipt and the amounts so received.

(2) If the claim of a nonrepresented taxing district is not paid directly to the treasurer of the district but is included with payments for the remainder of the county, cash payments included in the initial settlement shall be distributed as provided in divisions (B) and (D) of this section. Any notes received as payment shall be exchanged and distributed to nonrepresented taxing districts upon receipt.

Sec. 329.03. (A) As used in this section, "applicant" or "recipient" means any either of the following:

(1) An applicant for or participant in the Ohio works first program established under Chapter 5107. of the Revised Code;

(2) An applicant for or recipient of disability financial assistance under Chapter 5115. of the Revised Code;

(3) An applicant for or recipient of cash assistance provided under the refugee assistance program established under section 5101.49 of the Revised Code.

(B) Each county department of job and family services shall
establish a direct deposit system under which cash assistance payments to recipients who agree to direct deposit are made by electronic transfer to an account in a financial institution designated under this section. No financial institution shall impose any charge for such an account that the institution does not impose on its other customers for the same type of account. Direct deposit does not affect the exemption of Ohio works first and disability financial assistance from attachment, garnishment, or other like process afforded by sections section 5107.75 and 5115.06 of the Revised Code.

(C) Each county department of job and family services shall do all of the following:

(1) Inform each applicant or recipient that the applicant or recipient must choose whether to receive cash assistance payments under the direct deposit system established under this section or under the electronic benefit transfer system established under section 5101.33 of the Revised Code;

(2) Inform each applicant and recipient of the conditions under which the applicant or recipient may change the system used to receive the cash assistance payments;

(3) Inform each applicant or recipient of the procedures governing the direct deposit system;

(4) If an applicant or recipient chooses to receive cash assistance payments under the direct deposit system, obtain from the applicant or recipient an authorization form to designate a financial institution equipped for and authorized by law to accept direct deposits by electronic transfer and the account into which the applicant or recipient wishes the payments to be made;

(5) If an applicant or recipient chooses to receive cash assistance payments under the electronic benefit transfer system established under section 5101.33 of the Revised Code, obtain from
the applicant or recipient a signed form to that effect.

The department may require a recipient to complete a new authorization form whenever the department considers it necessary.

A recipient's designation of a financial institution and account shall remain in effect until withdrawn in writing or dishonored by the financial institution, except that no change may be made in the authorization form until the next eligibility redetermination of the recipient unless the county department determines that good cause exists for an earlier change or the financial institution dishonors the recipient's account.

(D) An applicant or recipient without an account who completes an authorization form to receive cash assistance payments by direct deposit shall have ten days after receiving the authorization form to designate an account suitable for direct deposit. If within the required time the applicant or recipient does not make the designation, the recipient shall receive cash assistance payments under the electronic benefit transfer system established under section 5101.33 of the Revised Code.

(E) The director of job and family services may adopt rules governing direct deposit systems established under this section.

Sec. 329.04. (A) The county department of job and family services shall have, exercise, and perform the following powers and duties:

(1) Perform any duties assigned by the state department of job and family services or department of medicaid regarding the provision of public family services, including the provision of the following services to prevent or reduce economic or personal dependency and to strengthen family life:

(a) Services authorized by a Title IV-A program, as defined in section 5101.80 of the Revised Code;
(b) Social services authorized by Title XX of the "Social Security Act" and provided for by section 5101.46 or 5101.461 of the Revised Code;

c) If the county department is designated as the child support enforcement agency, services authorized by Title IV-D of the "Social Security Act" and provided for by Chapter 3125. of the Revised Code. The county department may perform the services itself or contract with other government entities, and, pursuant to division (C) of section 2301.35 and section 2301.42 of the Revised Code, private entities, to perform the Title IV-D services.

d) Duties assigned under section 5162.031 of the Revised Code.

(2) Administer disability financial assistance, as required by the state department of job and family services under section 5115.03 of the Revised Code;

(3) Administer burials insofar as the administration of burials was, prior to September 12, 1947, imposed upon the board of county commissioners and if otherwise required by state law;

(4) Cooperate with state and federal authorities in any matter relating to family services and to act as the agent of such authorities;

(5) Submit an annual account of its work and expenses to the board of county commissioners and to the state department of job and family services and department of medicaid at the close of each fiscal year;

(6) Exercise any powers and duties relating to family services duties or workforce development activities imposed upon the county department of job and family services by law, by resolution of the board of county commissioners, or by order of the governor, when authorized by law, to meet emergencies during
war or peace;

(7) Enter into a plan of cooperation with the board of county commissioners under section 307.983, consult with the board in the development of the transportation work plan developed under section 307.985, establish with the board procedures under section 307.986 for providing services to children whose families relocate frequently, and comply with the contracts the board enters into under sections 307.981 and 307.982 of the Revised Code that affect the county department;

(8) For the purpose of complying with a grant agreement the board of county commissioners enters into under sections 307.98 and 5101.21 of the Revised Code, exercise the powers and perform the duties the grant agreement assigns to the county department;

(9) If the county department is designated as the workforce development agency, provide the workforce development activities specified in the contract required by section 330.05 of the Revised Code.

(B) The powers and duties of a county department of job and family services are, and shall be exercised and performed, under the control and direction of the board of county commissioners. The board may assign to the county department any power or duty of the board regarding family services duties and workforce development activities. If the new power or duty necessitates the state department of job and family services or department of medicaid changing its federal cost allocation plan, the county department may not implement the power or duty unless the United States department of health and human services approves the changes.

Sec. 329.051. The county department of job and family services shall make voter registration applications as prescribed by the secretary of state under section 3503.10 of the Revised Code.
Code available to persons who are applying for, receiving assistance from, or participating in any of the following:

(A) The disability financial assistance program established under Chapter 5115. of the Revised Code;

(B) The medicaid program;

(C) The Ohio works first program established under Chapter 5107. of the Revised Code;

(D) The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code.

Sec. 329.06. (A) Except as provided in division (C) of this section and section 6301.08 of the Revised Code, the board of county commissioners shall establish a county family services planning committee. The board shall appoint a member to represent the county department of job and family services; an employee in the classified civil service of the county department of job and family services, if there are any such employees; and a member to represent the public. The board shall appoint other individuals to the committee in such a manner that the committee's membership is broadly representative of the groups of individuals and the public and private entities that have an interest in the family services provided in the county. The board shall make appointments in a manner that reflects the ethnic and racial composition of the county. The following groups and entities may be represented on the committee:

(1) Consumers of family services;

(2) The public children services agency;

(3) The child support enforcement agency;

(4) The county family and children first council;

(5) Public and private colleges and universities;
(6) Public entities that provide family services, including boards of health, boards of education, the county board of developmental disabilities, and the board of alcohol, drug addiction, and mental health services that serves the county;

(7) Private nonprofit and for-profit entities that provide family services in the county or that advocate for consumers of family services in the county, including entities that provide services to or advocate for victims of domestic violence;

(8) Labor organizations;

(9) Any other group or entity that has an interest in the family services provided in the county, including groups or entities that represent any of the county’s business, urban, and rural sectors.

(B) The county family services planning committee shall do all of the following:

(1) Serve as an advisory body to the board of county commissioners with regard to the family services provided in the county, including assistance under Chapters 5107. and 5108. of the Revised Code, publicly funded child care under Chapter 5104. of the Revised Code, and social services provided under section 5101.46 of the Revised Code;

(2) At least once a year, review and analyze the county department of job and family services' implementation of the programs established under Chapters 5107. and 5108. of the Revised Code. In its review, the committee shall use information available to it to examine all of the following:

(a) Return of assistance groups to participation in either program after ceasing to participate;

(b) Teen pregnancy rates among the programs' participants;

(c) The other types of assistance the programs' participants
receive, including medicaid, publicly funded child care under Chapter 5104. of the Revised Code, supplemental nutrition assistance program benefits under section 5101.54 of the Revised Code, and energy assistance under Chapter 5117. of the Revised Code;

(d) Other issues the committee considers appropriate.

The committee shall make recommendations to the board of county commissioners and county department of job and family services regarding the committee's findings.

(3) Conduct public hearings on proposed county profiles for the provision of social services under section 5101.46 of the Revised Code;

(4) At the request of the board, make recommendations and provide assistance regarding the family services provided in the county;

(5) At any other time the committee considers appropriate, consult with the board and make recommendations regarding the family services provided in the county. The committee's recommendations may address the following:

(a) Implementation and administration of family service programs;

(b) Use of federal, state, and local funds available for family service programs;

(c) Establishment of goals to be achieved by family service programs;

(d) Evaluation of the outcomes of family service programs;

(e) Any other matter the board considers relevant to the provision of family services.

(C) If there is a committee in existence in a county on October 1, 1997, that the board of county commissioners determines
is capable of fulfilling the responsibilities of a county family
services planning committee, the board may designate the committee
as the county's family services planning committee and the
committee shall serve in that capacity.

Sec. 340.03. (A) Subject to rules issued by the director of
mental health and addiction services after consultation with
relevant constituencies as required by division (A)(10) of section
5119.21 of the Revised Code, the board of alcohol, drug addiction,
and mental health services shall:

(1) Serve as the community addiction and mental health
services planning agency for the county or counties under its
jurisdiction, and in so doing it shall:

(a) Evaluate the need for facilities and community addiction
and mental health services;

(b) In cooperation with other local and regional planning and
funding bodies and with relevant ethnic organizations, assess the
community addiction and mental health needs, evaluate strengths
and challenges, and set priorities for community addiction and
mental health services, including treatment and prevention. When
the board sets priorities for the operation of addiction services,
the board shall consult with the county commissioners of the
counties in the board's service district regarding the services
described in section 340.15 of the Revised Code and shall give
priority to those services, except that those services shall not
have a priority over services provided to pregnant women under
programs developed in relation to the mandate established in
section 5119.17 of the Revised Code;

(c) In accordance with guidelines issued by the director of
mental health and addiction services after consultation with board
representatives, annually develop and submit to the department of
mental health and addiction services a community addiction and
mental health services plan listing community addiction and mental health services needs, including the needs of all residents of the district currently receiving inpatient services in state-operated hospitals, the needs of other populations as required by state or federal law or programs, and the needs of all children subject to a determination made pursuant to section 121.38 of the Revised Code, and priorities for facilities and community addiction and mental health services during the period for which the plan will be in effect.

In alcohol, drug addiction, and mental health service districts that have separate alcohol and drug addiction services and community mental health boards, the alcohol and drug addiction services board shall submit a community addiction services plan and the community mental health board shall submit a community mental health services plan. Each board shall consult with its counterpart in developing its plan and address the interaction between the local addiction services and mental health services systems and populations with regard to needs and priorities in developing its plan.

The department shall approve or disapprove the plan, in whole or in part, according to the criteria developed pursuant to section 5119.22 of the Revised Code. Eligibility for state and federal funding shall be contingent upon an approved plan or relevant part of a plan.

If a board determines that it is necessary to amend a plan that has been approved under this division, the board shall submit a proposed amendment to the director. The director may approve or disapprove all or part of the amendment. The director shall inform the board of the reasons for disapproval of all or part of an amendment and of the criteria that must be met before the amendment may be approved. The director shall provide the board an opportunity to present its case on behalf of the amendment.
director shall give the board a reasonable time in which to meet
the criteria, and shall offer the board technical assistance to
help it meet the criteria.

The board shall operate in accordance with the plan approved
by the department.

(d) Promote, arrange, and implement working agreements with
social agencies, both public and private, and with judicial
agencies.

(2) Investigate, or request another agency to investigate, any
complaint alleging abuse or neglect of any person receiving
services from a community addiction or mental health services
provider or alleging abuse or neglect of a resident receiving
addiction services or with mental illness or severe mental
disability residing in a residential facility licensed under
section 5119.34 of the Revised Code. If the investigation
substantiates the charge of abuse or neglect, the board shall take
whatever action it determines is necessary to correct the
situation, including notification of the appropriate authorities.
Upon request, the board shall provide information about such
investigations to the department.

(3) For the purpose of section 5119.36 of the Revised Code, cooperate with the director of mental health and addiction
services in visiting and evaluating whether the addiction or
mental health services of a community addiction or mental health
services provider satisfy the certification standards established
by rules adopted under that section;

(4) In accordance with criteria established under division (E) of section 5119.22 of the Revised Code, conduct program audits
that review and evaluate the quality, effectiveness, and
efficiency of addiction and mental health services provided
through its community addiction and mental health services
providers and submit its findings and recommendations to the

department of mental health and addiction services;

(5) In accordance with section 5119.34 of the Revised Code,
review an application for a residential facility license and
provide to the department of mental health and addiction services
any information about the applicant or facility that the board
would like the department to consider in reviewing the
application;

(6) Audit, in accordance with rules adopted by the auditor of
state pursuant to section 117.20 of the Revised Code, at least
annually all programs and services provided under contract with
the board. In so doing, the board may contract for or employ the
services of private auditors. A copy of the fiscal audit report
shall be provided to the director of mental health and addiction
services, the auditor of state, and the county auditor of each
county in the board's district.

(7) Recruit and promote local financial support for addiction
and mental health services from private and public sources;

(8)(a) Enter into contracts with public and private
facilities for the operation of facility services and enter into
contracts with public and private community addiction and mental
health services providers for the provision of addiction and
mental health services. The board may not contract with a
residential facility subject to section 5119.34 of the Revised
Code unless the facility is licensed by the director of mental
health and addiction services. The board may not contract with a
community addiction or mental health services provider to provide
addiction or mental health services unless the services are
certified by the director of mental health and addiction services
under section 5119.36 of the Revised Code. Section 307.86 of the
Revised Code does not apply to contracts entered into under this
division. In contracting with a community addiction or mental
health services provider, a board shall consider the cost
effectiveness of addiction or mental health services provided by
that provider and the quality and continuity of care, and may
review cost elements, including salary costs, of the services to
be provided. A utilization review process may be established as
part of the contract for services entered into between a board and
a community addiction or mental health services provider. The
board may establish this process in a way that is most effective
and efficient in meeting local needs.

If either the board or a facility or community addiction or
mental health services provider with which the board contracts
under this division proposes not to renew the contract or proposes
substantial changes in contract terms, the other party shall be
given written notice at least one hundred twenty days before the
expiration date of the contract. During the first sixty days of
this one hundred twenty-day period, both parties shall attempt to
resolve any dispute through good faith collaboration and
negotiation in order to continue to provide services to persons in
need. If the dispute has not been resolved sixty days before the
expiration date of the contract, either party may notify the
department of mental health and addiction services of the
unresolved dispute. The director may require both parties to
submit the dispute to a third party with the cost to be shared by
the board and the facility or provider. The third party shall
issue to the board, the facility or provider, and the department
recommendations on how the dispute may be resolved twenty days
prior to the expiration date of the contract, unless both parties
agree to a time extension. The director shall adopt rules
establishing the procedures of this dispute resolution process.

(b) With the prior approval of the director of mental health
and addiction services, a board may operate a facility or provide
an addiction or mental health service as follows, if there is no
other qualified private or public facility or community addiction
or mental health services provider that is immediately available
and willing to operate such a facility or provide the service:

(i) In an emergency situation, any board may operate a
facility or provide an addiction or mental health service in order
to provide essential services for the duration of the emergency.

(ii) In a service district with a population of at least one
hundred thousand but less than five hundred thousand, a board may
operate a facility or provide an addiction or mental health
service for no longer than one year.

(iii) In a service district with a population of less than
one hundred thousand, a board may operate a facility or provide an
addiction or mental health service for no longer than one year,
except that such a board may operate a facility or provide an
addiction or mental health service for more than one year with the
prior approval of the director and the prior approval of the board
of county commissioners, or of a majority of the boards of county
commissioners if the district is a joint-county district.

The director shall not give a board approval to operate a
facility or provide an addiction or mental health service under
division (A)(8)(b)(ii) or (iii) of this section unless the
director determines that it is not feasible to have the department
operate the facility or provide the service.

The director shall not give a board approval to operate a
facility or provide an addiction or mental health service under
division (A)(8)(b)(iii) of this section unless the director
determines that the board will provide greater administrative
efficiency and more or better services than would be available if
the board contracted with a private or public facility or
community addiction or mental health services provider.

The director shall not give a board approval to operate a
facility previously operated by a person or other government entity unless the board has established to the director's satisfaction that the person or other government entity cannot effectively operate the facility or that the person or other government entity has requested the board to take over operation of the facility. The director shall not give a board approval to provide an addiction or mental health service previously provided by a community addiction or mental health services provider unless the board has established to the director's satisfaction that the provider cannot effectively provide the service or that the provider has requested the board take over providing the service.

The director shall review and evaluate a board's operation of a facility and provision of addiction or mental health services under division (A)(8)(b) of this section.

Nothing in division (A)(8)(b) of this section authorizes a board to administer or direct the daily operation of any facility or community addiction or mental health services provider, but a facility or provider may contract with a board to receive administrative services or staff direction from the board under the direction of the governing body of the facility or provider.

(9) Approve fee schedules and related charges or adopt a unit cost schedule or other methods of payment for contract services provided by community addiction or mental health services providers in accordance with guidelines issued by the department as necessary to comply with state and federal laws pertaining to financial assistance;

(10) Submit to the director and the county commissioners of the county or counties served by the board, and make available to the public, an annual report of the services under the jurisdiction of the board, including a fiscal accounting;

(11) Establish, to the extent resources are available, a
continuum of care that provides for prevention, treatment, support, and rehabilitation services and opportunities. The essential elements of the continuum of care shall include the following components:

(a) To locate persons in need of addiction or mental health services to inform them of available services and benefits;

(b) Assistance for persons receiving addiction or mental health services to obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income;

(c) Addiction and mental health services, including all of the following:

   (i) Outpatient;
   
   (ii) Residential;
   
   (iii) Partial hospitalization;
   
   (iv) Where appropriate, inpatient care;
   
   (v) Sub-acute detoxification;
   
   (vi) Intensive and other supports;
   
   (vii) Recovery support;
   
   (viii) Prevention and wellness management;
   
   (ix) In accordance with section 340.033 of the Revised Code, an array of treatment and support services for all levels of opioid and co-occurring drug addiction.

(d) Emergency services and crisis intervention;

(e) Assistance for persons receiving services to obtain vocational services and opportunities for jobs;

(f) The provision of services designed to develop social, community, and personal living skills;
(g) Access to a wide range of housing and the provision of residential treatment and support;

(h) Support, assistance, consultation, and education for families, friends, persons receiving addiction or mental health services, and others;

(i) Recognition and encouragement of families, friends, neighborhood networks, especially networks that include racial and ethnic minorities, churches, community organizations, and community employment as natural supports for persons receiving addiction or mental health services;

(j) Grievance procedures and protection of the rights of persons receiving addiction or mental health services;

(k) Community psychiatric supportive treatment services, which includes continual individualized assistance and advocacy to ensure that needed services are offered and procured;

(l) Any additional component the department, pursuant to section 5119.21 of the Revised Code, determines is necessary to establish the continuum of care.

(12) Establish a method for evaluating referrals for court-ordered treatment and affidavits filed pursuant to section 5122.11 of the Revised Code in order to assist the probate division of the court of common pleas in determining whether there is probable cause that a respondent is subject to court-ordered treatment and whether alternatives to hospitalization are available and appropriate;

(13) Designate the treatment services, provider, facility, or other placement for each person involuntarily committed to the board pursuant to Chapter 5122. of the Revised Code. The board shall provide the least restrictive and most appropriate alternative that is available for any person involuntarily committed to it and shall assure that the listed services
submitted and approved in accordance with division (B) of section 340.08 of the Revised Code are available to severely mentally disabled persons residing within its service district. The board shall establish the procedure for authorizing payment for services, which may include prior authorization in appropriate circumstances. In accordance with division (A)(8)(b) of this section, the board may provide for services directly to a severely mentally disabled person when life or safety is endangered and when no community mental health services provider is available to provide the service.

(14) Ensure that housing built, subsidized, renovated, rented, owned, or leased by the board or a community addiction or mental health services provider has been approved as meeting minimum fire safety standards and that persons residing in the housing have access to appropriate and necessary services, including culturally relevant services, from a community addiction or mental health services provider. This division does not apply to residential facilities licensed pursuant to section 5119.34 of the Revised Code.

(15) Establish a mechanism for obtaining advice and involvement of persons receiving addiction or mental health services on matters pertaining to addiction and mental health services in the alcohol, drug addiction, and mental health service district;

(16) Perform the duties required by rules adopted under section 5119.22 of the Revised Code regarding referrals by the board or mental health services providers under contract with the board of individuals with mental illness or severe mental disability to residential facilities licensed under section 5119.34 of the Revised Code and effective arrangements for ongoing mental health services for the individuals. The board is accountable in the manner specified in the rules for ensuring that
the ongoing mental health services are effectively arranged for
the individuals.

(B) The board shall establish such rules, operating
procedures, standards, and bylaws, and perform such other duties
as may be necessary or proper to carry out the purposes of this
chapter.

(C) A board of alcohol, drug addiction, and mental health
services may receive by gift, grant, devise, or bequest any
moneys, lands, or property for the benefit of the purposes for
which the board is established, and may hold and apply it
according to the terms of the gift, grant, or bequest. All money
received, including accrued interest, by gift, grant, or bequest
shall be deposited in the treasury of the county, the treasurer of
which is custodian of the alcohol, drug addiction, and mental
health services funds to the credit of the board and shall be
available for use by the board for purposes stated by the donor or
grantor.

(D) No board member or employee of a board of alcohol, drug
addiction, and mental health services shall be liable for injury
or damages caused by any action or inaction taken within the scope
of the board member's official duties or the employee's
employment, whether or not such action or inaction is expressly
authorized by this section or any other section of the Revised
Code, unless such action or inaction constitutes willful or wanton
misconduct. Chapter 2744. of the Revised Code applies to any
action or inaction by a board member or employee of a board taken
within the scope of the board member's official duties or
employee's employment. For the purposes of this division, the
conduct of a board member or employee shall not be considered
willful or wanton misconduct if the board member or employee acted
in good faith and in a manner that the board member or employee
reasonably believed was in or was not opposed to the best
interests of the board and, with respect to any criminal action or proceeding, had no reasonable cause to believe the conduct was unlawful.

(E) The meetings held by any committee established by a board of alcohol, drug addiction, and mental health services shall be considered to be meetings of a public body subject to section 121.22 of the Revised Code.

Sec. 340.032. Subject to rules adopted by the director of mental health and addiction services after consultation with relevant constituencies as required by division (A)(10) of section 5119.21 of the Revised Code, each board of alcohol, drug addiction, and mental health services shall do all of the following:

(A) Establish, to the extent resources are available, a community-based continuum of care that includes, except as otherwise authorized by a time-limited waiver issued under division (A)(1) of section 5119.221 of the Revised Code, all of the following as essential elements:

(1) Prevention and wellness management services;

(2) At least both of the following outreach and engagement activities:

(a) Locating persons in need of addiction services and persons in need of mental health services to inform them of available addiction services, mental health services, and recovery supports;

(b) Helping persons who receive addiction services and persons who receive mental health services obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income.

(3) Assessment services;
(4) Care coordination; 12889

(5) Residential services; 12890

(6) At least the following outpatient services:

(a) Nonintensive; 12891

(b) Intensive, such as partial hospitalization and assertive community treatment; 12892

(c) Withdrawal management; 12893

(d) Emergency and crisis. 12894

(7) Where appropriate, at least the following inpatient services:

(a) Psychiatric care; 12895

(b) Medically managed alcohol or drug treatment. 12896

(8) At least all of the following recovery supports:

(a) Peer support; 12897

(b) A wide range of housing and support services, including recovery housing;

(c) Employment, vocational, and educational opportunities;

(d) Assistance with social, personal, and living skills;

(e) Multiple paths to recovery such as twelve-step approaches and parent advocacy connection;

(f) Support, assistance, consultation, and education for families, friends, and persons receiving addiction services, mental health services, and recovery supports.

(9) In accordance with section 340.033 of the Revised Code, an array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction;

(10) Any additional elements the department of mental health
and addiction services, pursuant to section 5119.21 of the Revised Code, determines are necessary to establish the community-based continuum of care.

(B) Ensure that the rights of persons receiving any elements of the community-based continuum of care are protected;

(C) Ensure that persons receiving any elements of the community-based continuum of care are able to utilize grievance procedures applicable to the elements.

Sec. 340.033. The array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction required by section 340.032 of the Revised Code to be included in a community-based continuum of care established under that section shall include, except as otherwise authorized by a waiver issued under division (A)(2) of section 5119.221 of the Revised Code, at least ambulatory and sub-acute detoxification, non-intensive and intensive outpatient services, medication-assisted treatment, peer support, residential services, recovery housing pursuant to section 340.034 of the Revised Code, and multiple paths to recovery such as twelve-step approaches. The services and supports shall be made available in the service district of each board of alcohol, drug addiction, and mental health services, except that sub-acute as provided by either of the following:

(A) Sub-acute detoxification and residential services may be made available through a contract with one or more providers of sub-acute detoxification or residential services located in other service districts.

(B) To the extent authorized by a time-limited waiver issued under section 5119.221 of the Revised Code, ambulatory detoxification and medication-assisted treatment may be made available through a contract with one or more community addiction services providers located not more than thirty miles beyond the
borders of the board's service district.

The services and supports shall be made available in a manner that ensures that recipients are able to access the services and supports they need for opioid and co-occurring drug addiction in an integrated manner and in accordance with their assessed needs when changing or obtaining additional addiction services or recovery supports for such addiction. An individual seeking a service or support for opioid and co-occurring drug addiction included in a community-based continuum of care shall not be denied the service or support on the basis of the individual's prior experience with the service or support.

Sec. 340.08. In accordance with rules or guidelines issued by the director of mental health and addiction services, each board of alcohol, drug addiction, and mental health services shall do all of the following:

(A) Submit to the department of mental health and addiction services a proposed budget of receipts and expenditures for all federal, state, and local moneys the board expects to receive.

(1) The proposed budget shall identify funds the board has available for included opioid and co-occurring drug addiction services and recovery supports.

(2) The proposed budget shall identify funds the board and public children services agencies in the board's service district have available to fund jointly the services described in section 340.15 of the Revised Code.

(3) The board's proposed budget for expenditures of state and federal funds distributed to the board by the department shall be deemed an application for funds, and the department shall approve or disapprove the budget for these expenditures in whole or in part in accordance with division (G) of section 5119.22 of the
Revised Code.

If a board determines that it is necessary to amend an approved budget, the board shall submit a proposed amendment to the director. The director shall approve or disapprove all or part of the amendment in accordance with division (H) of section 5119.22 of the Revised Code.

(B) Submit to the department a proposed list of addiction services, mental health services, and recovery supports the board intends to make available. Except as otherwise authorized by a time-limited waiver issued under division (A)(1) of section 5119.221 of the Revised Code, the board shall include the services and supports required by section 340.032 of the Revised Code to be included in the community-based continuum of care and the services required by section 340.15 of the Revised Code. The board shall explain the manner in which the board intends to make such services and supports available. The list shall be compatible with the budget submitted pursuant to division (A) of this section. The department shall approve or disapprove the list in whole or in part in accordance with division (G) of section 5119.22 of the Revised Code.

If a board determines that it is necessary to amend an approved list, the board shall submit a proposed amendment to the director. The director shall approve or disapprove all or part of the amendment in accordance with division (H) of section 5119.22 of the Revised Code.

(C) Enter into a continuity of care agreement with the state institution operated by the department of mental health and addiction services and designated as the institution serving the district encompassing the board's service district. The continuity of care agreement shall outline the department's and the board's responsibilities to plan for and coordinate with each other to address the needs of board residents who are patients in the
institution, with an emphasis on managing appropriate hospital bed day use and discharge planning. The continuity of care agreement shall not require the board to provide addiction services, mental health services, or recovery supports other than those on the list of services and supports submitted by the board pursuant to division (B) of this section and approved by the department in accordance with division (G) of section 5119.22 of the Revised Code.

(D) In conjunction with the department, operate a coordinated system for tracking and monitoring persons found not guilty by reason of insanity and committed pursuant to section 2945.40 of the Revised Code who have been granted a conditional release and persons found incompetent to stand trial and committed pursuant to section 2945.39 of the Revised Code who have been granted a conditional release. The system shall do all of the following:

(1) Centralize responsibility for the tracking of those persons;

(2) Provide for uniformity in monitoring those persons;

(3) Provide a mechanism to allow prompt rehospitalization, reinstitutionalization, or detention when a violation of the conditional release or decompensation occurs.

(E) Submit to the department a report summarizing all of the following:

(1) Complaints and grievances received by the board concerning the rights of persons seeking or receiving addiction services, mental health services, or recovery supports;

(2) Investigations of the complaints and grievances;

(3) Outcomes of the investigations.

(F) Provide to the department information to be submitted to the community behavioral health information system or systems
established by the department under Chapter 5119. of the Revised Code.

(G) Annually, and upon any change in membership, submit to the department a list of all current members of the board of alcohol, drug addiction, and mental health services, including the appointing authority for each member, and the member's specific qualification for appointment pursuant to section 340.02 or 340.021 of the Revised Code, if applicable.

(H) Submit to the department other information as is reasonably required for purposes of the department's operations, service evaluation, reporting activities, research, system administration, and oversight.

Sec. 503.56. (A) As used in this section:

(1) "Tourism development district" means a district designated by a township under this section.

(2) "Territory of a tourism development district" means all of the area included within the territorial boundaries of a tourism development district.

(3) "Business" means a sole proprietorship, a corporation for profit, a pass-through entity as defined in section 5733.04 of the Revised Code, the federal government, the state, the state's political subdivisions, a nonprofit organization, or a school district. A business "operates within the proposed district" if the business would be subject to a tax levied in the proposed tourism development district pursuant to division (A)(2)(C) of section 5739.101 of the Revised Code.

(4) "Owner" means a partner of a partnership, a member of a limited liability company, a majority shareholder of an S corporation, a person with a majority ownership interest in a pass-through entity, or any officer, employee, or agent with the
authority to make decisions legally binding upon a business. The signature of any owner of a business operates as the signature of the business.

(5) "Eligible township" means a township wholly or partly located in a county having a population greater than three hundred seventy-five thousand but less than four hundred thousand that levies taxes under section 5739.021 or 5739.026 of the Revised Code, the aggregate rate of which does not exceed one-half of one per cent on the effective date of the enactment of this section.

(B)(1) The board of trustees of an eligible township, by resolution, may declare an unincorporated area of the township to be a tourism development district for the purpose of fostering and developing tourism in the district if all of the following criteria are met:

(a) The district's area does not exceed two hundred acres.

(b) All territory in the district is contiguous.

(c) Before adopting that resolution or ordinance, the board holds at least two public hearings concerning the creation of the tourism development district.

(d) Before adopting the resolution or ordinance, the board receives a petition signed by every record owner of a parcel of real property located in the proposed district and the owner of every business that operates in the proposed district.

(e) The board adopts the resolution on or before December 31, 2018.

(2) The petition described in division (B)(1)(d) of this section shall include an explanation of the taxes and charges that may be levied or imposed in the proposed district.

(3) The board shall certify the resolution to the tax commissioner within five days after its adoption, along with a
description of the boundaries of the district authorized in the resolution. That description shall include sufficient information for the commissioner to determine if the address of a vendor is within the boundaries of the district.

(4) Subject to the limitations of division (B)(1)(a) and (b) of this section, the board of trustees of an eligible township may enlarge the territory of an existing tourism development district in the manner prescribed for the creation of a district under divisions (B)(1) to (3) of this section, except that the petition described in division (B)(1)(d) of this section must be signed by every record owner of a parcel of real property located in the area proposed to be added to the district and the owner of every business that operates in the area proposed to be added to the district.

(C) For the purpose of fostering and developing tourism in a tourism development district, a lessor leasing real property in a tourism development district may impose and collect a uniform fee on each parcel of real property leased by the lessor, to be paid by each of the person's lessees. A lessee is subject to such a fee only if the lease separately states the amount of the fee. Before a lessor may impose and collect such a fee, the lessor shall file a copy of such lease with the fiscal officer of the township that designated the tourism development district. A lessor that imposes such a fee shall remit all collections of the fee to the fiscal officer of the township in which the real property is located.

The board shall establish all regulations necessary to provide for the administration and remittance of such fees. The regulations may prescribe the time for payment of the fee, and may provide for the imposition of a penalty or interest, or both, for late remittances, provided that the penalty does not exceed ten per cent of the amount of fee due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to
section 5703.47 of the Revised Code. The regulations shall provide, after deducting the real and actual costs of administering the fee, that the revenue be used exclusively for fostering and developing tourism within the tourism development district.

(D) The board of trustees of an eligible township that has designated a tourism development district under this section may levy one or both of the taxes authorized under section 503.57 or 5739.101 of the Revised Code.

(E) On or before the first day of each January and June, beginning after the designation of the tourism development district, the fiscal officer of the township shall certify a list of vendors located within the tourism development district to the tax commissioner, which shall include the name, address, and vendor's license number for each vendor.

Sec. 705.22. At the end of each year the legislative authority of a municipal corporation shall have an annual report printed, in pamphlet form, giving:

(A) The classified statement of all receipts, expenditures, assets, and liabilities of the municipal corporation;

(B) A detailed comparison of such receipts and expenditures with those of the preceding year;

(C) A summary of the proceedings of the legislative authority and a summary of the operations of the administrative departments for the previous twelve months.

A copy of this report shall be furnished to the auditor of state, the municipal library, and any citizen of the municipal corporation who applies therefor for the report at the office of the clerk. Similar reports may be printed quarterly. All meetings of the legislative authority or committees thereof shall be
public, and any citizen of the municipal corporation shall have access to the minutes and records thereof at all reasonable times.

Sec. 709.023. (A) A petition filed under section 709.021 of the Revised Code that requests to follow this section is for the special procedure of annexing land into a municipal corporation when, subject to division (H) of this section, the land also is not to be excluded from the township under section 503.07 of the Revised Code. The owners who sign this petition by their signature expressly waive their right to appeal in law or equity from the board of county commissioners' entry of any resolution under this section, waive any rights they may have to sue on any issue relating to a municipal corporation requiring a buffer as provided in this section, and waive any rights to seek a variance that would relieve or exempt them from that buffer requirement.

The petition circulated to collect signatures for the special procedure in this section shall contain in boldface capital letters immediately above the heading of the place for signatures on each part of the petition the following: "WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE."

(B) Upon the filing of the petition in the office of the clerk of the board of county commissioners, the clerk shall cause the petition to be entered upon the board's journal at its next regular session. This entry shall be the first official act of the board on the petition. Within five days after the filing of the petition, the agent for the petitioners shall notify in the manner and form specified in this division the clerk of the legislative authority of the municipal corporation to which annexation is...
proposed, the fiscal officer of each township any portion of which is included within the territory proposed for annexation, the clerk of the board of county commissioners of each county in which the territory proposed for annexation is located other than the county in which the petition is filed, and the owners of property adjacent to the territory proposed for annexation or adjacent to a road that is adjacent to that territory and located directly across that road from that territory. The notice shall refer to the time and date when the petition was filed and the county in which it was filed and shall have attached or shall be accompanied by a copy of the petition and any attachments or documents accompanying the petition as filed.

Notice to a property owner is sufficient if sent by regular United States mail to the tax mailing address listed on the county auditor's records. Notice to the appropriate government officer shall be given by certified mail, return receipt requested, or by causing the notice to be personally served on the officer, with proof of service by affidavit of the person who delivered the notice. Proof of service of the notice on each appropriate government officer shall be filed with the board of county commissioners with which the petition was filed.

(C) Within twenty days after the date that the petition is filed, the legislative authority of the municipal corporation to which annexation is proposed shall adopt an ordinance or resolution stating what services the municipal corporation will provide, and an approximate date by which it will provide them, to the territory proposed for annexation, upon annexation. The municipal corporation is entitled in its sole discretion to provide to the territory proposed for annexation, upon annexation, services in addition to the services described in that ordinance or resolution.

If the territory proposed for annexation is subject to zoning
regulations adopted under either Chapter 303. or 519. of the Revised Code at the time the petition is filed, the legislative authority of the municipal corporation also shall adopt an ordinance or resolution stating that, if the territory is annexed and becomes subject to zoning by the municipal corporation and that municipal zoning permits uses in the annexed territory that the municipal corporation determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining within the township from which the territory was annexed, the legislative authority of the municipal corporation will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township. For the purposes of this section, "buffer" includes open space, landscaping, fences, walls, and other structured elements; streets and street rights-of-way; and bicycle and pedestrian paths and sidewalks.

The clerk of the legislative authority of the municipal corporation to which annexation is proposed shall file the ordinances or resolutions adopted under this division with the board of county commissioners within twenty days following the date that the petition is filed. The board shall make these ordinances or resolutions available for public inspection.

(D) Within twenty-five days after the date that the petition is filed, the legislative authority of the municipal corporation to which annexation is proposed and each township any portion of which is included within the territory proposed for annexation may adopt and file with the board of county commissioners an ordinance or resolution consenting or objecting to the proposed annexation. An objection to the proposed annexation shall be based solely upon the petition's failure to meet the conditions specified in
If the municipal corporation and each of those townships timely files an ordinance or resolution consenting to the proposed annexation, the board at its next regular session shall enter upon its journal a resolution granting the proposed annexation. If, instead, the municipal corporation or any of those townships files an ordinance or resolution that objects to the proposed annexation, the board of county commissioners shall proceed as provided in division (E) of this section. Failure of the municipal corporation or any of those townships to timely file an ordinance or resolution consenting or objecting to the proposed annexation shall be deemed to constitute consent by that municipal corporation or township to the proposed annexation.

(E) Unless the petition is granted under division (D) of this section, not less than thirty or more than forty-five days after the date that the petition is filed, the board of county commissioners shall review it to determine if each of the following conditions has been met:

1. The petition meets all the requirements set forth in, and was filed in the manner provided in, section 709.021 of the Revised Code.

2. The persons who signed the petition are owners of the real estate located in the territory proposed for annexation and constitute all of the owners of real estate in that territory.

3. The territory proposed for annexation does not exceed five hundred acres.

4. The territory proposed for annexation shares a contiguous boundary with the municipal corporation to which annexation is proposed for a continuous length of at least five per cent of the perimeter of the territory proposed for annexation.

5. The annexation will not create an unincorporated area of
the township that is completely surrounded by the territory proposed for annexation.

(6) The municipal corporation to which annexation is proposed has agreed to provide to the territory proposed for annexation the services specified in the relevant ordinance or resolution adopted under division (C) of this section.

(7) If a street or highway will be divided or segmented by the boundary line between the township and the municipal corporation as to create a road maintenance problem, the municipal corporation to which annexation is proposed has agreed as a condition of the annexation to assume the maintenance of that street or highway or to otherwise correct the problem. As used in this section, "street" or "highway" has the same meaning as in section 4511.01 of the Revised Code.

(F) Not less than thirty or more than forty-five days after the date that the petition is filed, if the petition is not granted under division (D) of this section, the board of county commissioners, if it finds that each of the conditions specified in division (E) of this section has been met, shall enter upon its journal a resolution granting the annexation. If the board of county commissioners finds that one or more of the conditions specified in division (E) of this section have not been met, it shall enter upon its journal a resolution that states which of those conditions the board finds have not been met and that denies the petition.

(G) If a petition is granted under division (D) or (F) of this section, the clerk of the board of county commissioners shall proceed as provided in division (C)(1) of section 709.033 of the Revised Code, except that no recording or hearing exhibits would be involved. There is no appeal in law or equity from the board's entry of any resolution under this section, but any party may seek a writ of mandamus to compel the board of county commissioners to
perform its duties under this section.

     (H) Notwithstanding anything to the contrary in section 503.07 of the Revised Code, unless otherwise provided in an
     annexation agreement entered into pursuant to section 709.192 of the Revised Code or in a cooperative economic development
     agreement entered into pursuant to section 701.07 of the Revised Code, territory annexed into a municipal corporation pursuant to
     this section shall not at any time be excluded from the township under section 503.07 of the Revised Code and, thus, remains
     subject to the township's real property taxes.

     (I) Any owner of land that remains within a township and that
     is adjacent to territory annexed pursuant to this section who is
     directly affected by the failure of the annexing municipal
     corporation to enforce compliance with any zoning ordinance it
     adopts under division (C) of this section requiring the owner of
     the annexed territory to provide a buffer zone, may commence in
     the court of common pleas a civil action against that owner to
     enforce compliance with that buffer requirement whenever the
     required buffer is not in place before any development of the
     annexed territory begins.

     (J) Division (C) of section 718.01 of the Revised
     Code applies to the compensation paid to persons performing
     personal services for a political subdivision on property owned by
     the political subdivision after that property is annexed to a
     municipal corporation under this section.

Sec. 715.014. (A) As used in this section:

     (1) "Tourism development district" means a district
     designated by a municipal corporation under this section.

     (2) "Territory of a tourism development district" means all
     of the area included within the territorial boundaries of a
tourism development district.

(3) "Business" and "owner" have the same meanings as in section 503.56 of the Revised Code.

(4) "Eligible municipal corporation" means a municipal corporation wholly or partly located in a county having a population greater than three hundred seventy-five thousand but less than four hundred thousand that levies taxes under section 5739.021 or 5739.026 of the Revised Code, the aggregate rate of which does not exceed one-half of one per cent on the effective date of the enactment of this section September 29, 2015.

(5) "Fiscal officer" means the city auditor, village clerk, or other municipal officer having the duties and functions of a city auditor or village clerk.

(B)(1) The legislative authority of an eligible municipal corporation, by resolution or ordinance, may declare an area of the municipal corporation to be a tourism development district for the purpose of fostering and developing tourism in the district if all of the following criteria are met:

(a) The district's area does not exceed two hundred acres.

(b) All territory in the district is contiguous.

(c) Before adopting the resolution or ordinance, the legislative authority holds at least two public hearings concerning the creation of the tourism development district.

(d) Before adopting the resolution or ordinance, the legislative authority receives a petition signed by every record owner of a parcel of real property located in the proposed district and the owner of every business that operates in the proposed district.

(e) The legislative authority adopts the resolution or ordinance on or before December 31, 2018.
(2) The petition described in division (B)(1)(d) of this section shall include an explanation of the taxes and charges that may be levied or imposed in the proposed district.

(3) The legislative authority shall certify the resolution or ordinance to the tax commissioner within five days after its adoption, along with a description of the boundaries of the district authorized in the resolution. That description shall include sufficient information for the commissioner to determine if the address of a vendor is within the boundaries of the district.

(4) Subject to the limitations of divisions (B)(1)(a) and (b) of this section, the legislative authority of an eligible municipal corporation may enlarge the territory of an existing tourism development district in the manner prescribed for the creation of a district under divisions (B)(1) to (3) of this section, except that the petition described in division (B)(1)(d) of this section must be signed by every record owner of a parcel of real property located in the area proposed to be added to the district and the owner of every business that operates in the area proposed to be added to the district.

(C) For the purpose of fostering and developing tourism in a tourism development district, a lessor leasing real property in a tourism development district may impose and collect a uniform fee on each parcel of real property leased by the lessor, to be paid by each of the person's lessees. A lessee is subject to such a fee only if the lease separately states the amount of the fee. Before a lessor may impose and collect such a fee, the lessor shall file a copy of such lease with the fiscal officer. A lessor that imposes such a fee shall remit all collections of the fee to the municipal corporation in which the real property is located.

The legislative authority of that municipal corporation shall establish all regulations necessary to provide for the
administration and remittance of such fees. The regulations may prescribe the time for payment of the fee, and may provide for the imposition of a penalty or interest, or both, for late remittances, provided that the penalty does not exceed ten percent of the amount of fee due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. The regulations shall provide, after deducting the real and actual costs of administering the fee, that the revenue be used exclusively for fostering and developing tourism within the tourism development district.

(D) The legislative authority of an eligible municipal corporation that has designated a tourism development district may levy the tax authorized under section 5739.101 of the Revised Code. Nothing in this section limits the power of the legislative authority of a municipal corporation to levy a tax on the basis of admissions in a tourism development district pursuant to its powers of local self-government conferred by Section 3 of Article XVIII, Ohio Constitution.

(E) On or before the first day of each January and June, beginning after the designation of the tourism development district, the fiscal officer shall certify a list of vendors located within the tourism development district to the tax commissioner, which shall include the name, address, and vendor's license number for each vendor.

Sec. 715.691. (A) As used in this section:

(1) "Contracting party" means a municipal corporation that has entered into a joint economic development zone contract or any party succeeding to the municipal corporation, or a township that entered into a joint economic development zone contract with a municipal corporation.
(2) "Zone" means a joint economic development zone designated under this section.

(3) "Substantial amendment" means an amendment to a joint economic development zone contract that increases the rate of municipal income tax that may be imposed within the zone, changes the purposes for which municipal income tax revenue derived from the zone may be used, or changes the area or areas included in the zone.

(B) This section provides procedures and requirements for creating and operating a joint economic development zone. This section applies only if one of the contracting parties to the zone does not levy a municipal income tax under Chapter in accordance with Chapters 718. and 5718. of the Revised Code.

At any time before January 1, 2015, two or more municipal corporations or one or more townships and one or more municipal corporations may enter into a contract whereby they agree to share in the costs of improvements for an area or areas located in one or more of the contracting parties that they designate as a joint economic development zone for the purpose of facilitating new or expanded growth for commercial or economic development in the state. The contract and zone shall meet the requirements of divisions (B) to (J) of this section.

(C) The contract shall set forth each contracting party's contribution to the joint economic development zone. The contributions may be in any form that the contracting parties agree to, and may include, but are not limited to, the provision of services, money, or equipment. The contract may be amended, renewed, or terminated with the consent of the contracting parties, subject to division (K) of this section. The contract shall continue in existence throughout the term it specifies and shall be binding on the contracting parties and on any entities succeeding to the contracting parties. If the contract is approved
by the electors of any contracting party under division (F) of
this section or substantially amended after the effective date of
H.B. 289 of the 130th general assembly, June 5, 2014, the
contracting parties shall include within the contract or the
amendment to the contract an economic development plan for the
zone, a schedule for the implementation or provision of any new,
expanded, or additional services, facilities, or improvements
within the zone or in the area surrounding the zone, and any
provisions necessary for the contracting parties to create a joint
economic development review council in compliance with section
715.692 of the Revised Code.

(D) Before the legislative authority of any of the
contracting parties enacts an ordinance or resolution approving a
contract to designate a joint economic development zone, the
legislative authority of each of the contracting parties shall
hold a public hearing concerning the contract and zone. Each
legislative authority shall provide at least thirty days' public
notice of the time and place of the public hearing in a newspaper
of general circulation in the municipal corporation or township.
During the thirty-day period prior to the public hearing, all of
the following documents shall be available for public inspection
in the office of the clerk of the legislative authority of a
municipal corporation that is a contracting party and in the
office of the fiscal officer of a township that is a contracting
party:

(1) A copy of the contract designating the zone;

(2) A description of the area or areas to be included in the
zone, including a map in sufficient detail to denote the specific
boundaries of the area or areas;

(3) An economic development plan for the zone that includes a
schedule for the provision of any new, expanded, or additional
services, facilities, or improvements.
A public hearing held under division (D) of this section shall allow for public comment and recommendations on the contract and zone. The contracting parties may include in the contract any of those recommendations prior to approval of the contract.

(E) After the public hearings required under division (D) of this section have been held and the economic development plan has been approved under division (D) of section 715.692 of the Revised Code, and before January 1, 2015, each contracting party may enact an ordinance or resolution approving the contract to designate a joint economic development zone. After each contracting party has enacted an ordinance or resolution, the clerk of the legislative authority of a municipal corporation that is a contracting party and the fiscal officer of a township that is a contracting party shall file with the board of elections of each county within which a contracting party is located a copy of the ordinance or resolution approving the contract and shall direct the board of elections to submit the ordinance or resolution to the electors of the contracting party on the day of the next general, primary, or special election occurring at least ninety days after the ordinance or resolution is filed with the board of elections. If any of the contracting parties is a township, however, then only the township or townships shall submit the resolution to the electors. The board of elections shall not submit an ordinance or resolution filed under this division to the electors at any election occurring on or after January 1, 2015.

(F)(1) If a vote is required to approve a municipal corporation as a contracting party to a joint economic development zone under this section, the ballot shall be in the following form:

"Shall the ordinance of the legislative authority of the (city or village) of (name of contracting party) approving the contract with (name of each other contracting party) for the
(2) If a vote is required to approve a township as a contracting party to a joint economic development zone under this section, the ballot shall be in the following form:

"Shall the resolution of the board of township trustees of the township of (name of contracting party) approving the contract with (name of each other contracting party) for the designation of a joint economic development zone be approved?

FOR THE RESOLUTION AND CONTRACT
AGAINST THE RESOLUTION AND CONTRACT"

If a majority of the electors of each contracting party voting on the issue vote for the ordinance or resolution and contract, the ordinance or resolution shall become effective immediately and the contract shall go into effect immediately or in accordance with its terms.

(G)(1) A board of directors shall govern each joint economic development zone created under this section. The members of the board shall be appointed as provided in the contract. Each of the contracting parties shall appoint three members to the board. Terms for each member shall be for two years, each term ending on the same day of the month of the year as did the term that it succeeds. A member may be reappointed to the board.

(2) Membership on the board is not the holding of a public office or employment within the meaning of any section of the
Revised Code or any charter provision prohibiting the holding of other public office or employment. Membership on the board is not a direct or indirect interest in a contract or expenditure of money by a municipal corporation, township, county, or other political subdivision with which a member may be affiliated. Notwithstanding any provision of law or a charter to the contrary, no member of the board shall forfeit or be disqualified from holding any public office or employment by reason of membership on the board.

(3) The board is a public body for the purposes of section 121.22 of the Revised Code. Chapter 2744. of the Revised Code applies to the board and the zone.

(H) The contract may grant to the board of directors appointed under division (G) of this section the power to adopt a resolution to levy an income tax within the zone. The income tax shall be used for the purposes of the zone and for the purposes of the contracting parties pursuant to the contract. Not less than fifty per cent of the revenue from the tax shall be used solely to provide the new, expanded, or additional services, facilities, or improvements specified in the economic development plan until all such services, facilities, or improvements have been completed as specified in that plan. The income tax may be levied in the zone based on income earned by persons working within the zone and on the net profits of businesses located in the zone. The income tax is subject to Chapter 718. and 5718. of the Revised Code, except that a vote shall be required by the electors residing in the zone to approve the rate of income tax unless a majority of the electors residing within the zone, as determined by the total number of votes cast in the zone for the office of governor at the most recent general election for that office, submit a petition to the board requesting that the election provided for in division (H)(1) of this section not be held. If no electors reside within
the zone, then division (H)(3) of this section applies. The rate of the income tax shall be no higher than the highest rate being levied by a municipal corporation that is a party to the contract.

(1) The board of directors may levy an income tax at a rate that is not higher than the highest rate being levied by a municipal corporation that is a party to the contract, provided that the rate of the income tax is first submitted to and approved by the electors of the zone at the succeeding regular or primary election, or a special election called by the board, occurring subsequent to ninety days after a certified copy of the resolution levying the income tax and calling for the election is filed with the board of elections. If the voters approve the levy of the income tax, the income tax shall be in force for the full period of the contract establishing the zone. No election shall be held under this section if a majority of the electors residing within the zone, determined as specified in division (H) of this section, submit a petition to that effect to the board of directors. Any increase in the rate of an income tax by the board of directors shall be approved by a vote of the electors of the zone and shall be in force for the remaining period of the contract establishing the zone.

(2) Whenever a zone is located in the territory of more than one contracting party, a majority vote of the electors in each of the several portions of the territory of the contracting parties constituting the zone approving the levy of the tax is required before it may be imposed under division (H) of this section.

(3) If no electors reside in the zone, no election for the approval or rejection of an income tax shall be held under this section, provided that where no electors reside in the zone, the rate of the income tax shall be no higher than the highest rate being levied by a municipal corporation that is a party to the contract.
The board of directors of a zone levying an income tax shall enter into an agreement with one of the municipal corporations that is a party to the contract to administer, collect, and enforce the income tax on behalf of the zone.

The board of directors of a zone shall publish or post public notice within the zone of any resolution adopted levying an income tax in the same manner required of municipal corporations under sections 731.21 and 731.25 of the Revised Code.

(I)(1) If for any reason a contracting party reverts to or has its boundaries changed so that it is classified as a township that is the entity succeeding to that contracting party, the township is considered to be a municipal corporation for the purposes of the contract for the full period of the contract establishing the joint economic development zone, except that if that contracting party is administering, collecting, and enforcing the income tax on behalf of the district as provided in division (H)(4) of this section, the contract shall be amended to allow one of the other contracting parties to administer, collect, and enforce that tax.

(2) Notwithstanding any other section of the Revised Code, if there is any change in the boundaries of a township so that a municipal corporation once located within the township is no longer so located, the township shall remain in existence even though its remaining unincorporated area contains less than twenty-two square miles, if the township has been or becomes a party to a contract creating a joint economic development zone under this section or the contract creating that joint economic development zone under this section is terminated or repudiated for any reason by any party or person. The township shall continue its existing status in all respects, including having the same form of government and the same elected board of trustees as its governing body. The township shall continue to receive all of its
tax levies and sources of income as a township in accordance with any section of the Revised Code, whether the levies and sources of income generate millage within the ten-mill limitation or in excess of the ten-mill limitation. The name of the township may be changed to the name of the contracting party appearing in the contract creating a joint economic development zone under this section, so long as the name does not conflict with any other name in the state that has been certified by the secretary of state. The township shall have all of the powers set out in sections 715.79, 715.80, and 715.81 of the Revised Code.

(J) If, after creating and operating a joint economic development zone under this section, a contracting party that did not levy a municipal income tax under Chapters 718. and 5718. of the Revised Code levies such a tax, the tax shall not apply to the zone for the full period of the contract establishing the zone if the board of directors of the zone has levied an income tax as provided in division (H) of this section.

(K) No substantial amendment may be made to any joint economic development zone contract after December 31, 2014.

Sec. 715.70. (A) This section and section 715.71 of the Revised Code apply only to:

(1) Municipal corporations and townships within a county that has adopted a charter under Sections 3 and 4 of Article X, Ohio Constitution;

(2) Municipal corporations and townships that have created a joint economic development district comprised entirely of real property owned by a municipal corporation at the time the district was created under this section. The real property owned by the municipal corporation shall include an airport owned by the municipal corporation and located entirely beyond the municipal
corporation's corporate boundary.

(3) Municipal corporations or townships that are part of or contiguous to a transportation improvement district created under Chapter 5540. of the Revised Code and that have created a joint economic development district under this section or section 715.71 of the Revised Code prior to November 15, 1995;

(4) Municipal corporations that have previously entered into a contract creating a joint economic development district pursuant to division (A)(2) of this section, even if the territory to be included in the district does not meet the requirements of that division.

(B)(1) One or more municipal corporations and one or more townships may enter into a contract approved by the legislative authority of each contracting party pursuant to which they create as a joint economic development district an area or areas for the purpose of facilitating economic development to create or preserve jobs and employment opportunities and to improve the economic welfare of the people in the state and in the area of the contracting parties. A municipal corporation described in division (A)(4) of this section may enter into a contract with other municipal corporations and townships to create a new joint economic development district. In a district that includes a municipal corporation described in division (A)(4) of this section, the territory of each of the contracting parties shall be contiguous to the territory of at least one other contracting party, or contiguous to the territory of a township or municipal corporation that is contiguous to another contracting party, even if the intervening township or municipal corporation is not a contracting party. The area or areas of land to be included in the district shall not include any parcel of land owned in fee by a municipal corporation or a township or parcel of land that is leased to a municipal corporation or a township, unless the
municipal corporation or township is a party to the contract or unless the municipal corporation or township has given its consent to have its parcel of land included in the district by the adoption of a resolution. As used in this division, "parcel of land" means any parcel of land owned by a municipal corporation or a township for at least a six-month period within a five-year period prior to the creation of a district, but "parcel of land" does not include streets or public ways and sewer, water, and other utility lines whether owned in fee or otherwise.

The district created shall be located within the territory of one or more of the participating parties and may consist of all or a portion of such territory. The boundaries of the district shall be described in the contract or in an addendum to the contract.

(2) Prior to the public hearing to be held pursuant to division (D)(2) of this section, the participating parties shall give a copy of the proposed contract to each municipal corporation located within one-quarter mile of the proposed joint economic development district and not otherwise a party to the contract, and afford the municipal corporation the reasonable opportunity, for a period of thirty days following receipt of the proposed contract, to make comments and suggestions to the participating parties regarding elements contained in the proposed contract.

(3) The district shall not exceed two thousand acres in area. The territory of the district shall not completely surround territory that is not included within the boundaries of the district.

(4) Sections 503.07 to 503.12 of the Revised Code do not apply to territory included within a district created pursuant to this section as long as the contract creating the district is in effect, unless the legislative authority of each municipal corporation and the board of township trustees of each township included in the district consent, by ordinance or resolution, to
the application of those sections of the Revised Code.

(5) Upon the execution of the contract creating the district by the parties to the contract, a participating municipal corporation or township included within the district shall file a copy of the fully executed contract with the county recorder of each county within which a party to the contract is located, in the miscellaneous records of the county. No annexation proceeding pursuant to Chapter 709. of the Revised Code that proposes the annexation to, merger, or consolidation with a municipal corporation of any unincorporated territory within the district shall be commenced for a period of three years after the contract is filed with the county recorder of each county within which a party to the contract is located unless each board of township trustees whose territory is included, in whole or part, within the district and the territory proposed to be annexed, merged, or consolidated adopts a resolution consenting to the commencement of the proceeding and a copy of the resolution is filed with the legislative authority of each county within which a party to the contract is located or unless the contract is terminated during this period.

The contract entered into between the municipal corporations and townships pursuant to this section may provide for the prohibition of any annexation by the participating municipal corporations of any unincorporated territory within the district beyond the three-year mandatory prohibition of any annexation provided for in division (B)(5) of this section.

(C)(1) After the legislative authority of a municipal corporation and the board of township trustees have adopted an ordinance and resolution approving a contract to create a joint economic development district pursuant to this section, and after a contract has been signed, the municipal corporations and townships shall jointly file a petition with the legislative
authority of each county within which a party to the contract is located.

(a) The petition shall contain all of the following:

(i) A statement that the area or areas of the district are not greater than two thousand acres and are located within the territory of one or more of the contracting parties;

(ii) A brief summary of the services to be provided by each party to the contract or a reference to the portion of the contract describing those services;

(iii) A description of the area or areas to be designated as the district;

(iv) The signature of a representative of each of the contracting parties.

(b) The following documents shall be filed with the petition:

(i) A signed copy of the contract, together with copies of district maps and plans related to or part of the contract;

(ii) A certified copy of the ordinances and resolutions of the contracting parties approving the contract;

(iii) A certificate from each of the contracting parties indicating that the public hearings required by division (D)(2) of this section have been held, the date of the hearings, and evidence of publication of the notice of the hearings;

(iv) One or more signed statements of persons who are owners of property located in whole or in part within the area to be designated as the district, requesting that the property be included within the district, provided that those statements shall represent a majority of the persons owning property located in whole or in part within the district and persons owning a majority of the acreage located within the district. A signature may be withdrawn by the signer up to but not after the time of the public hearing.
hearing required by division (D)(2) of this section.

(2) The legislative authority of each county within which a party to the contract is located shall adopt a resolution approving the petition for the creation of the district if the petition and other documents have been filed in accordance with the requirements of division (C)(1) of this section. If the petition and other documents do not substantially meet the requirements of that division, the legislative authority of any county within which a party to the contract is located may adopt a resolution disapproving the petition for the creation of the district. The legislative authority of each county within which a party to the contract is located shall adopt a resolution approving or disapproving the petition within thirty days after the petition was filed. If the legislative authority of each such county does not adopt the resolution within the thirty-day period, the petition shall be deemed approved and the contract shall go into effect immediately after that approval or at such other time as the contract specifies.

(D)(1) The contract creating the district shall set forth or provide for the amount or nature of the contribution of each municipal corporation and township to the development and operation of the district and may provide for the sharing of the costs of the operation of and improvements for the district. The contributions may be in any form to which the contracting municipal corporations and townships agree and may include but are not limited to the provision of services, money, real or personal property, facilities, or equipment. The contract may provide for the contracting parties to share revenue from taxes levied on property by one or more of the contracting parties if those revenues may lawfully be applied to that purpose under the legislation by which those taxes are levied. The contract shall provide for new, expanded, or additional services, facilities, or
improvements, including expanded or additional capacity for or other enhancement of existing services, facilities, or improvements, provided that those services, facilities, or improvements, or expanded or additional capacity for or enhancement of existing services, facilities, or improvements, required herein have been provided within the two-year period prior to the execution of the contract.

(2) Before the legislative authority of a municipal corporation or a board of township trustees passes any ordinance or resolution approving a contract to create a joint economic development district pursuant to this section, the legislative authority of the municipal corporation and the board of township trustees shall each hold a public hearing concerning the joint economic development district contract and shall provide thirty days' public notice of the time and place of the public hearing in a newspaper of general circulation in the municipal corporation and the township. The board of township trustees may provide additional notice to township residents in accordance with section 9.03 of the Revised Code, and any additional notice shall include the public hearing announcement; a summary of the terms of the contract; a statement that the entire text of the contract and district maps and plans are on file for public examination in the office of the township fiscal officer; and information pertaining to any tax changes that will or may occur as a result of the contract.

During the thirty-day period prior to the public hearing, a copy of the text of the contract together with copies of district maps and plans related to or part of the contract shall be on file, for public examination, in the offices of the clerk of the legislative authority of the municipal corporation and of the township fiscal officer. The public hearing provided for in division (D)(2) of this section shall allow for public comment and
recommendations from the public on the proposed contract. The contracting parties may include in the contract any of those recommendations prior to the approval of the contract.

(3) Any resolution of the board of township trustees that approves a contract that creates a joint economic development district pursuant to this section shall be subject to a referendum of the electors of the township. When a referendum petition, signed by ten per cent of the number of electors in the township who voted for the office of governor at the most recent general election for the office of governor, is presented to the board of township trustees within thirty days after the board of township trustees adopted the resolution, ordering that the resolution be submitted to the electors of the township for their approval or rejection, the board of township trustees shall, after ten days and not later than four p.m. of the ninetieth day before the election, certify the text of the resolution to the board of elections. The board of elections shall submit the resolution to the electors of the township for their approval or rejection at the next general, primary, or special election occurring subsequent to ninety days after the certifying of the petition to the board of elections.

(4) Upon the creation of a district under this section or section 715.71 of the Revised Code, one of the contracting parties shall file a copy of the following with the director of development:

(a) The petition and other documents described in division (C)(1) of this section, if the district is created under this section;

(b) The documents described in division (D) of section 715.71 of the Revised Code, if the district is created under this section.
(E) The district created by the contract shall be governed by a board of directors that shall be established by or pursuant to the contract. The board is a public body for the purposes of section 121.22 of the Revised Code. The provisions of Chapter 2744. of the Revised Code apply to the board and the district. The members of the board shall be appointed as provided in the contract from among the elected members of the legislative authorities and the elected chief executive officers of the contracting parties, provided that there shall be at least two members appointed from each of the contracting parties.

(F) The contract shall enumerate the specific powers, duties, and functions of the board of directors of a district, and the contract shall provide for the determination of procedures that are to govern the board of directors. The contract may grant to the board the power to adopt a resolution to levy an income tax within the district. The income tax shall be used for the purposes of the district and for the purposes of the contracting municipal corporations and townships pursuant to the contract. The income tax may be levied in the district based on income earned by persons working or residing within the district and based on the net profits of businesses located in the district. The income tax shall follow the provisions of Chapters 718. and 5718. of the Revised Code, except that a vote shall be required by the electors residing in the district to approve the rate of income tax. If no electors reside within the district, then division (F)(4) of this section applies. The rate of the income tax shall be no higher than the highest rate being levied by a municipal corporation that is a party to the contract.

(1) Within one hundred eighty days after the first meeting of the board of directors, the board may levy an income tax, provided that the rate of the income tax is first submitted to and approved by the electors of the district at the succeeding regular or
primary election, or a special election called by the board, occurring subsequent to ninety days after a certified copy of the resolution levying the income tax and calling for the election is filed with the board of elections. If the voters approve the levy of the income tax, the income tax shall be in force for the full period of the contract establishing the district. Any increase in the rate of an income tax that was first levied within one hundred eighty days after the first meeting of the board of directors shall be approved by a vote of the electors of the district, shall be in force for the remaining period of the contract establishing the district, and shall not be subject to division (F)(2) of this section.

(2) Any resolution of the board of directors levying an income tax that is adopted subsequent to one hundred eighty days after the first meeting of the board of directors shall be subject to a referendum as provided in division (F)(2) of this section. Any resolution of the board of directors levying an income tax that is adopted subsequent to one hundred eighty days after the first meeting of the board of directors shall be subject to an initiative proceeding to amend or repeal the resolution levying the income tax as provided in division (F)(2) of this section. When a referendum petition, signed by ten per cent of the number of electors in the district who voted for the office of governor at the most recent general election for the office of governor, is filed with the county auditor of each county within which a party to the contract is located within thirty days after the resolution is adopted by the board or when an initiative petition, signed by ten per cent of the number of electors in the district who voted for the office of governor at the most recent general election for the office of governor, is filed with the county auditor of each such county ordering that a resolution to amend or repeal a prior resolution levying an income tax be submitted to the electors within the district for their approval or rejection, the county
auditor of each such county, after ten days and not later than
four p.m. of the ninetieth day before the election, shall certify
the text of the resolution to the board of elections of that
county. The county auditor of each such county shall retain the
petition. The board of elections shall submit the resolution to
such electors, for their approval or rejection, at the next
general, primary, or special election occurring subsequent to
ninety days after the certifying of such petition to the board of
elections.

(3) Whenever a district is located in the territory of more
than one contracting party, a majority vote of the electors, if
any, in each of the several portions of the territory of the
contracting parties constituting the district approving the levy
of the tax is required before it may be imposed pursuant to this
division.

(4) If there are no electors residing in the district, no
election for the approval or rejection of an income tax shall be
held pursuant to this section, provided that where no electors
reside in the district, the maximum rate of the income tax that
may be levied shall not exceed one per cent.

(5) The board of directors of a district levying an income
tax shall enter into an agreement with one of the municipal
corporations that is a party to the contract to administer,
collect, and enforce the income tax on behalf of the district. The
resolution levying the income tax shall provide the same credits,
if any, to residents of the district for income taxes paid to
other such districts or municipal corporations where the residents
work, as credits provided to residents of the municipal
corporation administering the income tax.

(6)(a) The board shall publish or post public notice within
the district of any resolution adopted levying an income tax in
the same manner required of municipal corporations under sections
731.21 and 731.25 of the Revised Code.

(b) Except as otherwise specified by this division, any referendum or initiative proceeding within a district shall be conducted in the same manner as is required for such proceedings within a municipal corporation pursuant to sections 731.28 to 731.40 of the Revised Code.

(G) Membership on the board of directors does not constitute the holding of a public office or employment within the meaning of any section of the Revised Code or any charter provision prohibiting the holding of other public office or employment, and shall not constitute an interest, either direct or indirect, in a contract or expenditure of money by any municipal corporation, township, county, or other political subdivision with which the member may be connected. No member of a board of directors shall be disqualified from holding any public office or employment, nor shall such member forfeit or be disqualified from holding any such office or employment, by reason of the member's membership on the board of directors, notwithstanding any law or charter provision to the contrary.

(H) The powers and authorizations granted pursuant to this section or section 715.71 of the Revised Code are in addition to and not in derogation of all other powers granted to municipal corporations and townships pursuant to law. When exercising a power or performing a function or duty under a contract authorized pursuant to this section or section 715.71 of the Revised Code, a municipal corporation may exercise all of the powers of a municipal corporation, and may perform all the functions and duties of a municipal corporation, within the district, pursuant to and to the extent consistent with the contract. When exercising a power or performing a function or duty under a contract authorized pursuant to this section or section 715.71 of the Revised Code, a township may exercise all of the powers of a
township, and may perform all the functions and duties of a
township, within the district, pursuant to and to the extent
consistent with the contract. The district board of directors has
no powers except those specifically set forth in the contract as
agreed to by the participating parties. No political subdivision
shall authorize or grant any tax exemption pursuant to Chapter
1728. or section 3735.67, 5709.62, 5709.63, or 5709.632 of the
Revised Code on any property located within the district without
the consent of the contracting parties. The prohibition for any
tax exemption pursuant to this division shall not apply to any
exemption filed, pending, or approved, or for which an agreement
has been entered into, before the effective date of the contract
entered into by the parties.

(I) Municipal corporations and townships may enter into
binding agreements pursuant to a contract authorized under this
section or section 715.71 of the Revised Code with respect to the
substance and administration of zoning and other land use
regulations, building codes, public permanent improvements, and
other regulatory and proprietary matters that are determined,
pursuant to the contract, to be for a public purpose and to be
desirable with respect to the operation of the district or to
facilitate new or expanded economic development in the state or
the district, provided that no contract shall exempt the territory
within the district from the procedures and processes of land use
regulation applicable pursuant to municipal corporation, township,
and county regulations, including but not limited to procedures
and processes concerning zoning.

(J) A contract creating a joint economic development district
under this section or section 715.71 of the Revised Code may
designate property as a community entertainment district or may be
amended to designate property as a community entertainment
district as prescribed in division (D) of section 4301.80 of the
Revised Code. A joint economic development district contract or amendment designating a community entertainment district shall include all information and documentation described in divisions (B)(1) through (6) of section 4301.80 of the Revised Code. The public notice required under division (D)(2) of this section and division (C) of section 715.71 of the Revised Code shall specify that the contract designates a community entertainment district and describe the location of that district. Except as provided in division (F) of section 4301.80 of the Revised Code, an area designated as a community entertainment district under a joint economic development district contract shall not lose its designation even if the contract is canceled or terminated.

(K) A contract entered into pursuant to this section or section 715.71 of the Revised Code may be amended and it may be renewed, canceled, or terminated as provided in or pursuant to the contract. The contract may be amended to add property owned by one of the contracting parties to the district, or may be amended to delete property from the district whether or not one of the contracting parties owns the deleted property. The contract shall continue in existence throughout its term and shall be binding on the contracting parties and on any entities succeeding to such parties, whether by annexation, merger, or otherwise. The income tax levied by the board pursuant to this section or section 715.71 of the Revised Code shall apply in the entire district throughout the term of the contract, notwithstanding that all or a portion of the district becomes subject to annexation, merger, or incorporation. No township or municipal corporation is divested of its rights or obligations under the contract because of annexation, merger, or succession of interests.

(L) After the creation of a joint economic development district described in division (A)(2) of this section, a municipal corporation that is a contracting party may cease to own property
included in the district, but such property shall continue to be included in the district and subject to the terms of the contract.

**Sec. 715.71.** (A) This section provides alternative procedures and requirements to those set forth in section 715.70 of the Revised Code for creating and operating a joint economic development district. Divisions (B), (C), (D)(1) to (3), and (F) of section 715.70 of the Revised Code do not apply to a joint economic development district established under this section. However, divisions (A), (D)(4), (E), (G), (H), (I), (J), (K), and (L) of section 715.70 of the Revised Code do apply to a district established under this section.

(B) One or more municipal corporations and one or more townships may enter into a contract approved by the legislative authority of each contracting party pursuant to which they create as a joint economic development district one or more areas for the purpose of facilitating economic development to create or preserve jobs and employment opportunities and to improve the economic welfare of the people in this state and in the area of the contracting parties. The district created shall be located within the territory of one or more of the contracting parties and may consist of all or a portion of that territory. The boundaries of the district shall be described in the contract or in an addendum to the contract. The area or areas of land to be included in the district shall not include any parcel of land owned in fee by or leased to a municipal corporation or township, unless the municipal corporation or township is a party to the contract or has given its consent to have its parcel of land included in the district by the adoption of a resolution. As used in this division, "parcel of land" has the same meaning as in division (B) of section 715.70 of the Revised Code.

(C) Before the legislative authority of a municipal
corporation or a board of township trustees adopts an ordinance or resolution approving a contract to create a joint economic development district under this section, it shall hold a public hearing concerning the joint economic development district contract and shall provide thirty days' public notice of the time and place of the public hearing in a newspaper of general circulation in the municipal corporation and the township. Each municipal corporation and township that is a party to the contract shall hold a public hearing. During the thirty-day period prior to a public hearing, a copy of the text of the contract together with copies of district maps and plans related to or part of the contract shall be on file, for public examination, in the offices of the clerk of the legislative authority of the municipal corporation and of the township fiscal officer. The public hearings provided for in this division shall allow for public comment and recommendations on the proposed contract. The participating parties may include in the contract any of those recommendations prior to approval of the contract.

(D) After the legislative authority of a municipal corporation and the board of township trustees have adopted an ordinance and resolution approving a contract to create a joint economic development district, the municipal corporation and the township jointly shall file with the legislative authority of each county within which a party to the contract is located all of the following:

(1) A signed copy of the contract, together with copies of district maps and plans related to or part of the contract;

(2) Certified copies of the ordinances and resolutions of the contracting parties relating to the district and the contract;

(3) A certificate of each of the contracting parties that the public hearings provided for in division (C) of this section have been held, the date of the hearings, and evidence of publication.
of the notice of the hearings.

(E) Within thirty days after the filing under division (D) of this section, the legislative authority of each county within which a party to the contract is located shall adopt a resolution acknowledging the receipt of the required documents, approving the creation of the joint economic development district, and directing that the resolution of the board of township trustees approving the contract be submitted to the electors of the township for approval at the next succeeding general, primary, or special election. The legislative authority of the county shall file with the board of elections at least ninety days before the day of the election a copy of the resolution of the board of township trustees approving the contract. The resolution of the legislative authority of the county also shall specify the date the election is to be held and shall direct the board of elections to conduct the election in the township. If the resolution of the legislative authority of the county is not adopted within the thirty-day period after the filing under division (D) of this section, the joint economic development district shall be deemed approved by the county legislative authority, and the board of township trustees shall file its resolution with the board of elections for submission to the electors of the township for approval at the next succeeding general, primary, or special election. The filing shall occur at least ninety days before the specified date the election is to be held and shall direct the board of elections to conduct the election in the township.

The ballot shall be in the following form:

"Shall the resolution of the board of township trustees approving the contract with ................. (here insert name of each municipal corporation and other township that is a party to the contract) for the creation of a joint economic development district be approved?"
If a majority of the electors of the township voting on the issue vote for the resolution and contract, the resolution shall become effective immediately and the contract shall go into effect immediately or in accordance with its terms.

(F) The contract creating the district shall set forth or provide for the amount or nature of the contribution of each municipal corporation and township to the development and operation of the district and may provide for the sharing of the costs of the operation of and improvements for the district. The contributions may be in any form to which the contracting municipal corporations and townships agree and may include but are not limited to the provision of services, money, real or personal property, facilities, or equipment. The contract may provide for the contracting parties to share revenue from taxes levied on property by one or more of the contracting parties if those revenues may lawfully be applied to that purpose under the legislation by which those taxes are levied. The contract shall provide for new, expanded, or additional services, facilities, or improvements, including expanded or additional capacity for or other enhancement of existing services, facilities, or improvements, provided that the existing services, facilities, or improvements, or the expanded or additional capacity for or enhancement of the existing services, facilities, or improvements, have been provided within the two-year period prior to the execution of the contract.

(G) The contract shall enumerate the specific powers, duties, and functions of the board of directors of the district and shall provide for the determination of procedures that are to govern the
board of directors. The contract may grant to the board the power
to adopt a resolution to levy an income tax within the district.
The income tax shall be used for the purposes of the district and
for the purposes of the contracting municipal corporations and
townships pursuant to the contract. The income tax may be levied
in the district based on income earned by persons working or
residing within the district and based on the net profits of
businesses located in the district. The income tax of the district
shall follow the provisions of Chapter 718. of
the Revised Code, except that no vote shall be required by the
electors residing in the district. The rate of the income tax
shall be no higher than the highest rate being levied by a
municipal corporation that is a party to the contract.

The board of directors of a district levying an income tax
shall enter into an agreement with one of the municipal
corporations that is a party to the contract to administer,
collect, and enforce the income tax on behalf of the district. The
resolution levying the income tax shall provide the same credits,
if any, to residents of the district for income taxes paid to
other districts or municipal corporations where the residents
work, as credits provided to residents of the municipal
corporation administering the income tax.

(H) No annexation proceeding pursuant to Chapter 709. of the
Revised Code that proposes the annexation to or merger or
consolidation with a municipal corporation, except a municipal
corporation that is a party to the contract, of any unincorporated
territory within the district shall be commenced for a period of
three years after the contract is filed with the legislative
authority of each county within which a party to the contract is
located in accordance with division (D) of this section unless
each board of township trustees whose territory is included, in
whole or part, within the district and the territory proposed to
be annexed, merged, or consolidated adopts a resolution consenting to the commencement of the proceeding and a copy of the resolution is filed with the legislative authority of each such county or unless the contract is terminated during this three-year period. The contract entered into between the municipal corporations and townships pursuant to this section may provide for the prohibition of any annexation by the participating municipal corporations of any unincorporated territory within the district.

Sec. 715.72. (A) As used in this section:

(1) "Contracting parties" means one or more municipal corporations, one or more townships, and, under division (D) of this section, one or more counties that have entered into a contract under this section to create a joint economic development district.

(2) "District" means a joint economic development district created under this section.

(3) "Contract for utility services" means a contract under which a municipal corporation agrees to provide to a township or another municipal corporation water, sewer, electric, or other utility services necessary to the public health, safety, and welfare.

(4) "Business" means a sole proprietorship, a corporation for profit, a pass-through entity as defined in section 5733.04 of the Revised Code, the federal government, the state, the state's political subdivisions, a nonprofit organization, or a school district.

(5) "Owner" means a partner of a partnership, a member of a limited liability company, a majority shareholder of an S corporation, a person with a majority ownership interest in a pass-through entity, or any officer, employee, or agent with
authority to make decisions legally binding upon a business.  

(6) "Record owner" means the person or persons in whose name a parcel is listed on the tax list or exempt list compiled by the county auditor under section 319.28 or 5713.08 of the Revised Code.  

(7) A business "operates within" a district if the net profits of the business or the income of employees of the business would be subject to an income tax levied within the district.  

(8) An employee is "employed within" a district if any portion of the employee's income would be subject to an income tax levied within the district.  

(9) "Mixed-use development" means a real estate project that tends to mitigate traffic and sprawl by integrating some combination of retail, office, residential, hotel, recreation, and other functions in a pedestrian-oriented environment that maximizes the use of available space by allowing members of the community to live, work, and play in one architecturally expressive area with multiple amenities.  

(B) This section provides alternative procedures and requirements to those set forth in sections 715.70 and 715.71 of the Revised Code for creating and operating a joint economic development district. This section applies to municipal corporations and townships that are located in the same county or in adjacent counties.  

(C) One or more municipal corporations, one or more townships, and, under division (D) of this section, one or more counties may enter into a contract pursuant to which they designate one or more areas as a joint economic development district for the purpose of facilitating economic development and redevelopment, to create or preserve jobs and employment opportunities, and to improve the economic welfare of the people.
in this state and in the area of the contracting parties.

(1) Except as otherwise provided in division (C)(2) of this section, the territory of each of the contracting parties shall be contiguous to the territory of at least one other contracting party, or contiguous to the territory of a township, municipal corporation, or county that is contiguous to another contracting party, even if the intervening township or municipal corporation is not a contracting party.

(2) Contracting parties that have entered into a contract under section 715.70 or 715.71 of the Revised Code creating a joint economic development district prior to November 15, 1995, may enter into a contract under this section even if the territory of each of the contracting parties is not contiguous to the territory of at least one other contracting party, or contiguous to the territory of a township or municipal corporation that is contiguous to another contracting party as otherwise required under division (C)(1) of this section. The contract and district shall meet the requirements of this section.

(D) If, on or after December 30, 2008, but on or before June 30, 2009, one or more municipal corporations and one or more townships enter into a contract or amend an existing contract under this section, one or more counties in which all of those municipal corporations or townships are located also may enter into the contract as a contracting party or parties.

(E)(1) The area or areas to be included in a joint economic development district shall meet all of the following criteria:

(a) The area or areas shall be located within the territory of one or more of the contracting parties and may consist of all of the territory of any or all of the contracting parties.

(b) No electors, except those residing in a mixed-use development, shall reside within the area or areas on the
effective date of the contract creating the district.

(c) The area or areas shall not include any parcel of land owned in fee by or leased to a municipal corporation or township, unless the municipal corporation or township is a contracting party or has given its consent to have the parcel of land included in the district by the adoption of an ordinance or resolution.

(2) The contracting parties may designate excluded parcels within the boundaries of the joint economic development district. Excluded parcels are not part of the district and persons employed or residing on such parcels shall not be subject to any income tax imposed within the district under division (F)(5) of this section.

(F)(1) The contract creating a joint economic development district shall provide for the amount or nature of the contribution of each contracting party to the development and operation of the district and may provide for the sharing of the costs of the operation of and improvements for the district. The contributions may be in any form to which the contracting parties agree and may include, but are not limited to, the provision of services, money, real or personal property, facilities, or equipment.

(2) The contract may provide for the contracting parties to share revenue from taxes levied by one or more of the contracting parties if those revenues may lawfully be applied to that purpose under the legislation by which those taxes are levied.

(3) The contract shall include an economic development plan for the district that consists of a schedule for the provision of new, expanded, or additional services, facilities, or improvements. The contract may provide for expanded or additional capacity for or other enhancement of existing services, facilities, or improvements.

(4) The contract shall enumerate the specific powers, duties,
functions of the board of directors of the district described under division (P) of this section and shall designate procedures consistent with that division for appointing members to the board. The contract shall enumerate rules to govern the board in carrying out its business under this section.

(5)(a) The contract may grant to the board the power to adopt a resolution to levy an income tax within the entire district or within portions of the district designated by the contract. The income tax shall be used to carry out the economic development plan for the district or the portion of the district in which the tax is levied and for any other lawful purpose of the contracting parties pursuant to the contract, including the provision of utility services by one or more of the contracting parties.

(b) An income tax levied under this section shall be based on both the income earned by persons employed or residing within the district and the net profit of businesses operating within the district.

Except as provided in this section, the income tax levied within the district is subject to Chapters 718. and 5718. of the Revised Code, except that no vote shall be required. The rate of the income tax shall be no higher than the highest rate being levied by a municipal corporation that is a contracting party.

(c) If the board adopts a resolution to levy an income tax, it shall enter into an agreement with a municipal corporation that is a contracting party to administer, collect, and enforce the income tax on behalf of the district.

(d) A resolution levying an income tax under this section shall require the contracting parties to annually set aside a percentage, to be stated in the resolution, of the amount of the income tax collected for the long-term maintenance of the
district.

(e) An income tax levied under this section shall apply in the district or the portion of the district in which the contract authorizes an income tax throughout the term of the contract creating the district. The tax shall not apply to any persons employed or residing on a parcel excluded from the district under division (E)(2) of this section.

(6) If there is unincorporated territory in the district, the contract shall specify that restrictions on annexation proceedings under division (R) of this section apply to such unincorporated territory. The contract may prohibit proceedings under Chapter 709. of the Revised Code proposing the annexation to, merger of, or consolidation with a municipal corporation that is a contracting party of any unincorporated territory within a township that is a contracting party during the term of the contract regardless of whether that territory is located within the district.

(7) The contract may designate property as a community entertainment district, or may be amended to designate property as a community entertainment district, as prescribed in division (D) of section 4301.80 of the Revised Code. A contract or amendment designating a community entertainment district shall include all information and documentation described in divisions (B)(1) to (6) of section 4301.80 of the Revised Code. The public notice required under division (I) of this section shall specify that the contract designates a community entertainment district and describe the location of that district. Except as provided in division (F) of section 4301.80 of the Revised Code, an area designated as a community entertainment district under a joint economic development district contract shall not lose its designation even if the contract is canceled or terminated.

(G) The contract creating a joint economic development
district shall continue in existence throughout its term and shall be binding on the contracting parties and on any parties succeeding to the contracting parties, whether by annexation, merger, or consolidation. Except as provided in division (H) of this section, the contract may be amended, renewed, or terminated with the approval of the contracting parties or any parties succeeding to the contracting parties. If the contract is amended to add or remove an area to or from an existing district, the amendment shall be adopted in the manner prescribed under division (L) of this section.

(H) If two or more contracting parties previously have entered into a separate contract for utility services, then amendment, renewal, or termination of the separate contract for utility services shall not constitute any part of the consideration for the contract creating a joint economic development district. A contract creating a joint economic development district shall be rebuttably presumed to violate this division if it is entered into within two years prior or five years subsequent to the amendment, renewal, or termination of a separate contract for utility services that two or more contracting parties previously have entered into. The presumption stated in this division may be rebutted by clear and convincing evidence of both of the following:

(1) That other substantial consideration existed to support the contract creating a joint economic development district;

(2) That the contracting parties entered into the contract creating a joint economic development district freely and without duress or coercion related to the amendment, renewal, or termination of the separate contract for utility services.

A contract creating a joint economic development district that violates this division is void and unenforceable.
(I)(1) Before the legislative authority of any of the contracting parties adopts an ordinance or resolution approving a contract to create a district, the legislative authority of each of the contracting parties shall hold a public hearing concerning the contract and district. Each legislative authority shall provide at least thirty days' public notice of the time and place of the public hearing in a newspaper of general circulation in the municipal corporation, township, or county, as applicable. During the thirty-day period prior to the public hearing and until the date that an ordinance or resolution is adopted under division (K) of this section to approve the joint economic development district contract, all of the following documents shall be available for public inspection in the office of the clerk of the legislative authority of a municipal corporation and county that is a contracting party and in the office of the fiscal officer of a township that is a contracting party:

(a) A copy of the contract creating the district, including the economic development plan for the district and the schedule for the provision of new, expanded, or additional services, facilities, or improvements described in division (F)(3) of this section;

(b) A description of the area or areas to be included in the district, including a map in sufficient detail to denote the specific boundaries of the area or areas and to indicate any zoning restrictions applicable to the area or areas, and the parcel number, provided for under section 319.28 of the Revised Code, of any parcel located within the boundaries of the joint economic development district and excluded from the district under division (E)(2) of this section;

(c) If the contract authorizes the board of directors of the district to adopt a resolution to levy an income tax within the district or within portions of the district, a schedule for the
collection of the tax.

(2) A public hearing held under this division shall allow for public comment and recommendations on the contract and district. The contracting parties may include in the contract any of those recommendations prior to approval of the contract.

(J) Before any of the contracting parties approves a contract under division (K) of this section, the contracting parties shall circulate one or more petitions to record owners of real property located within the proposed joint economic development district and owners of businesses operating within the proposed district. The petitions shall state that all of the documents described in divisions (I)(1)(a) to (c) of this section are available for public inspection in the office of the clerk of the legislative authority of each municipal corporation and county that is a contracting party or the office of the fiscal officer of each township that is a contracting party. The petitions shall clearly indicate that, by signing the petition, the record owner or owner consents to the proposed joint economic development district.

A contracting party may send written notice of the petitions by certified mail with return receipt requested to the last known mailing addresses of any or all of the record owners of real property located within the proposed district or the owners of businesses operating within the proposed district. The contracting parties shall equally share the costs of complying with this division.

(K)(1) After the public hearings required under division (I) of this section have been held and the petitions described in division (J) of this section have been signed by the majority of the record owners of real property located within the proposed joint economic development district and by a majority of the owners of businesses, if any, operating within the proposed district, each contracting party may adopt an ordinance or
resolution approving the contract to create a joint economic development district. Not later than ten days after all of the contracting parties have adopted ordinances or resolutions approving the district contract, each contracting party shall give notice of the proposed district to all of the following:

(a) Each record owner of real property to be included in the district and in the territory of that contracting party who did not sign the petitions described in division (J) of this section;

(b) An owner of each business operating within the district and in the territory of that contracting party no owner of which signed the petitions described in division (J) of this section.

(2) Such notices shall be given by certified mail and shall specify that the property or business is located within an area to be included in the district and that all of the documents described in divisions (I)(1)(a) to (c) of this section are available for public inspection in the office of the clerk of the legislative authority of each municipal corporation and county that is a contracting party or the office of the fiscal officer of each township that is a contracting party. The contracting parties shall equally share the costs of complying with division (K) of this section.

(L)(1) The contracting parties may amend the joint economic development district contract to add any area that was not originally included in the district if the area satisfies the criteria prescribed under division (E) of this section. The contracting parties may also amend the district contract to remove any area originally included in the district or exclude one or more parcels located within the district pursuant to division (E)(2) of this section.

(2) An amendment adding an area to a district, removing an area from the district, or excluding one or more parcels from the
district may be approved only by a resolution or ordinance adopted by each of the contracting parties. The contracting parties shall conduct public hearings on the amendment and provide notice in the manner required under division (I) of this section for original contracts. The contracting parties shall make available for public inspection a copy of the amendment, a description of the area to be added, removed, or excluded to or from the district, and a map of that area in sufficient detail to denote the specific boundaries of the area and to indicate any zoning restrictions applicable to the area.

(3) Before adopting a resolution or ordinance approving the addition of an area to the district, the contracting parties shall circulate petitions to the record owners of real property located within the proposed addition to the district and owners of businesses operating within the proposed addition to the district in the same manner required under division (J) of this section for original contracts. The contracting parties may notify such record owners of real property and owners of businesses that the petitions are available for signing in the same manner provided by that division. The contracting parties shall equally share the costs of complying with this division.

(4) The contracting parties to a joint economic development district may vote to approve an amendment to the district contract under this division after the public hearings required under division (L)(2) of this section are completed and, if the amendment adds an area or areas to the district, the petitions required under division (L)(3) of this section have been signed by the majority of record owners of real property located within the area or areas added to the district and by a majority of the owners of businesses, if any, operating within the proposed addition to the district.

(5) Not later than ten days after all of the contracting
parties have adopted ordinances or resolutions approving an
amendment adding one or more areas to the district, each
contracting party shall give notice of the addition to all of the
following:

(a) Each record owner of real property to be included in the
addition to the district and in the territory of that contracting
party who did not sign the petitions described in division (L)(3)
of this section;

(b) An owner of each business operating within the addition
to the district and in the territory of that contracting party no
owner of which signed the petitions described in division (L)(3)
of this section.

The contracting parties shall equally share the costs of
complying with division (L)(5) of this section.

(M)(1) A board of township trustees that is a party to a
contract creating a joint economic development district may choose
not to submit its resolution approving the contract to the
electors of the township if all of the following conditions are
satisfied:

(a) The resolution has been approved by a unanimous vote of
the members of the board of township trustees or, if a county is
one of the contracting parties under division (D) of this section,
the resolution has been approved by a majority vote of the members
of the board of township trustees;

(b) The contracting parties have circulated petitions as
required under division (J) of this section and obtained the
signatures required under division (L) of this section;

(c) The territory to be included in the proposed district is
zoned in a manner appropriate to the function of the district.

(2) If the board of township trustees has not invoked its
authority under division (M)(1) of this section, the board, at least ninety days before the date of the election, shall file its resolution approving the district contract with the board of elections for submission to the electors of the township for approval at the next succeeding general, primary, or special election.

(3) Any contract creating a district in which a board of township trustees is a party shall provide that the contract is not effective before the thirty-first day after its approval, including approval by the electors of the township if required by this section.

(4) If the board of township trustees invokes its authority under division (M)(1) of this section and does not submit the district contract to the electors for approval, the resolution of the board of township trustees approving the contract is subject to a referendum of the electors of the township when requested through a petition. When signed by ten per cent of the number of electors in the township who voted for the office of governor at the most recent general election, a referendum petition asking that the resolution be submitted to the electors of the township may be presented to the board of township trustees. Such a petition shall be presented within thirty days after the board of township trustees adopts the resolution approving the district contract. The board of township trustees shall, not later than four p.m. of the tenth day after receipt of the petition, certify the text of the resolution to the board of elections. The board of elections shall submit the resolution to the electors of the township for their approval or rejection at the next general, primary, or special election occurring at least ninety days after certification of the resolution.

(N) The ballot respecting a resolution to create a district or a referendum of such a resolution shall be in the following...
"Shall the resolution of the board of township trustees approving the contract with ............... (here insert name of every other contracting party) for the creation of a joint economic development district be approved?

FOR THE RESOLUTION AND CONTRACT

AGAINST THE RESOLUTION AND CONTRACT"

If a majority of the electors of the township voting on the issue vote for the resolution and contract, the resolution shall become effective immediately and the contract shall go into effect on the thirty-first day after the election or thereafter in accordance with terms of the contract.

(O) Upon the creation of a district under this section, one of the contracting parties shall file a copy of each of the following documents with the director of development services:

(1) All of the documents described in divisions (I)(1)(a) to (c) of this section;

(2) Certified copies of the ordinances and resolutions of the contracting parties relating to the contract and district;

(3) Documentation from each contracting party that the public hearings required by division (I) of this section have been held, the date of the hearings, and evidence that notice of the hearings was published as required by that division;

(4) A copy of the signed petitions required under divisions (J) and (K) of this section.

(P) A board of directors shall govern each district created under this section.

(1) If there are businesses operating and persons employed within the district, the board shall be composed of the following members:
(a) One member representing the municipal corporations that are contracting parties;

(b) One member representing the townships that are contracting parties;

(c) One member representing the owners of businesses operating within the district;

(d) One member representing the persons employed within the district;

(e) One member representing the counties that are contracting parties, or, if no contracting party is a county, one member selected by the members described in divisions (P)(1)(a) to (d) of this section.

The members of the board shall be appointed as provided in the district contract. Of the members initially appointed to the board, the member described in division (P)(1)(a) of this section shall serve a term of one year; the member described in division (P)(1)(b) of this section shall serve a term of two years; the member described in division (P)(1)(c) of this section shall serve a term of three years; and the members described in divisions (P)(1)(d) and (e) of this section shall serve terms of four years. Thereafter, terms for each member shall be for four years, each term ending on the same day of the same month of the year as did the term that it succeeds. A member may be reappointed to the board, but no member shall serve more than two consecutive terms on the board.

The member described in division (P)(1)(e) of this section shall serve as chairperson of the board described under division (P)(1) of this section.

(2) If there are no businesses operating or persons employed within the district, the board shall be composed of the following members:
(a) One member representing the municipal corporations that are contracting parties;

(b) One member representing the townships that are contracting parties;

(c) One member representing the counties that are contracting parties, or if no contracting party is a county, one member selected by the members described in divisions (P)(2)(a) and (b) of this section.

The members of the board shall be appointed as provided in the district contract. Of the members initially appointed to the board, the member described in division (P)(2)(a) of this section shall serve a term of one year; the member described in division (P)(2)(b) of this section shall serve a term of two years; and the member described in division (P)(2)(c) of this section shall serve a term of three years. Thereafter, terms for each member shall be for four years, each term ending on the same day of the same month of the year as did the term that it succeeds. A member may be reappointed to the board, but no member shall serve more than two consecutive terms on the board.

The member described in division (P)(2)(c) of this section shall serve as chairperson of a board described under division (P)(2) of this section.

(3) A board described under division (P)(1) or (2) of this section has no powers except as described in this section and in the contract creating the district.

(4) Membership on the board of directors of a joint economic development district created under this section is not the holding of a public office or employment within the meaning of any section of the Revised Code prohibiting the holding of other public office or employment. Membership on such a board is not a direct or indirect interest in a contract or expenditure of money by a
municipal corporation, township, county, or other political subdivision with which a member may be affiliated. Notwithstanding any provision of law to the contrary, no member of a board of directors of a joint economic development district shall forfeit or be disqualified from holding any public office or employment by reason of membership on the board.

(5) The board of directors of a joint economic development district is a public body for the purposes of section 121.22 of the Revised Code. Chapter 2744. of the Revised Code applies to such a board and the district.

(Q)(1) On or before the date occurring six months after the effective date of the district contract, an owner of a business operating within the district may, on behalf of the business and its employees, file a complaint with the court of common pleas of the county in which the majority of the territory of the district is located requesting exemption from any income tax imposed by the board of directors of the district under division (F)(5) of this section if all of the following apply:

(a) The business operated within an unincorporated area of the district before the effective date of the district contract;

(b) No owner of the business signed a petition described in division (J) of this section;

(c) Neither the business nor its employees has derived or will derive any material benefit from the new, expanded, or additional services, facilities, or improvements described in the economic development plan for the district, or the material benefit that has, or will be, derived is negligible in comparison to the income tax revenue generated from the net profits of the business and the income of employees of the business.

The legislative authority of each contracting party shall be made a party to the proceedings and the business owner filing the
complaint shall serve notice of the complaint by certified mail to each such contracting party. The court shall not accept any complaint filed more than six months after the effective date of the district contract.

(2) Any or all of the contracting parties may submit a written answer to the complaint submitted under division (Q)(1) of this section to the court within thirty days after notice of the complaint was served upon them. Such a contracting party shall submit to the court, along with the answer, documentation sufficient to prove that the contracting party sent copies of the answer to the owner of the business who filed the complaint.

(3) The court shall review each complaint submitted by a business owner under division (Q)(1) of this section and each answer submitted by a contracting party under division (Q)(2) of this section. The court may make a determination on the record and the evidence thus submitted, or it may conduct a hearing and request the presence of the business owner and the contracting parties to present evidence relevant to the complaint. The court shall make a determination on the complaint not sooner than thirty days but not later than sixty days after the complaint is filed by the business owner. The court may make a determination more than sixty days after the complaint is filed if the business owner and all contracting parties to the district consent.

(4) The court shall grant the exemption requested in the complaint if all of the criteria described in divisions (Q)(1)(a) to (c) of this section are met.

(5) If all the criteria described in divisions (Q)(1)(a) to (c) of this section are not met, the court shall deny the complaint and the exemption.

(6) The court shall send notice of the determination with respect to the complaint to the owner of the business and each
contracting party. If the court grants the exemption, the net profits of the business from operations within the district and the income of its employees from employment within the district are exempt from any income tax imposed by the board of directors of the district. If the court denies the exemption, the net profits of the business and the income of its employees shall be taxed according to the terms of the district contract and any taxes, penalties, and interest accrued before the date of the court's determination shall be paid in full. In addition, no owner of the business may submit another complaint under division (Q)(1) of this section for the same district contract. The court's determination on a complaint filed under division (Q) of this section is final.

(7) Chapter 2506. of the Revised Code does not apply to the proceedings described in division (Q) of this section.

(R)(1) No proceeding pursuant to Chapter 709. of the Revised Code that proposes the annexation to, merger of, or consolidation with a municipal corporation of any unincorporated territory within a joint economic development district may be commenced at any time between the effective date of the contract creating the district and the date the contract expires, terminates, or is otherwise rendered unenforceable. This division does not apply if each board of township trustees whose territory is included within the district and whose territory is proposed to be annexed, merged, or consolidated adopts a resolution consenting to the commencement of the proceeding. Each such board of township trustees shall file a copy of the resolution with the clerk of the legislative authority of each county within which a contracting party is located.

(2) The contract creating a joint economic development district may prohibit any annexation proceeding by a contracting municipal corporation of any unincorporated territory within the
district or zone beyond the period described in division (R)(1) of this section.

(3) No contracting party is divested or relieved of its rights or obligations under the contract creating a joint economic development district because of annexation, merger, or consolidation.

(S) Contracting parties may enter into agreements pursuant to the contract creating a joint economic development district with respect to the substance and administration of zoning and other land use regulations, building codes, permanent public improvements, and other regulatory and proprietary matters determined to be for a public purpose. No contract, however, shall exempt the territory within the district from the procedures of land use regulation applicable pursuant to municipal corporation, township, and county regulations, including, but not limited to, zoning procedures.

(T) The powers granted under this section are in addition to and not in the derogation of all other powers possessed by or granted to municipal corporations, townships, and counties pursuant to law.

(1) When exercising a power or performing a function or duty under a contract entered into under this section, a municipal corporation may exercise all the powers of a municipal corporation, and may perform all the functions and duties of a municipal corporation, within the district, pursuant to and to the extent consistent with the contract.

(2) When exercising a power or performing a function or duty under a contract entered into under division (D) of this section, a county may exercise all of the powers of a county, and may perform all the functions and duties of a county, within the district pursuant to and to the extent consistent with the
When exercising a power or performing a function or duty under a contract entered into under this section, a township may exercise all the powers of a township, and may perform all the functions and duties of a township, within the district, pursuant to and to the extent consistent with the contract.

(U) No political subdivision shall grant any tax exemption under Chapter 1728. or section 3735.67, 5709.62, 5709.63, or 5709.632 of the Revised Code on any property located within the district without the consent of all the contracting parties. The prohibition against granting a tax exemption under this section does not apply to any exemption filed, pending, or approved before the effective date of the contract entered into under this section.

Sec. 718.01. Any term used in this chapter that is not otherwise defined in this chapter has the same meaning as when used in a comparable context in laws of the United States relating to federal income taxation or in Title LVII of the Revised Code, unless a different meaning is clearly required. If a term used in this chapter that is not otherwise defined in this chapter is used in a comparable context in both the laws of the United States relating to federal income tax and in Title LVII of the Revised Code and the use is not consistent, then the use of the term in the laws of the United States relating to federal income tax shall control over the use of the term in Title LVII of the Revised Code.

As used in this chapter:

(A)(1) "Municipal taxable income" means the following:

(a) For a person other than an individual, income reduced by exempt income to the extent otherwise included in income and then,
as applicable, apportioned or sitused to the municipal corporation under section 718.02 of the Revised Code, and further reduced by any pre-2017 net operating loss carryforward available to the person for the municipal corporation.

(b)(i) For an individual who is a resident of a municipal corporation other than a qualified municipal corporation, income reduced by exempt income to the extent otherwise included in income, then reduced as provided in division (A)(2) of this section, and further reduced by any pre-2017 net operating loss carryforward available to the individual for the municipal corporation.

(ii) For an individual who is a resident of a qualified municipal corporation, Ohio adjusted gross income reduced by income exempted, and increased by deductions excluded, by the qualified municipal corporation from the qualified municipal corporation's tax. If a qualified municipal corporation, on or before December 31, 2013, exempts income earned by individuals who are not residents of the qualified municipal corporation and net profit of persons that are not wholly located within the qualified municipal corporation, such individual or person shall have no municipal taxable income for the purposes of the tax levied by the qualified municipal corporation and may be exempted by the qualified municipal corporation from the requirements of section 718.03 of the Revised Code.

(c)(b) For an individual who is a nonresident of a municipal corporation, income reduced by exempt income to the extent otherwise included in income and then, as applicable, apportioned or sitused to the municipal corporation under section 718.02 of the Revised Code, then reduced as provided in division (A)(2) of this section, and further reduced by any pre-2017 net operating loss carryforward available to the individual for the municipal corporation.
(2) In computing the municipal taxable income of a taxpayer who is an individual, the taxpayer may subtract, as provided in division (A)(1)(a)(i) or (c)(b) of this section, the amount of the individual's employee business expenses reported on the individual's form 2106 that the individual deducted for federal income tax purposes for the taxable year, subject to the limitation imposed by section 67 of the Internal Revenue Code. For the municipal corporation in which the taxpayer is a resident, the taxpayer may deduct all such expenses allowed for federal income tax purposes. For a municipal corporation in which the taxpayer is not a resident, the taxpayer may deduct such expenses only to the extent the expenses are related to the taxpayer's performance of personal services in that nonresident municipal corporation.

(B) "Income" means the following:

(1)(a) For residents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the resident, including the resident's distributive share of the net profit of pass-through entities owned directly or indirectly by the resident and any net profit of the resident, except as provided in division (D)(4) of this section.

(b) For the purposes of division (B)(1)(a) of this section:

(i) Any net operating loss of the resident incurred in the taxable year and the resident's distributive share of any net operating loss generated in the same taxable year and attributable to the resident's ownership interest in a pass-through entity shall be allowed as a deduction, for that taxable year and the following five taxable years, against any other net profit of the resident or the resident's distributive share of any net profit attributable to the resident's ownership interest in a pass-through entity until fully utilized, subject to division (B)(1)(d) of this section;
(ii) The resident's distributive share of the net profit of each pass-through entity owned directly or indirectly by the resident shall be calculated without regard to any net operating loss that is carried forward by that entity from a prior taxable year and applied to reduce the entity's net profit for the current taxable year.

(c) Division (B)(1)(b) of this section does not apply with respect to any net profit or net operating loss attributable to an ownership interest in an S corporation unless shareholders' distributive shares of net profits from S corporations are subject to tax in the municipal corporation as provided in division (C)(14)(11)(b) or (c) of this section.

(d) Any amount of a net operating loss used to reduce a taxpayer's net profit for a taxable year shall reduce the amount of net operating loss that may be carried forward to any subsequent year for use by that taxpayer. In no event shall the cumulative deductions for all taxable years with respect to a taxpayer's net operating loss exceed the original amount of that net operating loss available to that taxpayer.

(2) In the case of nonresidents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the nonresident for work done, services performed or rendered, or activities conducted in the municipal corporation, including any net profit of the nonresident, but excluding the nonresident's distributive share of the net profit or loss of only pass-through entities owned directly or indirectly by the nonresident.

(3) For taxpayers that are not individuals, net profit of the taxpayer:

(4) Lottery, sweepstakes, gambling and sports winnings, winnings from games of chance, and prizes and awards. If the
taxpayer is a professional gambler for federal income tax purposes, the taxpayer may deduct related wagering losses and expenses to the extent authorized under the Internal Revenue Code and claimed against such winnings.

(C) "Exempt income" means all of the following:

(1) The military pay or allowances of members of the armed forces of the United States or members of their reserve components, including the national guard of any state;

(2) (a) Except as provided in division (C)(2)(b) of this section, intangible income;

(b) A municipal corporation that taxed any type of intangible income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 116th general assembly, may continue to tax that type of income if a majority of the electors of the municipal corporation voting on the question of whether to permit the taxation of that type of intangible income after 1988 voted in favor thereof at an election held on November 8, 1988.

(3) Social security benefits, railroad retirement benefits, unemployment compensation, pensions, retirement benefit payments, payments from annuities, and similar payments made to an employee or to the beneficiary of an employee under a retirement program or plan, disability payments received from private industry or local, state, or federal governments or from charitable, religious or educational organizations, and the proceeds of sickness, accident, or liability insurance policies. As used in division (C)(3) of this section, "unemployment compensation" does not include supplemental unemployment compensation described in section 3402(o)(2) of the Internal Revenue Code.

(4) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent such income is derived from tax-exempt real estate, tax-exempt
tangible or intangible property, or tax exempt activities.

(5) Compensation paid under section 3501.28 or 3501.36 of the Revised Code to a person serving as a precinct election official to the extent that such compensation does not exceed one thousand dollars for the taxable year. Such compensation in excess of one thousand dollars for the taxable year may be subject to taxation by a municipal corporation. A municipal corporation shall not require the payer of such compensation to withhold any tax from that compensation.

(6) Dues, contributions, and similar payments received by charitable, religious, educational, or literary organizations or labor unions, lodges, and similar organizations;

(7) Alimony and child support received;

(8) Compensation for personal injuries or for damages to property from insurance proceeds or otherwise, excluding compensation paid for lost salaries or wages or compensation from punitive damages;

(9) Income of a public utility when that public utility is subject to the tax levied under section 5727.24 or 5727.30 of the Revised Code. Division (C)(9) of this section does not apply for purposes of Chapter 5745. of the Revised Code.

(10) Gains from involuntary conversions, interest on federal obligations, items of income subject to a tax levied by the state and that a municipal corporation is specifically prohibited by law from taxing, and income of a decedent's estate during the period of administration except such income from the operation of a trade or business;

(11) Compensation or allowances excluded from federal gross income under section 107 of the Internal Revenue Code;

(12) Employee compensation that is not qualifying wages as
defined in division (R) of this section;

(10) Compensation paid to a person employed within the boundaries of a United States air force base under the jurisdiction of the United States air force that is used for the housing of members of the United States air force and is a center for air force operations, unless the person is subject to taxation because of residence or domicile. If the compensation is subject to taxation because of residence or domicile, tax on such income shall be payable only to the municipal corporation of residence or domicile.

(11) (a) Except as provided in division (C)(14)(b) or (c) of this section, an S corporation shareholder's distributive share of net profits of the S corporation, other than any part of the distributive share of net profits that represents wages as defined in section 3121(a) of the Internal Revenue Code or net earnings from self-employment as defined in section 1402(a) of the Internal Revenue Code.

(b) If, pursuant to division (H) of former section 718.01 of the Revised Code as it existed before March 11, 2004, a majority of the electors of a municipal corporation voted in favor of the question at an election held on November 4, 2003, the municipal corporation may continue after 2002 to tax an S corporation shareholder's distributive share of net profits of an S corporation.

(c) If, on December 6, 2002, a municipal corporation was imposing, assessing, and collecting a tax on an S corporation shareholder's distributive share of net profits of the S corporation to the extent the distributive share would be allocated or apportioned to this state under divisions (B)(1) and (2) of section 5733.05 of the Revised Code if the S corporation were a corporation subject to taxes imposed under Chapter 5733. of the Revised Code, the municipal corporation may continue to impose
the tax on such distributive shares to the extent such shares would be so allocated or apportioned to this state only until December 31, 2004, unless a majority of the electors of the municipal corporation voting on the question of continuing to tax such shares after that date voted in favor of that question at an election held November 2, 2004. If a majority of those electors voted in favor of the question, the municipal corporation may continue after December 31, 2004, to impose the tax on such distributive shares only to the extent such shares would be so allocated or apportioned to this state.

(d) A municipal corporation shall be deemed to have elected to tax S corporation shareholders' distributive shares of net profits of the S corporation in the hands of the shareholders if a majority of the electors of a municipal corporation voted in favor of a question at an election held under division (C)(14)(11)(b) or (c) of this section. The municipal corporation shall specify by resolution or ordinance that the tax applies to the distributive share of a shareholder of an S corporation in the hands of the shareholder of the S corporation.

(15)(12) To the extent authorized under a resolution or ordinance adopted by a municipal corporation before January 1, 2016, all or a portion of the income of individuals or a class of individuals under eighteen years of age.

(16)(13)(a) Except as provided in divisions (C)(16)(13)(b), (c), and (d) of this section, qualifying wages described in division (B)(1) or (E) of section 718.011 of the Revised Code to the extent the qualifying wages are not subject to withholding for the municipal corporation under either of those divisions.

(b) The exemption provided in division (C)(16)(13)(a) of this section does not apply with respect to the municipal corporation in which the employee resided at the time the employee earned the qualifying wages.
(c) The exemption provided in division (C) of this section does not apply to qualifying wages that an employer elects to withhold under division (D) of section 718.011 of the Revised Code.

(d) The exemption provided in division (C) of this section does not apply to qualifying wages if both of the following conditions apply:

(i) For qualifying wages described in division (B) of section 718.011 of the Revised Code, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employee's principal place of work is situated, or, for qualifying wages described in division (E) of section 718.011 of the Revised Code, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employer's fixed location is located;

(ii) The employee receives a refund of the tax described in division (C) of this section on the basis of the employee not performing services in that municipal corporation.

(14) (a) Except as provided in division (C) of this section, compensation that is not qualifying wages paid to a nonresident individual for personal services performed in the municipal corporation on not more than twenty days in a taxable year.

(b) The exemption provided in division (C) of this section does not apply under either of the following circumstances:

(i) The individual's base of operation is located in the municipal corporation.

(ii) The individual is a professional athlete, professional entertainer, or public figure, and the compensation is paid for the performance of services in the individual's capacity as a
professional athlete, professional entertainer, or public figure. For purposes of division (C) of this section, "professional athlete," "professional entertainer," and "public figure" have the same meanings as in section 718.011 of the Revised Code.

(c) Compensation to which division (C) of this section applies shall be treated as earned or received at the individual's base of operation. If the individual does not have a base of operation, the compensation shall be treated as earned or received where the individual is domiciled.

(d) For purposes of division (C) of this section, "base of operation" means the location where an individual owns or rents an office, storefront, or similar facility to which the individual regularly reports and at which the individual regularly performs personal services for compensation.

(18) Compensation paid to a person for personal services performed for a political subdivision on property owned by the political subdivision, regardless of whether the compensation is received by an employee of the subdivision or another person performing services for the subdivision under a contract with the subdivision, if the property on which services are performed is annexed to a municipal corporation pursuant to section 709.023 of the Revised Code on or after March 27, 2013, unless the person is subject to such taxation because of residence. If the compensation is subject to taxation because of residence, municipal income tax shall be payable only to the municipal corporation of residence.

(19) In the case of a tax administered, collected, and enforced by a municipal corporation pursuant to an agreement with the board of directors of a joint economic development district under section 715.72 of the Revised Code, the net profits of a business, and the income of the employees of that business, exempted from the tax under division (Q) of that section.
(20)(17) Income the taxation of which is prohibited by the constitution or laws of the United States.

Any item of income that is exempt income of a pass-through entity under division (C) of this section is exempt income of each owner of the pass-through entity to the extent of that owner's distributive or proportionate share of that item of the entity's income.

(D)(1) "Net profit" for a person other than an individual means adjusted federal taxable income.

(2) "Net profit" for a person who is an individual means the individual's net profit required to be reported on schedule C, schedule E, or schedule F reduced by any net operating loss carried forward. For the purposes of division (D)(2) of this section, the net operating loss carried forward shall be calculated and deducted in the same manner as provided in division (E)(8)(D)(2) of this section.

(2) For the purposes of division (D)(1) of this section, net operating loss carried forward shall be calculated and deducted as follows:

(a) Except as limited by divisions (D)(2)(b), (c), and (d) of this section, deduct any net operating loss incurred by the person in a taxable year beginning on or after January 1, 2017, to the extent necessary to reduce municipal taxable income to zero, with any remaining unused portion of such net operating loss carried forward to not more than five consecutive taxable years following the taxable year in which the loss was incurred, but in no case for more years than necessary for the deduction to be fully utilized.

(b) No person shall use the deduction allowed by division (D)(2) of this section to offset qualifying wages.

(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021,
or 2022, a person may not deduct, for purposes of an income tax levied by a municipal corporation that levies an income tax before January 1, 2016, more than fifty per cent of the amount of the deduction otherwise allowed by division (D)(2)(a) of this section.

(ii) For taxable years beginning in 2023 or thereafter, a person may deduct, for purposes of an income tax levied by a municipal corporation that levies an income tax before January 1, 2016, the full amount allowed by division (D)(2)(a) of this section.

(d) Any pre-2017 net operating loss carryforward deduction that is available must be utilized before a taxpayer may deduct any amount pursuant to division (D)(2) of this section.

(e) Nothing in division (D)(2)(c)(i) of this section precludes a person from carrying forward, for use with respect to any return filed for a taxable year beginning after 2018, any amount of net operating loss that was not fully utilized by operation of division (D)(2)(c)(i) of this section. To the extent that an amount of net operating loss that was not fully utilized in one or more taxable years by operation of division (D)(2)(c)(i) of this section is carried forward for use with respect to a return filed for a taxable year beginning in 2019, 2020, 2021, or 2022, the limitation described in division (D)(2)(c)(i) of this section shall apply to the amount carried forward.

(3) For the purposes of this chapter, and notwithstanding division (D)(1) of this section, net profit of a disregarded entity shall not be taxable as against that disregarded entity, but shall instead be included in the net profit of the individual owner of the disregarded entity.

(4) For the purposes of this chapter, and notwithstanding any other provision of this chapter, the net profit of a publicly traded partnership that makes the election described in division
(D) (4) of this section shall be taxed as if the partnership were a C corporation, and shall not be treated as the net profit or income of any owner of the partnership if the publicly traded partnership elects to be taxed as a C corporation pursuant to division (D)(4) of section 5718.01 of the Revised Code.

A publicly traded partnership that is treated as a partnership for federal income tax purposes and that is subject to tax on its net profits in one or more municipal corporations in this state may elect to be treated as a C corporation for municipal income tax purposes. The publicly traded partnership shall make the election in every municipal corporation in which the partnership is subject to taxation on its net profits. The election shall be made on the annual tax return filed in each such corporation. The publicly traded partnership shall not be required to file the election with any municipal corporation in which the partnership is not subject to taxation on its net profits, but division (D)(4) of this section applies to all municipal corporations in which an individual owner of the partnership resides.

(E) "Adjusted federal taxable income," for a person required to file as a C corporation, or for a person that has elected to be taxed as a C corporation under division (D)(4) of this section, means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:

(1) Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a trade or business or assets held for the production of income.

(2) Add an amount equal to five per cent of intangible income deducted under division (E)(1) of this section, but excluding that portion of intangible income directly related to the sale,
exchange, or other disposition of property described in section 1221 of the Internal Revenue Code;

(3) Add any losses allowed as a deduction in the computation of federal taxable income if the losses directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code;

(4)(a) Except as provided in division (E)(4)(b) of this section, deduct income and gain included in federal taxable income to the extent the income and gain directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code;

(b) Division (E)(4)(a) of this section does not apply to the extent the income or gain is income or gain described in section 1245 or 1250 of the Internal Revenue Code.

(5) Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income;

(6) In the case of a real estate investment trust or regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors and allowed as a deduction in the computation of federal taxable income;

(7) Deduct, to the extent not otherwise deducted or excluded in computing federal taxable income, any income derived from a transfer agreement or from the enterprise transferred under that agreement under section 4313.02 of the Revised Code;

(8)(a) Except as limited by divisions (E)(8)(b), (c), and (d) of this section, deduct any net operating loss incurred by the person in a taxable year beginning on or after January 1, 2017.

The amount of such net operating loss shall be deducted from net profit that is reduced by exempt income to the extent
necessary to reduce municipal taxable income to zero, with any
remaining unused portion of the net operating loss carried forward
to not more than five consecutive taxable years following the
taxable year in which the loss was incurred, but in no case for
more years than necessary for the deduction to be fully utilized.

(b) No person shall use the deduction allowed by division
(E)(8) of this section to offset qualifying wages.

(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021,
or 2022, a person may not deduct, for purposes of an income tax
levied by a municipal corporation that levies an income tax before
January 1, 2016, more than fifty per cent of the amount of the
deduction otherwise allowed by division (E)(8)(a) of this section.

(ii) For taxable years beginning in 2023 or thereafter, a
person may deduct, for purposes of an income tax levied by a
municipal corporation that levies an income tax before January 1,
2016, the full amount allowed by division (E)(8)(a) of this
section.

(d) Any pre-2017 net operating loss carryforward deduction
that is available must be utilized before a taxpayer may deduct
any amount pursuant to division (E)(8) of this section.

(e) Nothing in division (E)(8)(c)(i) of this section
precludes a person from carrying forward, for use with respect to
any return filed for a taxable year beginning after 2018, any
amount of net operating loss that was not fully utilized by
operation of division (E)(8)(c)(i) of this section. To the extent
that an amount of net operating loss that was not fully utilized
in one or more taxable years by operation of division (E)(8)(c)(i)
of this section is carried forward for use with respect to a
return filed for a taxable year beginning in 2019, 2020, 2021, or
2022, the limitation described in division (E)(8)(c)(i) of this
section shall apply to the amount carried forward.
(9) Deduct any net profit of a pass through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that net profit in the group's federal taxable income in accordance with division (E)(3)(b) of section 718.06 of the Revised Code.

(10) Add any loss incurred by a pass through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that loss in the group's federal taxable income in accordance with division (E)(3)(b) of section 718.06 of the Revised Code.

If the taxpayer is not a C corporation, is not a disregarded entity that has made the election described in division (L)(2) of this section, is not a publicly traded partnership that has made the election described in division (D)(4) of this section, and is not an individual, the taxpayer shall compute adjusted federal taxable income under this section as if the taxpayer were a C corporation, except guaranteed payments and other similar amounts paid or accrued to a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deductible expense unless such payments are in consideration for the use of capital and treated as payment of interest under section 469 of the Internal Revenue Code or United States treasury regulations. Amounts paid or accrued to a qualified self-employed retirement plan with respect to a partner, former partner, shareholder, former shareholder, member, or former member of the taxpayer, amounts paid or accrued to or for health insurance for a partner, former partner, shareholder, former shareholder, member, or former member, and amounts paid or accrued to or for life insurance for a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a
Nothing in division (E) of this section shall be construed as allowing the taxpayer to add or deduct any amount more than once or shall be construed as allowing any taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax.

(E) "Individual" means any natural person.

(F) "Schedule C" means internal revenue service schedule C (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

(G) "Schedule E" means internal revenue service schedule E (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

(H) "Schedule F" means internal revenue service schedule F (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

(I) "Internal Revenue Code" has the same meaning as in section 5747.01 of the Revised Code.

(J) "Resident" means an individual who is domiciled in the municipal corporation as determined under section 718.012 of the Revised Code.

(K) "Nonresident" means an individual that is not a resident.

(L) (1) "Taxpayer" means a person subject to a tax levied on income by a municipal corporation in accordance with this chapter. "Taxpayer" does not include a grantor trust or, except as provided in division (L)(2)(a) of this section, a disregarded entity.

(2)(a) A single member limited liability company that is a disregarded entity for federal tax purposes may be a separate taxpayer from its single member in all Ohio municipal corporations.
in which it either filed as a separate taxpayer or did not file for its taxable year ending in 2003, if all of the following conditions are met:

(i) The limited liability company's single member is also a limited liability company.

(ii) The limited liability company and its single member were formed and doing business in one or more Ohio municipal corporations for at least five years before January 1, 2004.

(iii) Not later than December 31, 2004, the limited liability company and its single member each made an election to be treated as a separate taxpayer under division (L) of this section as this section existed on December 31, 2004.

(iv) The limited liability company was not formed for the purpose of evading or reducing Ohio municipal corporation income tax liability of the limited liability company or its single member.

(v) The Ohio municipal corporation that was the primary place of business of the sole member of the limited liability company consented to the election.

(b) For purposes of division (L)(2)(a)(v) of this section, a municipal corporation was the primary place of business of a limited liability company if, for the limited liability company's taxable year ending in 2003, its income tax liability was greater in that municipal corporation than in any other municipal corporation in Ohio, and that tax liability to that municipal corporation for its taxable year ending in 2003 was at least four hundred thousand dollars.

(M) "Person" includes individuals, firms, companies, joint stock companies, business trusts, estates, trusts, partnerships, limited liability partnerships, limited liability companies, associations, C corporations, S corporations, governmental
entities, and any other entity.

(N) "Pass-through entity" means a partnership not treated as an association taxable as a C corporation for federal income tax purposes, a limited liability company not treated as an association taxable as a C corporation for federal income tax purposes, an S corporation, or any other class of entity from which the income or profits of the entity are given pass-through treatment for federal income tax purposes. "Pass-through entity" does not include a trust, estate, grantor of a grantor trust, or disregarded entity.

(O) "S corporation" means a person that has made an election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year.

(P) "Single member limited liability company" means a limited liability company that has one direct member.

(Q) "Limited liability company" means a limited liability company formed under Chapter 1705. of the Revised Code or under the laws of another state.

(R) "Qualifying wages" means wages, as defined in section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted as follows:

(1) Deduct the following amounts:

(a) Any amount included in wages if the amount constitutes compensation attributable to a plan or program described in section 125 of the Internal Revenue Code.

(b) Any amount included in wages if the amount constitutes payment on account of a disability related to sickness or an accident paid by a party unrelated to the employer, agent of an employer, or other payer.

(c) Any amount attributable to a nonqualified deferred
compensation plan or program described in section 3121(v)(2)(C) of the Internal Revenue Code if the compensation is included in wages and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax.

(d) Any amount included in wages if the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax.

(e) Any amount included in wages that is exempt income.

(2) Add the following amounts:

(a) Any amount not included in wages solely because the employee was employed by the employer before April 1, 1986.

(b) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has not, by resolution or ordinance, exempted the amount from withholding and tax adopted before January 1, 2016. Division (R)(2)(b) of this section applies only to those amounts constituting ordinary income.

(c) Any amount not included in wages if the amount is an amount described in section 401(k), 403(b), or 457 of the Internal Revenue Code. Division (R)(2)(c) of this section applies only to employee contributions and employee deferrals.

(d) Any amount that is supplemental unemployment compensation benefits described in section 3402(o)(2) of the Internal Revenue Code and not included in wages.
(e) Any amount received that is treated as self-employment income for federal tax purposes in accordance with section 1402(a)(8) of the Internal Revenue Code.

(f) Any amount not included in wages if all of the following apply:

(i) For the taxable year the amount is employee compensation that is earned outside of the United States and that either is included in the taxpayer's gross income for federal income tax purposes or would have been included in the taxpayer's gross income for such purposes if the taxpayer did not elect to exclude the income under section 911 of the Internal Revenue Code;

(ii) For no preceding taxable year did the amount constitute wages as defined in section 3121(a) of the Internal Revenue Code;

(iii) For no succeeding taxable year will the amount constitute wages; and

(iv) For any taxable year the amount has not otherwise been added to wages pursuant to either division (R)(2) of this section or section 718.03 of the Revised Code, as that section existed before the effective date of H.B. 5 of the 130th general assembly, March 23, 2015.

(S) "Intangible income" means income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other disposition of intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Chapter 5701. of the Revised Code, and patents, copyrights, trademarks, tradenames, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred compensation. "Intangible income" does not include prizes, awards, or other income associated with any lottery winnings, gambling winnings, or other similar games of
chance.

(T) "Taxable year" means the corresponding tax reporting period as prescribed for the taxpayer under the Internal Revenue Code.

(U) "Tax administrator" means the individual charged with direct responsibility for administration of an income tax levied by a municipal corporation in accordance with this chapter, and also includes the following:

(1) A municipal corporation acting as the agent of another municipal corporation;

(2) A person retained by a municipal corporation to administer a tax levied by the municipal corporation, but only if the municipal corporation does not compensate the person in whole or in part on a contingency basis;

(3) The central collection agency or the regional income tax agency or their successors in interest, or another entity organized to perform functions similar to those performed by the central collection agency and the regional income tax agency.

(V) "Employer" means a person that is an employer for federal income tax purposes.

(W) "Employee" means an individual who is an employee for federal income tax purposes.

(X) "Other payer" means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the federal gross income of the individual. "Other payer" includes casino operators and video lottery terminal sales agents.

(Y) "Calendar quarter" means the three-month period ending on the last day of March, June, September, or December.

(Z) "Form 2106" means internal revenue service form 2106.
filed by a taxpayer pursuant to the Internal Revenue Code.

(AA) "Municipal corporation" includes a joint economic development district or joint economic development zone that levies an income tax under section 715.691, 715.70, 715.71, or 715.72 of the Revised Code.

(BB) "Disregarded entity" means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.

(CC) "Generic form" means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or other payer, for reporting a taxpayer's estimated municipal income taxes, or annual municipal income tax liability, or for filing a refund claim.

/DD) "Tax return preparer" means any individual described in section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 301.7701-15.

(EE) "Ohio business gateway" means the online computer network system, created under section 125.30 of the Revised Code, that allows persons to electronically file business reply forms with state agencies and includes any successor electronic filing and payment system.

(FF) "Local board of tax review" and "board of tax review" mean the entity created under section 718.11 of the Revised Code.

(GG) "Net operating loss" means a loss incurred by a person in the operation of a trade or business. "Net operating loss" does not include unutilized losses resulting from basis limitations, at-risk limitations, or passive activity loss limitations.

(HH) "Casino operator" and "casino facility" have the same
meanings as in section 3772.01 of the Revised Code.

   (II) "Video lottery terminal" has the same meaning as in section 3770.21 of the Revised Code.

   (JJ) "Video lottery terminal sales agent" means a lottery sales agent licensed under Chapter 3770. of the Revised Code to conduct video lottery terminals on behalf of the state pursuant to section 3770.21 of the Revised Code.

   (KK) "Postal service" means the United States postal service.

   (LL) "Certified mail," "express mail," "United States mail," "postal service," and similar terms include any delivery service authorized pursuant to section 5703.056 of the Revised Code.

   (MM) "Postmark date," "date of postmark," and similar terms include the date recorded and marked in the manner described in division (B)(3) of section 5703.056 of the Revised Code.

   (NN) "Related member" means a person that, with respect to the taxpayer during all or any portion of the taxable year, is either a related entity, a component member as defined in section 1563(b) of the Internal Revenue Code, or a person to or from whom there is attribution of stock ownership in accordance with section 1563(e) of the Internal Revenue Code except, for purposes of determining whether a person is a related member under this division, "twenty per cent" shall be substituted for "5 percent" wherever "5 percent" appears in section 1563(e) of the Internal Revenue Code.

   (OO) "Related entity" means any of the following:

   (1) An individual stockholder, or a member of the stockholder's family enumerated in section 318 of the Internal Revenue Code, if the stockholder and the members of the stockholder's family own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent of the
value of the taxpayer's outstanding stock;

(2) A stockholder, or a stockholder's partnership, estate, trust, or corporation, if the stockholder and the stockholder's partnerships, estates, trusts, or corporations own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent of the value of the taxpayer's outstanding stock;

(3) A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under division (OO)(4) of this section, provided the taxpayer owns directly, indirectly, beneficially, or constructively, at least fifty per cent of the value of the corporation's outstanding stock;

(4) The attribution rules described in section 318 of the Internal Revenue Code apply for the purpose of determining whether the ownership requirements in divisions (OO)(1) to (3) of this section have been met.

(PP)(1) "Assessment" means a written finding by the tax administrator that a person has underpaid municipal income tax, or owes penalty and interest, or any combination of tax, penalty, or interest, to the municipal corporation that commences the person's time limitation for making an appeal to the local board of tax review pursuant to section 718.11 of the Revised Code, and has "ASSESSMENT" written in all capital letters at the top of such finding.

(2) "Assessment" does not include an informal notice denying a request for refund issued under division (B)(3) of section 718.19 of the Revised Code, a billing statement notifying a taxpayer of current or past-due balances owed to the municipal corporation, a tax administrator's request for additional
information, a notification to the taxpayer of mathematical errors, or a tax administrator's other written correspondence to a person or taxpayer that does meet the criteria prescribed by division (PP)(1) of this section.

(QQ) "Taxpayers' rights and responsibilities" means the rights provided to taxpayers in sections 718.11, 718.12, 718.19, 718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the Revised Code and the responsibilities of taxpayers to file, report, withhold, remit, and pay municipal income tax and otherwise comply with Chapter 718. of the Revised Code and resolutions, ordinances, and rules adopted by a municipal corporation for the imposition and administration of a municipal income tax.

(RR) "Qualified municipal corporation" means a municipal corporation that, by resolution or ordinance adopted on or before December 31, 2011, adopted Ohio adjusted gross income, as defined by section 5747.01 of the Revised Code, as the income subject to tax for the purposes of imposing a municipal income tax.

(SS)(1) "Pre-2017 net operating loss carryforward" means any net operating loss incurred in a taxable year beginning before January 1, 2017, to the extent such loss was permitted, by a resolution or ordinance of the municipal corporation that was adopted by the municipal corporation before January 1, 2016, to be carried forward and utilized to offset income or net profit generated in such municipal corporation in future taxable years.

(2) For the purpose of calculating municipal taxable income, any pre-2017 net operating loss carryforward may be carried forward to any taxable year, including taxable years beginning in 2017 or thereafter, for the number of taxable years provided in the resolution or ordinance or until fully utilized, whichever is earlier.
"Small employer" means any employer that had total revenue of less than five hundred thousand dollars during the preceding taxable year. For purposes of this division, "total revenue" means receipts of any type or kind, including, but not limited to, sales receipts; payments; rents; profits; gains, dividends, and other investment income; compensation; commissions; premiums; money; property; grants; contributions; donations; gifts; program service revenue; patient service revenue; premiums; fees, including premium fees and service fees; tuition payments; unrelated business revenue; reimbursements; any type of payment from a governmental unit, including grants and other allocations; and any other similar receipts reported for federal income tax purposes or under generally accepted accounting principles. "Small employer" does not include the federal government; any state government, including any state agency or instrumentality; any political subdivision; or any entity treated as a government for financial accounting and reporting purposes.

"Audit" means the examination of a person or the inspection of the books, records, memoranda, or accounts of a person for the purpose of determining liability for a municipal income tax.

"Publicly traded partnership" means any partnership, an interest in which is regularly traded on an established securities market. A "publicly traded partnership" may have any number of partners.

**Sec. 718.02.** This section applies to any taxpayer engaged in a business or profession in a municipal corporation that imposes an income tax in accordance with this chapter, unless the taxpayer is an individual who resides in the municipal corporation or the taxpayer is an electric company, combined company, or telephone company that is subject to and required to file reports under
Chapter 5745. of the Revised Code.

(A) Except as otherwise provided in division (B) of this section, net profit from a business or profession conducted both within and without the boundaries of a municipal corporation shall be considered as having a taxable situs in the municipal corporation for purposes of municipal income taxation in the same proportion as the average ratio of the following:

(1) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in the municipal corporation during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated.

As used in the preceding paragraph, tangible personal or real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight;

(2) Wages, salaries, and other compensation paid during the taxable period to individuals employed in the business or profession for services performed in the municipal corporation to wages, salaries, and other compensation paid during the same period to individuals employed in the business or profession, wherever the individual's services are performed, excluding compensation from which taxes are not required to be withheld under section 718.011 of the Revised Code;

(3) Total gross receipts of the business or profession from sales and rentals made and services performed during the taxable period in the municipal corporation to total gross receipts of the business or profession during the same period from sales, rentals, and services, wherever made or performed.

(B)(1) If the apportionment factors described in division (A)
of this section do not fairly represent the extent of a taxpayer's
business activity in a municipal corporation, the taxpayer may
request, or the tax administrator of the municipal corporation may
require, that the taxpayer use, with respect to all or any portion
of the income of the taxpayer, an alternative apportionment method
involving one or more of the following:

(a) Separate accounting;
(b) The exclusion of one or more of the factors;
(c) The inclusion of one or more additional factors that
would provide for a more fair apportionment of the income of the
taxpayer to the municipal corporation;
(d) A modification of one or more of the factors.

(2) A taxpayer request to use an alternative apportionment
method shall be in writing and shall accompany a tax return,
timely filed appeal of an assessment, or timely filed amended tax
return. The taxpayer may use the requested alternative method
unless the tax administrator denies the request in an assessment
issued within the period prescribed by division (A) of section
718.12 of the Revised Code.

(3) A tax administrator may require a taxpayer to use an
alternative apportionment method as described in division (B)(1)
of this section only by issuing an assessment to the taxpayer
within the period prescribed by division (A) of section 718.12 of
the Revised Code.

(4) Nothing in division (B) of this section nullifies or
otherwise affects any alternative apportionment arrangement
approved by a tax administrator or otherwise agreed upon by both
the tax administrator and taxpayer before January 1, 2016.

(C) As used in division (A)(2) of this section, "wages,
salaries, and other compensation" includes only wages, salaries,
or other compensation paid to an employee for services performed at any of the following locations:

(1) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:

(a) The employer;

(b) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;

(c) A vendor, customer, client, or patient of a person described in division (C)(1)(b) of this section, or a related member of such a vendor, customer, client, or patient.

(2) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for services performed for, or on behalf of, the employer or that the employee's presence at the location directly or indirectly benefits the employer;

(3) Any other location, if the tax administrator determines that the employer directed the employee to perform the services at the other location in lieu of a location described in division (C)(1) or (2) of this section solely in order to avoid or reduce the employer's municipal income tax liability. If a tax administrator makes such a determination, the employer may dispute the determination by establishing, by a preponderance of the evidence, that the tax administrator's determination was unreasonable.

(D) For the purposes of division (A)(3) of this section, receipts from sales and rentals made and services performed shall be sitused to a municipal corporation as follows:
(1) Gross receipts from the sale of tangible personal property shall be sitused to the municipal corporation in which the sale originated. For the purposes of this division, a sale of property originates in a municipal corporation if, regardless of where title passes, the property meets any of the following criteria:

(a) The property is shipped to or delivered within the municipal corporation from a stock of goods located within the municipal corporation.

(b) The property is delivered within the municipal corporation from a location outside the municipal corporation, provided the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within such municipal corporation and the sales result from such solicitation or promotion.

(c) The property is shipped from a place within the municipal corporation to purchasers outside the municipal corporation, provided that the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made.

(2) Gross receipts from the sale of services shall be sitused to the municipal corporation to the extent that such services are performed in the municipal corporation.

(3) To the extent included in income, gross receipts from the sale of real property located in the municipal corporation shall be sitused to the municipal corporation.

(4) To the extent included in income, gross receipts from rents and royalties from real property located in the municipal corporation shall be sitused to the municipal corporation.

(5) Gross receipts from rents and royalties from tangible personal property shall be sitused to the municipal corporation.
based upon the extent to which the tangible personal property is used in the municipal corporation.

(E) The net profit received by an individual taxpayer from the rental of real estate owned directly by the individual or by a disregarded entity owned by the individual shall be subject to tax only by the municipal corporation in which the property generating the net profit is located and the municipal corporation in which the individual taxpayer that receives the net profit resides.

A municipal corporation shall allow such taxpayers to elect to use separate accounting for the purpose of calculating net profit sitused under this division to the municipal corporation in which the property is located.

(F)(1) Except as provided in division (F)(2) of this section, commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be sitused to the municipal corporation in which the real estate is located. Net profit reported by the real estate agent or broker shall be allocated to a municipal corporation based upon the ratio of the commissions the agent or broker received from the sale, purchase, or lease of real estate located in the municipal corporation to the commissions received from the sale, purchase, or lease of real estate everywhere in the taxable year.

(2) An individual who is a resident of a municipal corporation that imposes a municipal income tax shall report the individual's net profit from all real estate activity on the individual's annual tax return for that municipal corporation. The individual may claim a credit for taxes the individual paid on such net profit to another municipal corporation to the extent that such a credit is allowed under the municipal income tax ordinance, or rules of the municipal corporation of residence.

(G) If, in computing a taxpayer's adjusted federal taxable
income, the taxpayer deducted any amount with respect to a stock option granted to an employee, and if the employee is not required to include in the employee's income any such amount or a portion thereof because it is exempted from taxation under divisions (C)(12) and (R)(1)(d) of section 718.01 of the Revised Code by a municipal corporation to which the taxpayer has apportioned a portion of its net profit, the taxpayer shall add the amount that is exempt from taxation to the taxpayer's net profit that was apportioned to that municipal corporation. In no case shall a taxpayer be required to add to its net profit that was apportioned to that municipal corporation any amount other than the amount upon which the employee would be required to pay tax were the amount related to the stock option not exempted from taxation.

This division applies solely for the purpose of making an adjustment to the amount of a taxpayer's net profit that was apportioned to a municipal corporation under this section.

(H) When calculating the ratios described in division (A) of this section for the purposes of that division or division (B) of this section, the owner of a disregarded entity shall include in the owner's ratios the property, payroll, and gross receipts of such disregarded entity.

Sec. 718.04. (A) Notwithstanding division (A) of section 715.013 of the Revised Code, a municipal corporation may levy a tax on income and a withholding tax if such taxes are levied in accordance with the provisions and limitations specified in this chapter. On or after January 1, 2016, the ordinance or resolution levying such taxes, as adopted or amended by the legislative authority of the municipal corporation, shall include all of the following:

(1) A statement that the tax is an annual tax levied on the income of every person residing in or earning or receiving income...
in the municipal corporation and that the tax shall be measured by municipal taxable income;

(2) A statement that the municipal corporation is levying the tax in accordance with the limitations specified in this chapter and that the resolution or ordinance thereby incorporates the provisions of this chapter;

(3) The rate of the tax;

(4) Whether, and the extent to which, a credit, as described in division (D) of this section, will be allowed against the tax;

(5) The purpose or purposes of the tax;

(6) Any other provision necessary for the administration of the tax, provided that the provision does not conflict with any provision of this chapter.

(B) Any municipal corporation that, on or before March 23, 2015, levies an income tax at a rate in excess of one per cent may continue to levy the tax at the rate specified in the original ordinance or resolution, provided that such rate continues in effect as specified in the original ordinance or resolution.

(C)(1) No municipal corporation shall tax income at other than a uniform rate.

(2) Except as provided in division (B) of this section, no municipal corporation shall levy a tax on income at a rate in excess of one per cent without having obtained the approval of the excess by a majority of the electors of the municipality voting on the question at a general, primary, or special election. The legislative authority of the municipal corporation shall file with the board of elections at least ninety days before the day of the election a copy of the ordinance together with a resolution specifying the date the election is to be held and directing the board of elections to conduct the election. The ballot shall be in
the following form: "Shall the Ordinance providing for a... per
cent levy on income for (Brief description of the purpose of the
proposed levy) be passed?

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In the event of an affirmative vote, the proceeds of the levy may be used only for the specified purpose.

(D) A municipal corporation may, by ordinance or resolution, grant a credit to residents of the municipal corporation for all or a portion of the taxes paid to any municipal corporation, in this state or elsewhere, by the resident or by a pass-through entity owned, directly or indirectly, by a resident, on the resident's distributive or proportionate share of the income of the pass-through entity. A municipal corporation is not required to refund taxes not paid to the municipal corporation.

(E) Except as otherwise provided in this chapter, a municipal corporation that levies an income tax in effect for taxable years beginning before January 1, 2016, may continue to administer and enforce the provisions of such tax for all taxable years beginning before January 1, 2016, provided that the provisions of such tax are consistent with this chapter as it existed prior to March 23, 2015.

(F)(1) Nothing in this chapter authorizes a municipal corporation to levy a tax on income, or to administer or collect such a tax or penalties or interest related to such a tax, contrary to the provisions and limitations specified in this chapter. No municipal corporation shall enforce an ordinance or resolution that conflicts with the provisions of this chapter.

(2) No municipal corporation may administer a tax on the
income of a person other than an individual for a taxable year beginning on or after January 1, 2018.

(G)(1) Division (G) of this section applies to a municipal corporation that, at the time of entering into a written agreement under division (G)(2) of this section, shares the same territory as a city, local, or exempted village school district, to the extent that not more than thirty per cent of the territory of the municipal corporation is located outside the school district and a portion of the territory of the school district that is not located within the municipal corporation is located within another municipal corporation having a population of four hundred thousand or more according to the federal decennial census most recently completed before the agreement is entered into under division (G)(2) of this section.

(2) The legislative authority of a municipal corporation to which division (G) of this section applies may propose to the electors an income tax, one of the purposes of which shall be to provide financial assistance to the school district described in division (G)(1) of this section. Prior to proposing the tax, the legislative authority shall negotiate and enter into a written agreement with the board of education of that school district specifying the tax rate; the percentage or amount of tax revenue to be paid to the school district or the method of establishing or determining that percentage or amount, which may be subject to change periodically; the purpose for which the school district will use the money; the first year the tax will be levied; the date of the election on the question of the tax; and the method and schedule by which, and the conditions under which, the municipal corporation will make payments to the school district. The tax shall otherwise comply with the provisions and limitations specified in this chapter.
Sec. 718.05. (A) An annual return with respect to the income tax levied by a municipal corporation shall be completed and filed by every taxpayer for any taxable year for which the taxpayer is liable for the tax. If the total credit allowed against the tax as described in division (D) of section 718.04 of the Revised Code for the year is equal to or exceeds the tax imposed by the municipal corporation, no return shall be required unless the municipal ordinance or resolution levying the tax requires the filing of a return in such circumstances.

(B) If an individual is deceased, any return or notice required of that individual shall be completed and filed by that decedent's executor, administrator, or other person charged with the property of that decedent.

(C) If an individual is unable to complete and file a return or notice required by a municipal corporation in accordance with this chapter, the return or notice required of that individual shall be completed and filed by the individual's duly authorized agent, guardian, conservator, fiduciary, or other person charged with the care of the person or property of that individual.

(D) Returns or notices required of an estate or a trust shall be completed and filed by the fiduciary of the estate or trust.

(E) No municipal corporation shall deny spouses the ability to file a joint return.

(F)(1) Each return required to be filed under this section shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's social security number or taxpayer identification number. Each return shall be verified by a declaration under penalty of perjury.

(2) A tax administrator may require a taxpayer who is an
individual to include, with each annual return, amended return, or
request for refund required under this section, copies of only the
following documents: all of the taxpayer's Internal Revenue
Service form W-2, "Wage and Tax Statements," including all
information reported on the taxpayer's federal W-2, as well as
taxable wages reported or withheld for any municipal corporation;
the taxpayer's Internal Revenue Service form 1040 or, in the case
of a return or request required by a qualified municipal
corporation, Ohio form IT-1040; and, with respect to an amended
tax return or refund request, any other documentation necessary to
support the refund request or the adjustments made in the amended
return. An individual taxpayer who files the annual return
required by this section electronically is not required to provide
paper copies of any of the foregoing to the tax administrator
unless the tax administrator requests such copies after the return
has been filed.

(3) A tax administrator may require a taxpayer that is not an
individual to include, with each annual net profit return, amended
net profit return, or request for refund required under this
section, copies of only the following documents: the taxpayer's
Internal Revenue Service form 1041, form 1065, form 1120, form
1120-REIT, form 1120F, or form 1120S, and, with respect to an
amended tax return or refund request, any other documentation
necessary to support the refund request or the adjustments made in
the amended return.

A taxpayer that is not an individual and that files an annual
net profit return electronically through the Ohio business gateway
or in some other manner shall either mail the documents required
under this division to the tax administrator at the time of filing
or, if electronic submission is available, submit the documents
electronically through the Ohio business gateway. The department
of taxation shall publish a method of electronically submitting
the documents required under this division through the Ohio business gateway on or before January 1, 2016. The department shall transmit all documents submitted electronically under this division to the appropriate tax administrator.

(4) After a taxpayer files a tax return, the tax administrator may request, and the taxpayer shall provide, any information, statements, or documents required by the municipal corporation to determine and verify the taxpayer's municipal income tax liability. The requirements imposed under division (F) of this section apply regardless of whether the taxpayer files on a generic form or on a form prescribed by the tax administrator.

(G)(F)(1) Except as otherwise provided in this chapter, each individual income tax return required to be filed under this section shall be completed and filed as required by the tax administrator on or before the date prescribed for the filing of state individual income tax returns under division (G) of section 5747.08 of the Revised Code. The taxpayer shall complete and file the return or notice on forms prescribed by the tax administrator or on generic forms, together with remittance made payable to the municipal corporation or tax administrator. No remittance is required if the amount shown to be due is ten dollars or less.

(b) Except as otherwise provided in this chapter, each annual net profit return required to be filed under this section by a taxpayer that is not an individual shall be completed and filed as required by the tax administrator on or before the fifteenth day of the fourth month following the end of the taxpayer's taxable year. The taxpayer shall complete and file the return or notice on forms prescribed by the tax administrator or on generic forms, together with remittance made payable to the municipal corporation or tax administrator. No remittance is required if the amount shown to be due is ten dollars or less.
(2) (a) Any taxpayer that has duly requested an automatic six-month extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of a municipal income tax return. The extended due date of the municipal income tax return shall be the fifteenth day of the tenth month after the last day of the taxable year to which the return relates.

(b) A taxpayer that has not requested or received a six-month extension for filing the taxpayer's federal income tax return may request that the tax administrator grant the taxpayer a six-month extension of the date for filing the taxpayer's municipal income tax return. If the request is received by the tax administrator on or before the date the municipal income tax return is due, the tax administrator shall grant the taxpayer's requested extension.

(c) An extension of time to file under division (G)(F)(2) of this section is not an extension of the time to pay any tax due unless the tax administrator grants an extension of that date.

(3) If the tax commissioner extends for all taxpayers the date for filing state income tax returns under division (G) of section 5747.08 of the Revised Code, a taxpayer shall automatically receive an extension for the filing of a municipal income tax return. The extended due date of the municipal income tax return shall be the same as the extended due date of the state income tax return.

(4) If the tax administrator considers it necessary in order to ensure the payment of the tax imposed by the municipal corporation in accordance with this chapter, the tax administrator may require taxpayers to file returns and make payments otherwise than as provided in this section, including taxpayers not otherwise required to file annual returns.

(5) To the extent that any provision in this division
conflicts with any provision in section 718.052 of the Revised Code, the provision in that section prevails.

(H)(1) For taxable years beginning after 2015, a municipal corporation shall not require a taxpayer to remit tax with respect to net profits if the amount due is less than ten dollars.

(2) Any taxpayer not required to remit tax to a municipal corporation for a taxable year pursuant to division (H)(1) of this section shall file with the municipal corporation an annual net profit return under division (F)(3) of this section.

(I)(1) If any report, claim, statement, or other document required to be filed, or any payment required to be made, within a prescribed period or on or before a prescribed date under this chapter is delivered after that period or that date by United States mail to the tax administrator or other municipal official with which the report, claim, statement, or other document is required to be filed, or to which the payment is required to be made, the date of the postmark stamped on the cover in which the report, claim, statement, or other document, or payment is mailed shall be deemed to be the date of delivery or the date of payment. "The date of postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the postal service.

(2) If a payment under this chapter is made by electronic funds transfer, the payment shall be considered to be made on the date of the timestamp assigned by the first electronic system receiving that payment.

(J)(H) The amounts withheld by an employer, the agent of an employer, or an other payer as described in section 718.03 of the Revised Code shall be allowed to the recipient of the compensation as credits against payment of the tax imposed on the recipient by the municipal corporation, unless the amounts withheld were not
remitted to the municipal corporation and the recipient colluded
with the employer, agent, or other payer in connection with the
failure to remit the amounts withheld.

**(K)(I)** Each return required by a municipal corporation to be
filed in accordance with this section shall include a box that the
taxpayer may check to authorize another person, including a tax
return preparer who prepared the return, to communicate with the
tax administrator about matters pertaining to the return. The
return or instructions accompanying the return shall indicate that
by checking the box the taxpayer authorizes the tax administrator
to contact the preparer or other person concerning questions that
arise during the examination or other review of the return and
authorizes the preparer or other person only to provide the tax
administrator with information that is missing from the return, to
contact the tax administrator for information about the
examination or other review of the return or the status of the
taxpayer's refund or payments, and to respond to notices about
mathematical errors, offsets, or return preparation that the
taxpayer has received from the tax administrator and has shown to
the preparer or other person.

**(J)** The tax administrator of a municipal corporation shall
accept for filing a generic form of any income tax return, report,
or document required by the municipal corporation in accordance
with this chapter, provided that the generic form, once completed
and filed, contains all of the information required by ordinance,
resolution, or rules adopted by the municipal corporation or tax
administrator, and provided that the taxpayer or tax return
preparer filing the generic form otherwise complies with the
provisions of this chapter and of the municipal corporation
ordinance or resolution governing the filing of returns, reports,
or documents.

**(K)** When income tax returns, reports, or other documents
require the signature of a tax return preparer, the tax administrator shall accept a facsimile of such a signature in lieu of a manual signature.

(N) (1) As used in this division, "worksite location" has the same meaning as in section 718.011 of the Revised Code.

(2) A person may notify a tax administrator that the person does not expect to be a taxpayer with respect to the municipal corporation for a taxable year if both of the following conditions apply:

(a) The person was required to file a tax return with the municipal corporation for the immediately preceding taxable year because the person performed services at a worksite location within that municipal corporation.

(b) The person no longer provides services in the municipal corporation and does not expect to be subject to the municipal corporation's income tax for the taxable year.

The person shall provide the notice in a signed affidavit that briefly explains the person's circumstances, including the location of the previous worksite location and the last date on which the person performed services or made any sales within the municipal corporation. The affidavit also shall include the following statement: "The affiant has no plans to perform any services within the municipal corporation, make any sales in the municipal corporation, or otherwise become subject to the tax levied by the municipal corporation during the taxable year. If the affiant does become subject to the tax levied by the municipal corporation for the taxable year, the affiant agrees to be considered a taxpayer and to properly register as a taxpayer with the municipal corporation if such a registration is required by the municipal corporation's resolutions, ordinances, or rules." The person shall sign the affidavit under penalty of perjury.
(c) If a person submits an affidavit described in division 
(N)L(2) of this section, the tax administrator shall not require 
the person to file any tax return for the taxable year unless the 
tax administrator possesses information that conflicts with the 
affidavit or if the circumstances described in the affidavit 
change. Nothing in division (N)L of this section prohibits the 
tax administrator from performing an audit of the person.

Sec. 718.051. (A) Any taxpayer subject to municipal income 
taxation with respect to the taxpayer's net profit from a business 
or profession may file any municipal income tax return, estimated 
municipal income tax return, or extension for filing a municipal 
income tax return, and may make payment of amounts shown to be due 
on such returns, by using the Ohio business gateway.

(B) Any employer, agent of an employer, or other payer may 
report the amount of municipal income tax withheld from qualifying 
wages, and may make remittance of such amounts, by using the Ohio 
business gateway.

(C) Nothing in this section affects the due dates for 
filing employer withholding tax returns.

(D) No municipal corporation shall be required to pay any 
fee or charge for the operation or maintenance of the Ohio 
business gateway.

(E) The use of the Ohio business gateway by municipal 
corporations, taxpayers, or other persons pursuant to this section 
does not affect the legal rights of municipalities or taxpayers as 
otherwise permitted by law. This state shall not be a party to the 
administration of municipal income taxes or to an appeal of a 
municipal income tax matter, except as otherwise specifically 
provided by law.

(E)(1) The tax commissioner chairperson of the Ohio
business gateway steering committee shall adopt rules establishing:

(a) The format of documents to be used by taxpayers to file returns and make payments through the Ohio business gateway; and

(b) The information taxpayers must submit when filing municipal income tax returns through the Ohio business gateway.

The commissioner chairperson shall not adopt rules under this division that conflict with the requirements of section 718.05 of the Revised Code.

(2) The commissioner chairperson shall consult with the Ohio business gateway steering committee before adopting the rules described in division (F)(1) of this section.

(G) Nothing in this section shall be construed as limiting or removing the authority of any municipal corporation to administer, audit, and enforce the provisions of its municipal income tax.

Sec. 718.08. (A) As used in this section:

(1) "Estimated taxes" means the amount that the taxpayer reasonably estimates to be the taxpayer's tax liability for a municipal corporation's income tax for the current taxable year.

(2) "Tax liability" means the total taxes due to a municipal corporation for the taxable year, after allowing any credit to which the taxpayer is entitled, and after applying any estimated tax payment, withholding payment, or credit from another taxable year.

(B)(1) Except as provided in division (F) of this section, every taxpayer shall make a declaration of estimated taxes for the current taxable year, on the form prescribed by the tax administrator, if the amount payable as estimated taxes is at least two hundred dollars. For the purposes of this section:
(a) Taxes withheld from qualifying wages shall be considered as paid to the municipal corporation for which the taxes were withheld in equal amounts on each payment date unless the taxpayer establishes the dates on which all amounts were actually withheld, in which case the amounts withheld shall be considered as paid on the dates on which the amounts were actually withheld.

(b) An overpayment of tax applied as a credit to a subsequent taxable year is deemed to be paid on the date of the postmark stamped on the cover in which the payment is mailed or, if the payment is made by electronic funds transfer, the date the payment is submitted. As used in this division, "date of the postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the postal service.

(c) Taxes withheld by a casino operator or by a lottery sales agent under section 718.031 of the Revised Code are deemed to be paid to the municipal corporation for which the taxes were withheld on the date the taxes are withheld from the taxpayer's winnings.

(2) Except as provided in division (F) of this section, taxpayers filing joint returns shall file joint declarations of estimated taxes. A taxpayer may amend a declaration under rules prescribed by the tax administrator. Except as provided in division (F) of this section, a taxpayer having a taxable year of less than twelve months shall make a declaration under rules prescribed by the tax administrator.

(3) The declaration of estimated taxes shall be filed on or before the date prescribed for the filing of municipal income tax returns under division (F) of section 718.05 of the Revised Code or on or before the fifteenth day of the fourth month after the taxpayer becomes subject to tax for the first time.

(4) Taxpayers reporting on a fiscal year basis shall file a
declaration on or before the fifteenth day of the fourth month after the beginning of each fiscal year or period.

(5) The original declaration or any subsequent amendment may be increased or decreased on or before any subsequent quarterly payment day as provided in this section.

(C)(1) The required portion of the tax liability for the taxable year that shall be paid through estimated taxes made payable to the municipal corporation or tax administrator, including the application of tax refunds to estimated taxes and withholding on or before the applicable payment date, shall be as follows:

(a) On or before the fifteenth day of the fourth month after the beginning of the taxable year, twenty-two and one-half per cent of the tax liability for the taxable year;

(b) On or before the fifteenth day of the sixth month after the beginning of the taxable year, forty-five per cent of the tax liability for the taxable year;

(c) On or before the fifteenth day of the ninth month after the beginning of the taxable year, sixty-seven and one-half per cent of the tax liability for the taxable year;

(d) On or before the fifteenth day of the twelfth month of the taxable year, ninety per cent of the tax liability for the taxable year.

(2) When an amended declaration has been filed, the unpaid balance shown due on the amended declaration shall be paid in equal installments on or before the remaining payment dates.

(3) On or before the fifteenth day of the fourth month of the year following that for which the declaration or amended declaration was filed, an annual return shall be filed and any balance which may be due shall be paid with the return in
accordance with section 718.05 of the Revised Code.

(D)(1) In the case of any underpayment of any portion of a tax liability, penalty and interest may be imposed pursuant to section 718.27 of the Revised Code upon the amount of underpayment for the period of underpayment, unless the underpayment is due to reasonable cause as described in division (E) of this section. The amount of the underpayment shall be determined as follows:

(a) For the first payment of estimated taxes each year, twenty-two and one-half per cent of the tax liability, less the amount of taxes paid by the date prescribed for that payment;

(b) For the second payment of estimated taxes each year, forty-five per cent of the tax liability, less the amount of taxes paid by the date prescribed for that payment;

(c) For the third payment of estimated taxes each year, sixty-seven and one-half per cent of the tax liability, less the amount of taxes paid by the date prescribed for that payment;

(d) For the fourth payment of estimated taxes each year, ninety per cent of the tax liability, less the amount of taxes paid by the date prescribed for that payment.

(2) The period of the underpayment shall run from the day the estimated payment was required to be made to the date on which the payment is made. For purposes of this section, a payment of estimated taxes on or before any payment date shall be considered a payment of any previous underpayment only to the extent the payment of estimated taxes exceeds the amount of the payment presently required to be paid to avoid any penalty.

(E) An underpayment of any portion of tax liability determined under division (D) of this section shall be due to reasonable cause and the penalty imposed by this section shall not be added to the taxes for the taxable year if any of the following apply:
(1) The amount of estimated taxes that were paid equals at least ninety per cent of the tax liability for the current taxable year, determined by annualizing the income received during the year up to the end of the month immediately preceding the month in which the payment is due.

(2) The amount of estimated taxes that were paid equals at least one hundred per cent of the tax liability shown on the return of the taxpayer for the preceding taxable year, provided that the immediately preceding taxable year reflected a period of twelve months and the taxpayer filed a return with the municipal corporation under section 718.05 of the Revised Code for that year.

(3) The taxpayer is an individual who resides in the municipal corporation but was not domiciled there on the first day of January of the calendar year that includes the first day of the taxable year.

(F)(1) A tax administrator may waive the requirement for filing a declaration of estimated taxes for any class of taxpayers after finding that the waiver is reasonable and proper in view of administrative costs and other factors.

(2) A municipal corporation may, by ordinance or rule, waive the requirement for filing a declaration of estimated taxes for all taxpayers.

Sec. 718.27. (A) As used in this section:

(1) "Applicable law" means this chapter, the resolutions, ordinances, codes, directives, instructions, and rules adopted by a municipal corporation provided such resolutions, ordinances, codes, directives, instructions, and rules impose or directly or indirectly address the levy, payment, remittance, or filing requirements of a municipal income tax.
(2) "Income tax," "estimated income tax," and "withholding tax" means any income tax, estimated income tax, and withholding tax imposed by a municipal corporation pursuant to applicable law, including at any time before January 1, 2016.

(3) A "return" includes any tax return, report, reconciliation, schedule, and other document required to be filed with a tax administrator or municipal corporation by a taxpayer, employer, any agent of the employer, or any other payer pursuant to applicable law, including at any time before January 1, 2016.

(4) "Federal short-term rate" means the rate of the average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of three years or less, as determined under section 1274 of the Internal Revenue Code, for July of the current year.

(5) "Interest rate as described in division (A) of this section" means the federal short-term rate, rounded to the nearest whole number per cent, plus five per cent. The rate shall apply for the calendar year next following the July of the year in which the federal short-term rate is determined in accordance with division (A)(4) of this section.

(6) "Unpaid estimated income tax" means estimated income tax due but not paid by the date the tax is required to be paid under applicable law.

(7) "Unpaid income tax" means income tax due but not paid by the date the income tax is required to be paid under applicable law.

(8) "Unpaid withholding tax" means withholding tax due but not paid by the date the withholding tax is required to be paid under applicable law.

(9) "Withholding tax" includes amounts an employer, any agent of an employer, or any other payer did not withhold in whole or in
part from an employee's qualifying wages, but that, under
applicable law, the employer, agent, or other payer is required to
withhold from an employee's qualifying wages.

(B)(1) This section applies to the following:

(a) Any return required to be filed under applicable law this
chapter for taxable years beginning on or after January 1, 2016;

(b) Income tax, estimated income tax, and withholding tax
required to be paid or remitted to the municipal corporation under
this chapter on or after January 1, 2016.

(2) This section does not apply to returns required to be
filed or payments required to be made before January 1, 2016,
regardless of the filing or payment date. Returns required to be
filed or payments required to be made before January 1, 2016, but
filed or paid after that date shall be subject to the ordinances
or rules, as adopted before January 1, 2016, of the municipal
corporation to which the return is to be filed or the payment is
to be made.

(C) Each municipal corporation levying a tax on income under
this chapter may impose on a taxpayer, employer, any agent of the
employer, and any other payer, and must attempt to collect, the
interest amounts and penalties prescribed under division (C) of
this section when the taxpayer, employer, any agent of the
employer, or any other payer for any reason fails, in whole or in
part, to make to the municipal corporation timely and full payment
or remittance of income tax, estimated income tax, or withholding
tax or to file timely with the municipal corporation any return
required to be filed.

(1) Interest shall be imposed at the rate described in
division (A) of this section, per annum, on all unpaid income tax,
unpaid estimated income tax, and unpaid withholding tax.

(2)(a) With respect to unpaid income tax and unpaid estimated
income tax, a municipal corporation may impose a penalty equal to fifteen per cent of the amount not timely paid.

(b) With respect to any unpaid withholding tax, a municipal corporation may impose a penalty equal to fifty per cent of the amount not timely paid.

(3) With respect to returns other than estimated income tax returns, a municipal corporation may impose a penalty of twenty-five dollars for each failure to timely file each return, regardless of the liability shown thereon for each month, or any fraction thereof, during which the return remains unfiled regardless of the liability shown thereon. The penalty shall not exceed one hundred fifty dollars for each failure.

(D)(1) With respect to the income taxes, estimated income taxes, withholding taxes, and returns required under this chapter, no municipal corporation shall impose, seek to collect, or collect any penalty, amount of interest, charges, or additional fees not described in this section.

(2) With respect to the income taxes, estimated income taxes, withholding taxes, and returns not described in division (A) of this section, nothing in this section requires a municipal corporation to refund or credit any penalty, amount of interest, charges, or additional fees that the municipal corporation has properly imposed or collected under this chapter before January 1, 2016.

(E) Nothing in this section limits the authority of a municipal corporation to abate or partially abate penalties or interest imposed under this section when the tax administrator determines, in the tax administrator's sole discretion, that such abatement is appropriate.

(F) By the thirty-first day of October of each year the municipal corporation shall publish the rate described in division
(A) of this section applicable to the next succeeding calendar year.

(G) The municipal corporation may impose on the taxpayer, employer, any agent of the employer, or any other payer the municipal corporation's post-judgment collection costs and fees, including attorney's fees.

Sec. 718.41. (A) A taxpayer shall file an amended return with the tax administrator in such form as the tax administrator requires if any of the facts, figures, computations, or attachments required in the taxpayer's annual return to determine the tax due levied by the municipal corporation in accordance with this chapter must be altered as the result of an adjustment to the taxpayer's federal income tax return, whether initiated by the taxpayer or the internal revenue service, and such alteration affects the taxpayer's tax liability under this chapter. If a taxpayer intends to file an amended consolidated municipal income tax return, or to amend its type of return from a separate return to a consolidated return, based on the taxpayer's consolidated federal income tax return, the taxpayer shall notify the tax administrator before filing the amended return.

(B)(1) In the case of an underpayment, the amended return shall be accompanied by payment of any combined additional tax due together with any penalty and interest thereon. If the combined tax shown to be due is ten dollars or less, such amount need not accompany the amended return. Except as provided under division (B)(2) of this section, the amended return shall not reopen those facts, figures, computations, or attachments from a previously filed return that are not affected, either directly or indirectly, by the adjustment to the taxpayer's federal or state income tax return unless the applicable statute of limitations for civil actions or prosecutions under section 718.12 of the Revised Code
has not expired for a previously filed return.

(2) The additional tax to be paid shall not exceed the amount of tax that would be due if all facts, figures, computations, and attachments were reopened.

(C)(1) In the case of an overpayment, a request for refund may be filed under this division within the period prescribed by division (E) of section 718.12 of the Revised Code for filing the amended return even if it is filed beyond the period prescribed in that division if it otherwise conforms to the requirements of that division. If the amount of the refund is ten dollars or less, no refund need be paid by the municipal corporation to the taxpayer. Except as set forth in division (C)(2) of this section, a request filed under this division shall claim refund of overpayments resulting from alterations to only those facts, figures, computations, or attachments required in the taxpayer's annual return that are affected, either directly or indirectly, by the adjustment to the taxpayer's federal or state income tax return unless it is also filed within the time prescribed in section 718.19 of the Revised Code. Except as set forth in division (C)(2) of this section, the request shall not reopen those facts, figures, computations, or attachments that are not affected, either directly or indirectly, by the adjustment to the taxpayer's federal or state income tax return.

(2) The amount to be refunded shall not exceed the amount of refund that would be due if all facts, figures, computations, and attachments were reopened.

Sec. 763.01. As used in this chapter:

(A) "Private entity" means an entity other than a government entity.

(B) "Workforce development activity" has the same meaning as
in section 6301.01 of the Revised Code.


Sec. 763.07. To enhance the administration, delivery, and effectiveness of family services duties and workforce development activities, the chief elected official of a municipal corporation that is a local area for the purpose of Chapter 6301. of the Revised Code, is the type of local area defined in division (A)(1) of section 6301.01 of the Revised Code may enter into a regional plan of cooperation with one or more boards of county commissioners pursuant to section 307.984 of the Revised Code. A regional plan of cooperation must specify how the private and government entities subject to the plan will coordinate and enhance the administration, delivery, and effectiveness of family services duties and workforce development activities.

Sec. 901.04. (A) The department of agriculture may solicit or accept from any public or private source and shall deposit in the state treasury to the credit of the agro Ohio fund any grant, gift, devise, or bequest of money made to or for the use of the department in fulfilling its statutory duties or for promoting any part of the public welfare that is under the supervision and control of the department. The department may also accept and hold on behalf of this state any grant, gift, devise, or bequest of other property made to or for the use of the department or for promoting any part of the public welfare that is under the supervision and control of the department. The department may contract for and carry out the terms and conditions of any devise, grant, gift, or donation that may be so made.

(B) There is hereby created in the state treasury the agro
Ohio fund, to which shall be credited all sums received under division (A) of this section, divisions (A)(2) and (C) of section 2105.09 of the Revised Code, and sections 4503.503 and 4503.504 of the Revised Code. All money received under divisions (A)(2) and (C) of section 2105.09 of the Revised Code shall be used for the benefit of agriculture. All (C) All money received under section 4503.504 of the Revised Code shall be used for the benefit of sustainable agriculture markets in the state as determined by the director of agriculture. (C) The director may use all or any portion of the moneys in the agro Ohio fund to award grants for the purpose of promoting agriculture in this state. With respect to such grants that consist of moneys other than federal moneys, the director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing all of the following: (1) Specific purposes for which grants may be awarded; (2) Procedures for soliciting grant applications, applying for grants, awarding grants, and otherwise administering grants; (3) Eligibility criteria for receiving grants that must be satisfied by applicants for the grants; (4) Any other procedures and requirements that are necessary to administer a grant program. (D) Federal moneys deposited into Federal money credited to the agro Ohio fund shall be used in accordance with any terms that federal law prescribes for their use. All other money credited to the fund shall be used for the purpose of promoting agriculture in the state as determined by the director.

Sec. 901.43. (A) The director of agriculture may authorize any department of agriculture laboratory to perform a laboratory service for any person, organization, political subdivision, state
agency, federal agency, or other entity, whether public or private. The director shall adopt and enforce rules to provide for the rendering of a laboratory service.

(B) The director may charge a reasonable fee for the performance of a laboratory service, except when the service is performed on an official sample taken by the director acting pursuant to Title IX, Chapter 3715., or Chapter 3717. of the Revised Code; by a board of health acting as the licensor of retail food establishments or food service operations under Chapter 3717. of the Revised Code; or by the director of health acting as the licensor of food service operations under Chapter 3717. of the Revised Code. The director of agriculture shall adopt rules specifying what constitutes an official sample.

The director shall publish a list of laboratory services offered, together with the fee for each service.

(C) The director may enter into a contract with any person, organization, political subdivision, state agency, federal agency, or other entity for the provision of a laboratory service.

(D)(1) The director may adopt rules establishing standards for accreditation of laboratories and laboratory services and in doing so may adopt by reference existing or recognized standards or practices.

(2) The director may inspect and accredit laboratories and laboratory services, and may charge a reasonable fee for the inspections and accreditation.

(E)(1) There is hereby created in the state treasury the animal and consumer protection laboratory fund. Moneys from the following sources shall be deposited into the state treasury to the credit of the fund: all moneys collected by the director under this section that are from fees generated by a laboratory service performed by the department and related to the diseases of
animals, all moneys so collected that are from fees generated for
the inspection and accreditation of laboratories and laboratory
services related to the diseases of animals, all moneys collected
by the director under this section that are from fees generated by
a laboratory service performed by the consumer protection
laboratory, all moneys so collected that are from fees generated
for the inspection and accreditation of laboratories and
laboratory services not related to weights and measures, money
received by the director under sections 947.01 to 947.06 of the
Revised Code, and all moneys collected under Chapters 942., 943.,
and 953. of the Revised Code. The director may use the moneys held
in the fund to pay the expenses necessary to operate the animal
industry laboratory and the consumer protection laboratory,
including the purchase of supplies and equipment.

(2) All moneys collected by the director under this section
that are from fees generated by a laboratory service performed by
the weights and measures laboratory, and all moneys so collected
that are from fees generated for the inspection and accreditation
of laboratories and laboratory services related to weights and
measures, shall be deposited in the state treasury to the credit
of the weights and measures laboratory fund, which is hereby
created in the state treasury. The moneys held in the fund may be
used to pay the expenses necessary to operate the division of
weights and measures, including the purchase of supplies and
equipment.

Sec. 909.10. (A) No person shall ship or move bee colonies or
any used beekeeping equipment into this state from any other state
or country without an inspection certificate issued by an
authorized inspector from the state or country wherein shipment or
movement originated. The certificate shall identify all pathogens
and parasites diagnosed and any controls that were implemented.
In the absence of inspection facilities in another state or country, the director of agriculture may issue a permit authorizing the shipment or movement of the bee colonies or used beekeeping equipment into this state, provided that upon entry the bees or equipment is inspected by the department of agriculture. The cost of the inspection shall be paid upon completion in an amount determined by rule of the director. The inspection fees shall be paid to the director and deposited by him the director with the treasurer of state to the credit of the general revenue plant pest program fund created in section 927.54 of the Revised Code.

If any serious bee diseases are diagnosed, appropriate controls and eradication measures immediately shall be implemented by the person shipping or owning the bee colonies or used beekeeping equipment. If the person shipping or owning the bee colonies or equipment does not implement any controls or eradication measures within forty-eight hours from the inspection, the bee colonies or equipment shall be removed from this state at the cost of the person shipping or owning them.

(B) Any person selling, shipping, or moving into this state any queen bees or packaged bees shall submit to the director an inspection report issued by an authorized inspector from the state or country wherein shipment or movement originated. One such report shall be submitted annually thirty days prior to the initial sale, shipment, or movement of queen bees or packaged bees of that year. The report shall identify any pathogens and parasites diagnosed and any controls that were implemented. If any serious bee diseases have not been controlled or if inspection reports are not provided as required under this section, such shipments shall be prohibited from entering this state.

(C) The director may deny entry of the bee colonies or used equipment if he the director determines they are a threat to the
bee population of this state.

(D) No person shall ship or move into this state any Africanized honey bees.

Sec. 911.11. The director of agriculture may require any person intending to work or working in a bakery to submit to a thorough examination for the purpose of ascertaining whether the person is afflicted with any contagious, infectious, or other disease or physical ailment, which may render employment detrimental to the public health. All such examinations shall be made by a qualified physician certified licensed under section 4731.14 of the Revised Code, by a physician assistant, by a clinical nurse specialist, by a certified nurse practitioner, or by a certified nurse-midwife. Any written documentation of the examination shall be completed by the individual who did the examination.

Sec. 927.55. The fees required by section 927.53 of the Revised Code do not apply to:

(A) A person who produces for sale either within this state or within any state in which such plants and parts do not require a certificate of inspection as a condition of entry, only nonhardy plants and plant parts, vegetable plants, herbs, or forced floral plants, of whatever nature, while in bloom;

(B) A person who conducts the sale of nursery stock as a fundraiser for a nonprofit organization or nonprofit purpose for no more than two days per year, who is not a nurseryman, dealer, or collector, and who makes no more than two hundred thousand dollars in sales revenue from the sale of nursery stock during a calendar year;

(C) Any public or private arboretum operated not for profit, which exchanges inspected nursery stock in limited quantities for
experimental or permanent arboretum plantings.

**Sec. 939.02.** The director of agriculture shall do all of the following:

(A) Provide administrative leadership to soil and water conservation districts in planning, budgeting, staffing, and administering district programs and the training of district supervisors and personnel in their duties, responsibilities, and authorities as prescribed in this chapter and Chapter 940. of the Revised Code;

(B) Administer this chapter and Chapter 940. of the Revised Code pertaining to state responsibilities and provide staff assistance to the Ohio soil and water conservation commission in exercising its statutory responsibilities;

(C) Assist in expediting state responsibilities for watershed development and other natural resource conservation works of improvement;

(D) Coordinate the development and implementation of cooperative programs and working agreements between soil and water conservation districts and the department of agriculture or other agencies of local, state, and federal government;

(E) Subject to the approval of the Ohio soil and water conservation commission, adopt rules in accordance with Chapter 119. of the Revised Code that do or comply with all of the following:

(1) Establish technically feasible and economically reasonable standards to achieve a level of management and conservation practices in farming operations that will abate wind or water erosion of the soil or abate the degradation of the waters of the state by residual farm products, manure, or soil sediment, including attached substances, and establish criteria
for determination of the acceptability of such management and conservation practices;

(2) Establish procedures for administration of rules for agricultural pollution abatement and for enforcement of those rules;

(3) Specify the pollution abatement practices eligible for state cost sharing and determine the conditions for eligibility, the construction standards and specifications, the useful life, the maintenance requirements, and the limits of cost sharing for those practices. Eligible practices shall be limited to practices that address agricultural operations and that require expenditures that are likely to exceed the economic returns to the owner or operator and that abate soil erosion or degradation of the waters of the state by residual farm products, manure, or soil sediment, including attached pollutants.

(4) Establish procedures for administering grants to owners or operators of agricultural land or animal feeding operations for the implementation of operation and management plans;

(5) Do both of the following with regard to composting conducted in conjunction with agricultural operations:

(a) Establish methods, techniques, or practices for composting dead animals, or particular types of dead animals, that are to be used at such operations, as the director considers to be necessary or appropriate;

(b) Establish requirements and procedures governing the review and approval or disapproval of composting plans by the supervisors of soil and water conservation districts under division (R) of section 940.06 of the Revised Code.

(6) Establish best management practices for inclusion in operation and management plans;
(7) Establish the amount of civil penalties assessed by the director under division (B)(A) of section 939.07 of the Revised Code for violation of rules adopted under division (E) of this section;

(8) Not conflict with air or water quality standards adopted pursuant to section 3704.03 or 6111.041 of the Revised Code. Compliance with rules adopted under this section does not affect liability for noncompliance with air or water quality standards adopted pursuant to section 3704.03 or 6111.041 of the Revised Code. The application of a level of management and conservation practices recommended under this section to control windblown soil from farming operations creates a presumption of compliance with section 3704.03 of the Revised Code as that section applies to windblown soil.

(F) Cost share with landowners on practices established pursuant to division (E)(3) of this section as moneys are appropriated and available for that purpose. Any practice for which cost share is provided shall be maintained for its useful life. Failure to maintain a cost share practice for its useful life shall subject the landowner to full repayment to the department.

(G) Employ field assistants and other employees that are necessary for the performance of the work prescribed by Chapter 940. of the Revised Code, for performance of work of the department under this chapter, and as agreed to under working agreements or contractual arrangements with soil and water conservation districts, prescribe their duties, and fix their compensation in accordance with schedules that are provided by law for the compensation of state employees. All such employees of the department, unless specifically exempted by law, shall be employed subject to the classified civil service laws in force at the time of employment.
(H) In connection with new or relocated projects involving highways, underground cables, pipelines, railroads, and other improvements affecting soil and water resources, including surface and subsurface drainage:

1. Provide engineering service that is mutually agreeable to the Ohio soil and water conservation commission and the director to aid in the design and installation of soil and water conservation practices as a necessary component of such projects;

2. Maintain close liaison between the owners of lands on which the projects are executed, soil and water conservation districts, and authorities responsible for such projects;

3. Review plans for such projects to ensure their compliance with standards developed under division (E) of this section in cooperation with the department of transportation or with any other interested agency that is engaged in soil or water conservation projects in the state in order to minimize adverse impacts on soil and water resources adjacent to or otherwise affected by these projects;

4. Recommend measures to retard erosion and protect soil and water resources through the installation of water impoundment or other soil and water conservation practices;

5. Cooperate with other agencies and subdivisions of the state to protect the agricultural status of rural lands adjacent to such projects and control adverse impacts on soil and water resources.

(I) Collect, analyze, inventory, and interpret all available information pertaining to the origin, distribution, extent, use, and conservation of the soil resources of the state;

(J) Prepare and maintain up-to-date reports, maps, and other materials pertaining to the soil resources of the state and their use and make that information available to governmental agencies,
public officials, conservation entities, and the public;

(K) Provide soil and water conservation districts with technical assistance including on-site soil investigations and soil interpretation reports on the suitability or limitations of soil to support a particular use or to plan soil conservation measures. The assistance shall be on terms that are mutually agreeable to the districts and the department of agriculture.

(L) Assist local government officials in utilizing land use planning and zoning, current agricultural use value assessment, development reviews, and land management activities;

(M) When necessary for the purposes of this chapter or Chapter 940. of the Revised Code, develop or approve operation and management plans. The director may designate an employee of the department to develop or approve operation and management plans in lieu of the director.

This section does not restrict the manure of domestic or farm animals defecated on land outside an animal feeding operation or runoff from that land into the waters of the state.

Sec. 941.12. (A) Except as provided in rules adopted under section 941.41 of the Revised Code, no animal shall be ordered destroyed by the director of agriculture, in accordance with this chapter, until that animal has been appraised in accordance with divisions (B) and (C) of this section. This section does not apply to any animal that is adulterated with residues and ordered destroyed by the director.

(B) The director of agriculture shall appraise, based on current market value, any animal destroyed by his order under this chapter, and If an animal is ordered destroyed by the director of agriculture under this chapter, the director shall take an inventory of each animal that is destroyed and record sufficient
information in order for an appraisal to be conducted, if necessary.

(B)(1) Within thirty days after receiving a destruction order issued under this chapter, the owner of the animal subject to the order that seeks indemnification for the animal shall do both of the following:

(a) Request the information recorded under division (A) of this section and have an appraisal of the animal conducted at the owner's expense;

(b) Request that the department of agriculture conduct an appraisal of the animal. If an appraisal is requested, the director shall order the appraisal to be conducted.

(2) If the owner and the department do not agree on the value of the animal ordered destroyed, the two shall select a third disinterested person, at the owner's expense, to appraise the animal. The appraisal conducted by that person is the value of the animal for purposes of indemnification.

(3) If an appraisal is not conducted under division (B)(1)(a) of this section or requested under division (B)(1)(b) of this section within thirty days of receiving the destruction order issued under this chapter, the owner waives the right to indemnification of the animal.

(C) Once the value of the animal ordered destroyed is determined, the director may indemnify the owner of the animal if, upon the request of the director, the director of budget and management provides written notification to the director of agriculture that there is an unencumbered balance in the appropriation for the current biennium sufficient to pay the indemnity. The amount of indemnity shall be the appraised value of the animal, less any salvage value and indemnity received from another agency. In no case shall the state indemnity payment
exceed fifty dollars per head for a grade animal or one hundred 
dollars per head for a registered purebred animal.

(C) For the purpose of indemnification, the value of any 
animal ordered destroyed shall be determined by an appraisal made 
by a representative chosen by the owner and a representative 
chosen by the department of agriculture. In the event of a 
disagreement as to the amount of the appraisal, a third 
disinterested person shall be selected, at the owner's expense, by 
the two, to act with them in the appraisal of the animal.

(D) The director of agriculture may refuse to pay an 
indemnity for any animal ordered destroyed if the owner has been 
convicted of or pleads guilty to a violation of any of the 
provisions of this chapter or the rules promulgated thereunder.

**Sec. 941.55.** (A) Notwithstanding sections section 941.11 and 
941.12 of the Revised Code, every bovine animal that is ordered 
destroyed because of tuberculosis following a tuberculosis test 
made in accordance with section 941.54 of the Revised Code shall 
be slaughtered in an establishment approved by the department of 
agriculture no later than fifteen days after it is ordered 
destroyed, unless an extension of time is granted by the 
department.

(B) A post mortem examination shall be made by a veterinarian 
authorized by the department, and a report of the examination 
shall be filed within five days after the examination on forms 
provided by the department.

**Sec. 943.23.** (A) A captive whitetail deer licensee shall 
comply with the requirements established in sections 943.20 to 
943.26 of the Revised Code and in rules. The director of 
agriculture may suspend or revoke a license issued under section 
943.03 or 943.031 of the Revised Code regarding monitored captive
deer, captive deer with status, or captive deer with certified chronic wasting disease status if the licensee fails to comply with those requirements.

(B)(1) The director, after providing an opportunity for an adjudication hearing under Chapter 119. of the Revised Code, may assess a civil penalty against a person who has violated or is in violation of section 943.20 of the Revised Code. If the director assesses a civil penalty, the director shall do so as follows:

(a) If, within five years of the violation, the director has not previously assessed a civil penalty against the person under this section, in an amount not exceeding five hundred dollars;

(b) If, within five years of the violation, the director has previously assessed one civil penalty against the person under this section, in an amount not exceeding two thousand five hundred dollars;

(c) If, within five years of the violation, the director has previously assessed two or more civil penalties against the person under this section, in an amount not exceeding ten thousand dollars.

(2) Money collected under division (B)(1) of this section shall be deposited in the state treasury to the credit of the captive deer fund created in section 943.26 of the Revised Code.

Sec. 947.06. (A) The director of agriculture shall adopt rules, subject to Chapter 119. of the Revised Code, to implement, administer, and enforce this chapter. No person shall violate such a rule of the director.

(B) In cooperation with law enforcement officers in this and other states, the director shall develop a uniform procedure for notifying livestock marketing and slaughtering establishments of reported livestock thefts and of any brands or other identifying
marks on such livestock.

(C) Moneys received by the director under sections 947.01 to 947.06 of the Revised Code shall be deposited in the state treasury to the credit of the animal and consumer protection laboratory fund, which is hereby created in the state treasury. The director shall spend moneys from the fund to pay the costs and expenses of administering sections 947.01 to 947.06 section 901.43 of the Revised Code.

Sec. 1121.10. (A) As often as the superintendent of financial institutions considers necessary, but at least once each twenty-four-month cycle, the superintendent, or any deputy or examiner appointed by the superintendent for that purpose, shall thoroughly examine the records and affairs of each bank. The examination shall include a review of both of the following:

(1) Compliance with law;

(2) Other matters the superintendent determines.

(B) The superintendent may examine the records and affairs of any of the following as the superintendent considers necessary:

(1) Any party to a proposed reorganization for which the superintendent's approval is required by section 1115.11 or 1115.14 of the Revised Code;

(2) Any bank, savings and loan association, or savings bank proposing to convert to a bank doing business under authority granted by the superintendent for which the superintendent's approval is required by section 1115.01 of the Revised Code;

(3) Any person proposing to acquire control of a bank for which the superintendent's approval is required by section 1115.06 of the Revised Code, or who acquired control of a bank without the approval of the superintendent when that approval was required by section 1115.06 of the Revised Code, was the bank of which control
is to be, or was, acquired;

(4) Any bank proposing to establish or acquire a branch for which the superintendent's approval is required by section 1177.02 of the Revised Code;

(5) Any foreign bank that maintains, or proposes to establish, one or more offices in this state;

(6) Any trust company.

(C) The board of directors or holders of a majority of the shares of a bank or trust company may request the superintendent conduct a special examination of the records and affairs of the bank or trust company. The superintendent has sole discretion over the scope and timing of a special examination, and may impose restrictions and limitations on the use of the results of a special examination in addition to the restrictions and limitations otherwise imposed by law. The fee for a special examination shall be paid by the bank or trust company examined in accordance with section 1121.29 of the Revised Code.

(D) The superintendent may conduct all aspects of an examination concurrently or may divide the examination into constituent parts and conduct them at various times.

(E) The superintendent shall preserve the report of each examination, including related correspondence received and copies of related correspondence sent, for twenty years after the examination date.

Sec. 1121.24. (A) If, under Chapters 1101. to 1127. of the Revised Code, a proposed action or transaction is subject to the approval of the superintendent of financial institutions or an opportunity for the superintendent to disapprove, and if the person proposing the action or transaction is required to submit an application or notice to the superintendent, then the
application or notice is not complete and the superintendent shall not accept it for processing until the person pays the fee established pursuant to division (C) of section 1121.29 of the Revised Code.

(B)(1) If, under Chapters 1101. to 1127. of the Revised Code, a proposed action or transaction is subject to the approval of the superintendent or an opportunity for the superintendent to disapprove and the superintendent must make that determination within a certain time, and if the person proposing the action or transaction is required to submit an application or notice to the superintendent, then the time in which the superintendent must make the determination does not begin to run until the superintendent has determined the application or notice is complete and has accepted it for processing.

(2) Division (A)(B)(1) of this section does not prohibit either of the following:

(a) The superintendent from denying, or issuing a disapproval of, an application or notice, prior to the superintendent's acceptance of the application or notice for processing, on the basis that the person who submitted the application or notice failed to include all of the items and address all of the issues required for the application or notice, if both of the following apply:

(i) The superintendent advised the person that the application or notice was incomplete.

(ii) After being advised by the superintendent that the application or notice was incomplete, the person did not, within a reasonable period of time, complete the application or notice.

(b) The superintendent from denying, or issuing a disapproval of, an application or notice on the basis that the person who submitted the application or notice failed to provide the
information necessary for the superintendent to adequately consider the application or notice after the superintendent's acceptance of the application or notice for processing, if both of the following apply:

(i) After having begun processing the application or notice, the superintendent determined and advised the person that additional information was necessary to adequately consider the application or notice.

(ii) After being advised by the superintendent that additional information was necessary to adequately consider the application or notice, the person did not, within a reasonable period of time, provide that information.

(B)(C) A determination by the superintendent that an application or notice is complete and is accepted for processing means only that the application or notice, on its face, appears to include all of the items and to address all of the matters that are required. A determination by the superintendent that an application or notice is complete and is accepted for processing is not an assessment of the substance of the application or notice, or of the sufficiency of the information provided.

**Sec. 1121.29.** (A)(1) Each bank, savings and loan association, and savings bank subject to inspection and examination by the superintendent of financial institutions and transacting business on the thirty-first day of December, or their successors in interest, shall pay to the treasurer of state assessments as provided in this section. The superintendent shall make each assessment based on the total assets as shown on the books of the bank, savings and loan association, or savings bank as of the thirty-first day of December of the previous year. The superintendent shall collect the assessment on an annual or periodic basis, as provided by the superintendent. All assessments
shall be paid within fourteen days after receiving an invoice for payment of the assessment.

(2) After determining the budget of the division of financial institutions for examination and regulation of banks, savings and loan associations, and savings banks, but prior to establishing the schedule of assessments under this division necessary to fund that budget, the superintendent shall consider any necessary cash reserves and any amounts collected but not yet expended or encumbered by the superintendent in the previous fiscal year's budget and remaining in the banks fund pursuant to division (C) of section 1121.30 of the Revised Code.

(3) The superintendent shall establish the actual schedule of assessments on an annual basis, present the schedule to the banking commission for confirmation, and forward copies of the current year's schedule to banks, savings and loan associations, and savings banks doing business under authority granted by the superintendent, or their successors in interest.

If during the period between the banking commission's confirmation of the schedule of assessments and the completion of the fiscal year in which those assessments will be collected, the banking commission determines additional money is required to adequately fund the operations of the division of financial institutions for that fiscal year, the banking commission may, by the affirmative vote of two-thirds of its members, increase the schedule of assessments for that fiscal year. The superintendent shall promptly notify each bank, savings and loan association, and savings bank of the increased assessment, and each bank, savings and loan association, and savings bank shall pay the increased assessment as made and invoiced by the superintendent.

(4) A bank, savings and loan association, or savings bank authorized by the superintendent to commence business in the
period between assessments shall pay the actual reasonable costs of the division's examinations and visitations. The bank, savings and loan association, or savings bank shall pay the costs within fourteen days after receiving an invoice for payment.

(B)(1) Whenever in the judgment of the superintendent the condition or conduct of a bank renders it necessary to make additional examinations and follow-up visitations within the examination cycle beyond the minimum required by division (A) of section 1121.10 of the Revised Code, the superintendent shall charge the bank for the additional examinations and follow-up visitations as provided in division (C) of this section. The bank shall pay the fee charged within fourteen days after receiving an invoice for payment.

(2) The superintendent shall charge a bank for any examination of the bank's operations as a trust company and data processing facility in accordance with division (C) of this section whether that examination is the only examination of the bank in the examination cycle or in addition to other examinations of the bank's operations.

(C) The superintendent shall periodically establish a schedule of fees to be paid for examinations, applications, certifications, and notices considered necessary by the superintendent.

(D)(1) The superintendent may waive any fees provided for in division (C) of this section to protect the interests of depositors and for other fair and reasonable purposes as determined by the superintendent.

(2) The fees established by the superintendent pursuant to division (C) of this section for processing applications and notices and conducting and processing examinations shall be reasonable considering the direct and indirect costs to the
division, as determined by the superintendent, of processing the applications and for conducting and processing the examinations.

(E) The superintendent may determine and charge reasonable fees for furnishing and certifying copies of documents filed with the division and for any expenses incurred by the division in the publication or serving of required notices.

(F) Assessments and examination and application fees charged and collected pursuant to this section are not refundable. Any fee charged pursuant to this section shall be paid within fourteen days after receiving an invoice for payment of the fee.

(G) The superintendent shall pay all assessments and fees charged pursuant to this section and all forfeitures required to be paid to the superintendent into the state treasury to the credit of the banks fund.

Sec. 1121.30. (A) All assessments, fees, charges, and forfeitures provided for in Chapters 1101. to 1127. 1165. and sections 1315.01 to 1315.18 of the Revised Code, except civil penalties assessed pursuant to section 1121.35 or 1315.152 of the Revised Code, shall be paid to the superintendent of financial institutions, and the superintendent shall deposit them into the state treasury to the credit of the banks fund, which is hereby created.

(B) The superintendent may expend or obligate the banks fund to defray the costs of the division of financial institutions in administering Chapters 1101. to 1127. 1165. and sections 1315.01 to 1315.18 of the Revised Code. The superintendent shall pay from the fund all actual and necessary expenses incurred by the superintendent, including for any services rendered by the department of commerce for the division's administration of Chapters 1101. to 1127. 1165. and sections 1315.01 to 1315.18 of the Revised Code. The fund shall be assessed a proportionate share
of the administrative costs of the department and the division of financial institutions. The proportionate share of the administration costs of the division of financial institutions shall be determined in accordance with procedures prescribed by the superintendent and approved by the director of budget and management. The amount assessed for the fund's proportional share of the department's administrative costs and the division's administrative costs shall be paid from the banks fund to the division of administration fund and the division of financial institutions fund respectively.

(C) Any money deposited into the state treasury to the credit of the banks fund, but not expended or encumbered by the superintendent to defray the costs of administering Chapters 1101 to 1127, 1165, and sections 1315.01 to 1315.18 of the Revised Code, shall remain in the banks fund for expenditures by the superintendent in subsequent years.

Sec. 1123.01. (A) There is hereby created in the division of financial institutions a banking commission which shall consist of seven nine members. The deputy superintendent for banks shall be a member of the commission and its chairperson. The governor, with the advice and consent of the senate, shall appoint the remaining six eight members.

(B) After the second Monday in January of each year, the governor shall appoint two members. Terms of office shall be for three four years commencing on the first day of February and ending on the thirty-first day of January. Each member shall hold office from the date appointed until the end of the term for which appointed. In the case of a vacancy in the office of any member, the governor shall appoint a successor who shall hold office for the remainder of the term for which the successor's predecessor was appointed. Any member shall continue in office subsequent to
the expiration date of the member's term until the member's successor is appointed, or until sixty days have elapsed, whichever occurs first.

(C) No person appointed as a member of the commission may serve more than two consecutive full terms. However, a member may serve two consecutive full terms following the remainder of a term for which the member was appointed to fill a vacancy.

(D)(1) At least three six of the six eight members appointed to the commission shall be, at the time of appointment, executive officers of banks, savings and loan associations, or savings banks transacting business under authority granted by the superintendent of financial institutions, and four all of the six members appointed to the commission shall have banking experience as a director or officer of a bank, savings bank, or savings association insured by the federal deposit insurance corporation, a bank holding company, or a savings and loan holding company. The membership of the commission shall be representative of the banking industry as a whole, including representatives of banks of various asset sizes and ownership structures, as determined by the governor after consultation with the superintendent of financial institutions from time to time.

(2) No person who has been convicted of, or has pleaded guilty to, a felony involving an act of fraud, dishonesty or breach of trust, theft, or money laundering shall take or hold office as a member of the banking commission.

(E) The members of the commission shall receive no salary, but their expenses incurred in the performance of their duties shall be paid from funds appropriated for that purpose.

(F) The governor may remove any of the six eight members appointed to the commission whenever in the governor's judgment the public interest requires removal. Upon removing a member of
the commission, the governor shall file with the superintendent a 17262 statement of the cause for the removal.

Sec. 1123.02. (A) The banking commission shall hold regular 17264 meetings at the times and places it fixes, and shall meet at any 17265 time on call of the deputy superintendent for banks upon two days' 17266 notice unless the commission by resolution provides for a shorter 17267 notice.

(B)(1) A majority of the full commission constitutes a 17269 quorum, and action taken by a majority of those present at a 17270 meeting at which there is a quorum constitutes the action of the 17271 commission.

(2) Notwithstanding division (B)(1) of this section, a 17272 meeting of the commission may be held by teleconference if 17273 provisions are made for public attendance at a specific location 17274 connected with the teleconference.

(C) No member shall participate before the commission in a 17277 proceeding involving any bank, savings and loan association, or 17278 savings bank of which the member is, or was at any time in the 17279 preceding twelve months, a member of the board of directors, an 17280 officer, an employee, or a shareholder. A member may refrain from 17281 participating in a proceeding before the commission for any other 17282 cause the member considers sufficient.

(D) The commission may, by a majority vote of those present 17284 at a meeting at which there is a quorum, adopt and amend bylaws 17285 and rules the commission, in its judgment, considers necessary and 17286 proper. The commission shall select one of its members as 17287 secretary, who shall keep a record of all its proceedings.

Sec. 1123.03. The banking commission shall do all of the 17289 following:

(A) Make recommendations to the deputy superintendent for 17290
banks and the superintendent of financial institutions on the business of banking;

(B) Consider and make recommendations on any matter the superintendent or deputy superintendent submits to the commission for that purpose;

(C) Pass upon and determine any matter the superintendent or deputy superintendent submits to the commission for determination;

(D) Consider and determine whether to confirm the annual schedule of assessments proposed by the superintendent in accordance with section 1121.29 of the Revised Code;

(E) Determine whether to increase the schedule of assessments as provided in division (A)(3) of section 1121.29 of the Revised Code;

(F) Determine, as provided in division (D) of section 1121.12 of the Revised Code, both of the following:

(1) Whether there is reasonable cause to believe that there is a significant risk of imminent material harm to the bank;

(2) Whether the examination of the bank holding company is necessary to fully determine the risk to the bank, or to determine how best to address the risk to the bank.

Sec. 1155.07. Every savings and loan association organized under the laws of this state shall make, as of the thirty-first day of December and the thirtieth day of June of each year, a report of the affairs and business of the association for the preceding half year, showing its financial condition at the end thereof. The statement as of the thirty-first day of December shall be the annual statement of the association. The superintendent of financial institutions may also require monthly reports.

The superintendent may, by written order mailed to the
managing officer of such an association, require any association
to submit to the superintendent within a reasonable time specified
in the written order a report concerning its real estate and other
assets, other than the appraisals required by section 1151.54 of
the Revised Code.

Any such association refusing or neglecting to file any
report required by this section within the time specified shall
forfeit one hundred dollars for every day that such default
continues unless such penalty, in whole or in part, is waived by
the superintendent. The superintendent may maintain an action in
the name of the state to recover such forfeiture which, upon its
collection, shall be paid into the state treasury to the credit of
the savings institutions banks fund established under section
1181.18 1121.30 of the Revised Code.

Every such association shall maintain adequate, complete, and
correct accounts and shall observe such generally accepted
accounting principles and practices or generally accepted auditing
standards, as the superintendent prescribes. The superintendent
shall demand once a year, and at the expense of the association,
that its accounts be audited by an independent auditor. A copy of
the audit report shall be submitted to the board of directors of
the association and filed, together with management's response,
with the superintendent within thirty days after
presentation of the completed report to the board or not later
than the thirty-first day of March of the year next succeeding the
year for which the audit was conducted, whichever occurs first,
unless the time is extended by the superintendent.

At the conclusion of the audit of an association, an
independent auditor shall attend a meeting at which there are
present only the outside directors of the association or a
committee comprised of and appointed by such outside directors and
fully disclose at that time to those directors all audit
exceptions that developed during the audit and all relevant data and information concerning the financial condition, investment practices, and other financial policies and procedures of the association. The meeting shall be held at a time and place that is agreed upon by the independent auditor and the outside directors or their committee. A complete record of the proceedings of the meeting shall be kept in a minute book that is maintained solely for the purpose of keeping such records. Nothing in this paragraph shall be construed to prevent the independent auditor from meeting at other times with inside directors, officers, or employees of the association.

The superintendent may prescribe a schedule for the preservation and destruction of books, records, certificates, documents, reports, correspondence, and other instruments, papers, and writings of such an association, even if such association has been liquidated pursuant to law. An association may dispose of any books, records, certificates, documents, reports, correspondence, and other instruments, papers, and writings which have been retained or preserved for the period prescribed by the superintendent pursuant to this paragraph. The requirements of this paragraph may be complied with by the preservation of records in the manner prescribed in section 2317.41 of the Revised Code.

Sec. 1155.10. Whenever the superintendent of financial institutions considers it necessary, the superintendent may make a special examination of any savings and loan association, and the expense of the examination shall be paid by the association. Such expenses shall be collected by the superintendent and paid into the state treasury to the credit of the savings institutions banks fund established under section 1181.18 1121.30 of the Revised Code. Any examination made by the superintendent otherwise than in the ordinary routine of the superintendent's duties and because, in the superintendent's opinion, the condition of the association
Sec. 1163.09. (A) Every savings bank organized under the laws of this state, as of the thirty-first day of December and the thirtieth day of June of each year, shall make a report of the affairs and business of the savings bank for the preceding half year, showing its financial condition at the end thereof. The statement as of the thirty-first day of December shall be the annual statement of the savings bank. The superintendent of financial institutions may also require monthly reports.

(B) The superintendent, by written order mailed to the managing officer of a savings bank, may require any savings bank to submit to the superintendent within a reasonable time specified in the written order a report concerning its real estate and other assets, other than the appraisals required by section 1161.81 of the Revised Code.

(C) Any savings bank refusing or neglecting to file any report required by this section within the time specified shall forfeit one hundred dollars for every day that the default continues unless the penalty, in whole or in part, is waived by the superintendent. The superintendent may maintain an action in the name of the state to recover the forfeiture which, upon its collection, shall be paid into the state treasury to the credit of the savings institutions fund established under section 1121.18 of the Revised Code.

(D) Every savings bank shall maintain adequate, complete, and correct accounts and shall observe such generally accepted accounting principles and practices or generally accepted auditing standards, as the superintendent prescribes. The superintendent shall demand once a year, and at the expense of the savings bank, that its accounts be audited by an independent auditor. A copy of
the audit report shall be submitted to the board of directors of the savings bank and filed, together with management's response, with the superintendent within thirty days after presentation of the completed report to the board or not later than the thirty-first day of March of the year next succeeding the year for which the audit was conducted, whichever occurs first, unless the time is extended by the superintendent.

(E) At the conclusion of the audit of a savings bank, an independent auditor shall attend a meeting at which there are present only the outside directors of the savings bank or a committee composed of and appointed by the outside directors and fully disclose at that time to those directors all audit exceptions that developed during the audit and all relevant data and information concerning the financial condition, investment practices, and other financial policies and procedures of the savings bank. The meeting shall be held at a time and place that is agreed upon by the independent auditor and the outside directors or their committee. A complete record of the proceedings of the meeting shall be kept in a minute book that is maintained solely for the purpose of keeping these records. Nothing in this division shall be construed to prevent the independent auditor from meeting at other times with inside directors, officers, or employees of the savings bank.

(F) The superintendent may prescribe a schedule for the preservation and destruction of books, records, certificates, documents, reports, correspondence, and other instruments, papers, and writings of a savings bank, even if the savings bank has been liquidated pursuant to law. A savings bank may dispose of any books, records, certificates, documents, reports, correspondence, and other instruments, papers, and writings that have been retained or preserved for the period prescribed by the superintendent pursuant to this division. The requirements of this
division may be complied with by the preservation of records in
the manner prescribed in section 2317.41 of the Revised Code.

Sec. 1163.13. Whenever the superintendent of financial
institutions considers it necessary, the superintendent may make a
special examination of any savings bank, and the expense of the
examination shall be paid by the savings bank. These moneys shall
be collected by the superintendent and paid into the state
treasury to the credit of the savings institutions banks fund
established under section 1181.18 1121.30 of the Revised Code. Any
examination made by the superintendent otherwise than in the
ordinary routine of the superintendent's duties and because, in
the superintendent's opinion, the condition of the savings bank
requires the examination, is a special examination within the
meaning of this section.

Sec. 1181.06. There is hereby created in the state treasury
the financial institutions fund. The fund shall receive
assessments on the banks fund established under section 1121.30 of
the Revised Code, the savings institutions fund established under
section 1181.18 of the Revised Code, the credit unions fund
established under section 1733.321 of the Revised Code, and the
consumer finance fund established under section 1321.21 of the
Revised Code in accordance with procedures prescribed by the
superintendent of financial institutions and approved by the
director of budget and management. Such assessments shall be in
addition to any assessments on these funds required under division
(G) of section 121.08 of the Revised Code. All operating expenses
of the division of financial institutions shall be paid from the
financial institutions fund.

Sec. 1501.08. (A) There is hereby created in the state
treasury the state park maintenance fund.
(1) Notwithstanding section 1546.21 of the Revised Code, on
or after the first day of July of each fiscal year, the director
of natural resources may request the director of budget and
management to transfer money from the state park fund to the state
park maintenance fund in an amount not exceeding five per cent of
the annual average revenue deposited in the state park fund.

(2) The department of natural resources shall use money in
the state park maintenance fund only for maintenance, repair, and
renovation projects at state parks that are approved by the
director. The department shall not use money in the fund to
construct new facilities.

(B) The chief of the division of parks and watercraft shall
submit to the director a list of projects in order to request
disbursements from the state park maintenance fund. The chief
shall include with each list a description of necessary
maintenance, repair, and renovation at state park facilities. The
director shall determine which projects are eligible for
disbursement from the fund. The chief shall not begin any project
for which disbursement is requested before obtaining the
director's approval as required by this section.

Sec. 1503.05. (A) The chief of the division of forestry may
sell timber and other forest products from the state forest and
state forest nurseries whenever the chief considers such a sale
desirable and, with the approval of the attorney general and the
director of natural resources, may sell portions of the state
forest lands when such a sale is advantageous to the state.

(B) Except as otherwise provided in this section, a timber
sale agreement shall not be executed unless the person or
governmental entity bidding on the sale executes and files a
surety bond conditioned on completion of the timber sale in
accordance with the terms of the agreement in an amount determined
by the chief. All bonds shall be given in a form prescribed by the chief and shall run to the state as obligee.

The chief shall not approve any bond until it is personally signed and acknowledged by both principal and surety, or as to either by the attorney in fact thereof, with a certified copy of the power of attorney attached. The chief shall not approve the bond unless there is attached a certificate of the superintendent of insurance that the company is authorized to transact a fidelity and surety business in this state.

In lieu of a bond, the bidder may deposit any of the following:

(1) Cash in an amount equal to the amount of the bond;
(2) United States government securities having a par value equal to or greater than the amount of the bond;
(3) Negotiable certificates of deposit or irrevocable letters of credit issued by any bank organized or transacting business in this state having a par value equal to or greater than the amount of the bond.

The cash or securities shall be deposited on the same terms as bonds. If one or more certificates of deposit are deposited in lieu of a bond, the chief shall require the bank that issued any of the certificates to pledge securities of the aggregate market value equal to the amount of the certificate or certificates that is in excess of the amount insured by the federal deposit insurance corporation. The securities to be pledged shall be those designated as eligible under section 135.18 of the Revised Code. The securities shall be security for the repayment of the certificate or certificates of deposit.

Immediately upon a deposit of cash, securities, certificates of deposit, or letters of credit, the chief shall deliver them to the treasurer of state, who shall hold them in trust for the
purposes for which they have been deposited. The treasurer of
state is responsible for the safekeeping of the deposits. A bidder
making a deposit of cash, securities, certificates of deposit, or
letters of credit may withdraw and receive from the treasurer of
state, on the written order of the chief, all or any portion of
the cash, securities, certificates of deposit, or letters of
credit upon depositing with the treasurer of state cash, other
United States government securities, or other negotiable
certificates of deposit or irrevocable letters of credit issued by
any bank organized or transacting business in this state, equal in
par value to the par value of the cash, securities, certificates
of deposit, or letters of credit withdrawn.

A bidder may demand and receive from the treasurer of state
all interest or other income from any such securities or
certificates as it becomes due. If securities so deposited with
and in the possession of the treasurer of state mature or are
called for payment by their issuer, the treasurer of state, at the
request of the bidder who deposited them, shall convert the
proceeds of the redemption or payment of the securities into other
United States government securities, negotiable certificates of
deposit, or cash as the bidder designates.

When the chief finds that a person or governmental agency has
failed to comply with the conditions of the person's or
governmental agency's bond, the chief shall make a finding of that
fact and declare the bond, cash, securities, certificates, or
letters of credit forfeited. The chief thereupon shall certify the
total forfeiture to the attorney general, who shall proceed to
collect the amount of the bond, cash, securities, certificates, or
letters of credit.

In lieu of total forfeiture, the surety, at its option, may
cause the timber sale to be completed or pay to the treasurer of
state the cost thereof.
All moneys collected as a result of forfeitures of bonds, cash, securities, certificates, and letters of credit under this section shall be credited to the state forest fund created in this section.

(C) The chief may grant easements and leases on portions of the state forest lands and state forest nurseries under terms that are advantageous to the state, and the chief may grant mineral rights on a royalty basis on those lands and nurseries, with the approval of the attorney general and the director.

(D) All moneys received from the sale of state forest lands, or in payment for easements or leases on or as rents from those lands or from state forest nurseries, shall be paid into the state treasury to the credit of the state forest fund, which is hereby created. In addition, all moneys received from federal grants, payments, and reimbursements, from the sale of reforestation tree stock, from the sale of forest products, other than standing timber, and from the sale of minerals taken from the state forest lands and state forest nurseries, together with royalties from mineral rights, shall be paid into the state treasury to the credit of the state forest fund. Any other revenues derived from the operation of the state forests and related facilities or equipment also shall be paid into the state treasury to the credit of the state forest fund, as shall contributions received for the issuance of Smokey Bear license plates under section 4503.574 of the Revised Code and any other moneys required by law to be deposited in the fund.

The state forest fund shall not be expended for any purpose other than the administration, operation, maintenance, development, or utilization of the state forests, forest nurseries, and forest programs, for facilities or equipment incident to them, or for the further purchase of lands for state forest or forest nursery purposes, or for wildfire suppression.
payments and, in the case of contributions received pursuant to section 4503.574 of the Revised Code, for fire prevention purposes.

All moneys received from the sale of standing timber taken from state forest lands and state forest nurseries shall be deposited into the state treasury to the credit of the forestry holding account redistribution fund, which is hereby created. The moneys shall remain in the fund until they are redistributed in accordance with this division.

The redistribution shall occur at least once each year. To begin the redistribution, the chief first shall determine the amount of all standing timber sold from state forest lands and state forest nurseries, together with the amount of the total sale proceeds, in each county, in each township within the county, and in each school district within the county. The chief next shall determine the amount of the direct costs that the division of forestry incurred in association with the sale of that standing timber. The amount of the direct costs shall be subtracted from the amount of the total sale proceeds and shall be transferred from the forestry holding account redistribution fund to the state forest fund.

The remaining amount of the total sale proceeds equals the net value of the standing timber that was sold. The chief shall determine the net value of standing timber sold from state forest lands and state forest nurseries in each county, in each township within the county, and in each school district within the county and shall send to each county treasurer a copy of the determination at the time that moneys are paid to the county treasurer under this division.

Thirty-five per cent of the net value of standing timber sold from state forest lands and state forest nurseries located in a county shall be transferred from the forestry holding account...
redistribution fund to the state forest fund. The remaining
sixty-five per cent of the net value shall be transferred from the
forestry holding account redistribution fund and paid to the
county treasurer for the use of the general fund of that county.

The county auditor shall do all of the following:

(1) Retain for the use of the general fund of the county
one-fourth of the amount received by the county under division (D)
of this section;

(2) Pay into the general fund of any township located within
the county and containing such lands and nurseries one-fourth of
the amount received by the county from standing timber sold from
lands and nurseries located in the township;

(3) Request the board of education of any school district
located within the county and containing such lands and nurseries
to identify which fund or funds of the district should receive the
moneys available to the school district under division (D)(3) of
this section. After receiving notice from the board, the county
auditor shall pay into the fund or funds so identified one-half of
the amount received by the county from standing timber sold from
lands and nurseries located in the school district, distributed
proportionately as identified by the board.

The division of forestry shall not supply logs, lumber, or
other forest products or minerals, taken from the state forest
lands or state forest nurseries, to any other agency or
subdivision of the state unless payment is made therefor in the
amount of the actual prevailing value thereof. This section is
applicable to the moneys so received.

(E) The chief may enter into a personal service contract for
consulting services to assist the chief with the sale of timber or
other forest products and related inventory. Compensation for
consulting services shall be paid from the proceeds of the sale of
timber or other forest products and related inventory that are the subject of the personal service contract.

**Sec. 1503.141.** There is hereby created in the state treasury the wildfire suppression fund. The fund shall consist of any federal moneys received for the purposes of this section and donations, gifts, bequests, and other moneys received for those purposes. In addition, the chief of the division of forestry annually may request that the director of budget and management transfer, and, if so requested, the director shall transfer, each fiscal year, the director of natural resources or the director's designee shall designate not more than **two** hundred thousand dollars to the wildfire suppression fund from in the state forest fund created in section 1503.05 of the Revised Code for wildfire suppression payments. The amount transferred designated shall consist only of money deposited into the state forest credited to the fund from the sale of standing timber taken from state forest lands as set forth in that section.

The chief director or the director's designee may use moneys in the money designated for wildfire suppression fund payments to reimburse firefighting agencies and private fire companies for their costs incurred in the suppression of wildfires in counties within fire protection areas established under section 1503.08 of the Revised Code where there is a state forest or national forest, or portion thereof. The chief, with the approval of the director of natural resources, or the director's designee may provide such reimbursement in additional counties. The chief director or the director's designee shall provide such reimbursement pursuant to agreements and contracts entered into under section 1503.14 of the Revised Code and in accordance with the following schedule:

(A) For wildfire suppression on private land, an initial seventy-dollar payment to the firefighting agency or private fire
company;

(B) For wildfire suppression on land under the administration or care of the department of natural resources or on land that is part of any national forest administered by the United States department of agriculture forest service, an initial one-hundred-dollar payment to the firefighting agency or private fire company;

(C) For any wildfire suppression on land specified in division (A) or (B) of this section lasting more than two hours, an additional payment of thirty-five dollars per hour.

If at any time moneys in the fund exceed two hundred thousand dollars, the chief shall transfer the moneys that exceed that amount to the state forest fund.

As used in this section, "firefighting agency" and "private fire company" have the same meanings as in section 9.60 of the Revised Code.

Sec. 1505.09. (A) There is hereby created in the state treasury the geological mapping fund, to be administered by the chief of the division of geological survey. The except as provided in division (B) of this section, the fund shall be used for the purposes of performing the necessary field, laboratory, and administrative tasks to map and make public reports on the geology, geologic hazards, and energy and mineral resources of the state. The source of moneys money for the fund shall include, but not be limited to, the mineral severance tax as specified in section 5749.02 of the Revised Code transfers made to the fund in accordance with section 6111.046 of the Revised Code, and the fees collected under rules adopted under section 1505.05 of the Revised Code. The chief may seek federal or other moneys money in addition to the mineral severance tax and fees to carry out the purposes of this section. If the chief receives federal moneys money for the
purposes of this section, the chief shall deposit those moneys into the state treasury to the credit of a fund created by the controlling board to carry out those purposes. Other moneys received by the chief for the purposes of this section in addition to the mineral severance tax, fees, and federal moneys shall be credited to the geological mapping fund.

(B) Any money transferred to the geological mapping fund in accordance with section 6111.046 of the Revised Code shall be used by the chiefs of the divisions of mineral resources management, oil and gas resources management, geological survey, and water resources in the department of natural resources for the purpose of executing their duties under sections 6111.043 to 6111.047 of the Revised Code.

Sec. 1506.23. (A) There is hereby created in the state treasury the Lake Erie protection fund, which shall consist of money deposited into the fund from the issuance of Lake Erie license plates under section 4503.52 of the Revised Code, money awarded to the state from the great lakes protection fund, and donations, gifts, bequests, and other moneys received for the purposes of this section. Not later than the first day of June each year, the Ohio Lake Erie commission created in section 1506.21 of the Revised Code shall designate one of its members to administer the fund and, with the approval of the commission, to expend moneys from the fund for any of the following purposes:

1. Accelerating the pace of research into the economic, environmental, and human health effects of contamination of Lake Erie and its tributaries;
2. Funding cooperative research and data collection regarding Lake Erie water quality and toxic contamination;
3. Developing improved methods of measuring water quality and establishing a firm scientific base for implementing a
basinwide system of water quality management for Lake Erie and its tributaries;

(4) Supporting research to improve the scientific knowledge on which protection policies are based and devising new and innovative clean-up techniques for toxic contaminants;

(5) Supplementing, in a stable and predictable manner, state commitments to policies and programs pertaining to Lake Erie water quality and resource protection;

(6) Encouraging cooperation with and among leaders from state legislatures, state agencies, political subdivisions, business and industry, labor, institutions of higher education, environmental organizations, and conservation groups within the Lake Erie basin;

(7) Awarding of grants to any agency of the United States, any state agency, as "agency" is defined in division (A)(2) of section 111.15 of the Revised Code, any political subdivision, any educational institution, or any nonprofit organization for the development and implementation of projects and programs that are designed to protect Lake Erie by reducing toxic contamination of or improving water quality in Lake Erie;

(8) Expenses authorized by the Ohio Lake Erie commission necessary to implement this chapter.

(B) Moneys in the Lake Erie protection fund are not intended to replace other moneys expended by any agency of the United States, any state agency, as "agency" is so defined, any political subdivision, any educational institution, or any nonprofit organization for projects and programs that are designed to protect Lake Erie by reducing toxic contamination of or improving water quality in Lake Erie.

(C) Each March, the Ohio Lake Erie commission shall publish a Lake Erie protection agenda that describes proposed uses of the Lake Erie protection fund for the following state fiscal year. The
agenda shall be the subject of at least one public meeting of the commission held in the Lake Erie basin. The commission shall submit the agenda to the governor, the president of the senate, and the speaker of the house of representatives.

(D) Not later than September 1, 1991, and annually thereafter, the Lake Erie commission shall prepare a report of the activities that were undertaken by the commission under this section during the immediately preceding fiscal year, including, without limitation, revenues and expenses for the preceding fiscal year. The commission shall submit the report to the governor, the president of the senate, and the speaker of the house of representatives.

Sec. 1509.01. As used in this chapter:

(A) "Well" means any borehole, whether drilled or bored, within the state for production, extraction, or injection of any gas or liquid mineral, excluding potable water to be used as such, but including natural or artificial brines and oil field waters.

(B) "Oil" means crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir.

(C) "Gas" means all natural gas and all other fluid hydrocarbons that are not oil, including condensate.

(D) "Condensate" means liquid hydrocarbons separated at or near the well pad or along the gas production or gathering system prior to or during gas processing.

(E) "Pool" means an underground reservoir containing a common accumulation of oil or gas, or both, but does not include a gas storage reservoir. Each zone of a geological structure that is
completely separated from any other zone in the same structure may contain a separate pool.

(F) "Field" means the general area underlaid by one or more pools.

(G) "Drilling unit" means the minimum acreage on which one well may be drilled, but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir.

(H) "Waste" includes all of the following:

(1) Physical waste, as that term generally is understood in the oil and gas industry;

(2) Inefficient, excessive, or improper use, or the unnecessary dissipation, of reservoir energy;

(3) Inefficient storing of oil or gas;

(4) Locating, drilling, equipping, operating, or producing an oil or gas well in a manner that reduces or tends to reduce the quantity of oil or gas ultimately recoverable under prudent and proper operations from the pool into which it is drilled or that causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas;

(5) Other underground or surface waste in the production or storage of oil, gas, or condensate, however caused.

(I) "Correlative rights" means the reasonable opportunity to every person entitled thereto to recover and receive the oil and gas in and under the person's tract or tracts, or the equivalent thereof, without having to drill unnecessary wells or incur other unnecessary expense.

(J) "Tract" means a single, individual parcel of land or a portion of a single, individual parcel of land.

(K) "Owner," unless referring to a mine, means the person who has the right to drill on a tract or drilling unit, to drill into
and produce from a pool, and to appropriate the oil or gas produced therefrom either for the person or for others, except that a person ceases to be an owner with respect to a well when the well has been plugged in accordance with applicable rules adopted and orders issued under this chapter. "Owner" does not include a person who obtains a lease of the mineral rights for oil and gas on a parcel of land if the person does not attempt to produce or produce oil or gas from a well or obtain a permit under this chapter for a well or if the entire interest of a well is transferred to the person in accordance with division (B) of section 1509.31 of the Revised Code.

(L) "Royalty interest" means the fee holder's share in the production from a well.

(M) "Discovery well" means the first well capable of producing oil or gas in commercial quantities from a pool.

(N) "Prepared clay" means a clay that is plastic and is thoroughly saturated with fresh water to a weight and consistency great enough to settle through saltwater in the well in which it is to be used, except as otherwise approved by the chief of the division of oil and gas resources management.

(O) "Rock sediment" means the combined cutting and residue from drilling sedimentary rocks and formation.

(P) "Excavations and workings," "mine," and "pillar" have the same meanings as in section 1561.01 of the Revised Code.

(Q) "Coal bearing township" means a township designated as such by the chief of the division of mineral resources management under section 1561.06 of the Revised Code.

(R) "Gas storage reservoir" means a continuous area of a subterranean porous sand or rock stratum or strata into which gas is or may be injected for the purpose of storing it therein and removing it therefrom and includes a gas storage reservoir as
defined in section 1571.01 of the Revised Code.


(T) "Person" includes any political subdivision, department, agency, or instrumentality of this state; the United States and any department, agency, or instrumentality thereof; any legal entity defined as a person under section 1.59 of the Revised Code; and any other form of business organization or entity recognized by the laws of this state.

(U) "Brine" means all saline geological formation water resulting from, obtained from, or produced in connection with exploration, drilling, well stimulation, production of oil or gas, or plugging of a well.

(V) "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, springs, irrigation systems, drainage systems, and other bodies of water, surface or underground, natural or artificial, that are situated wholly or partially within this state or within its jurisdiction, except those private waters that do not combine or effect a junction with natural surface or underground waters.

(W) "Exempt Mississippian well" means a well that meets all of the following criteria:

(1) Was drilled and completed before January 1, 1980;

(2) Is located in an unglaciated part of the state;

(3) Was completed in a reservoir no deeper than the
Mississippian Big Injun sandstone in areas underlain by Pennsylvanian or Permian stratigraphy, or the Mississippian Berea sandstone in areas directly underlain by Permian stratigraphy;

(4) Is used primarily to provide oil or gas for domestic use.

(X) "Exempt domestic well" means a well that meets all of the following criteria:

(1) Is owned by the owner of the surface estate of the tract on which the well is located;

(2) Is used primarily to provide gas for the owner's domestic use;

(3) Is located more than two hundred feet horizontal distance from any inhabited private dwelling house other than an inhabited private dwelling house located on the tract on which the well is located;

(4) Is located more than two hundred feet horizontal distance from any public building that may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public.

(Y) "Urbanized area" means an area where a well or production facilities of a well are located within a municipal corporation or within a township that has an unincorporated population of more than five thousand in the most recent federal decennial census prior to the issuance of the permit for the well or production facilities.

(Z) "Well stimulation" or "stimulation of a well" means the process of enhancing well productivity, including hydraulic fracturing operations.

(AA) "Production operation" means all operations and activities and all related equipment, facilities, and other structures that may be used in or associated with the exploration
and production of oil, gas, or other mineral resources that are regulated under this chapter, including operations and activities associated with site preparation, site construction, access road construction, well drilling, well completion, well stimulation, well site activities, reclamation, and plugging. "Production operation" also includes all of the following:

(1) The piping, equipment, and facilities used for the production and preparation of hydrocarbon gas or liquids for transportation or delivery;

(2) The processes of extraction and recovery, lifting, stabilization, treatment, separation, production processing, storage, waste disposal, and measurement of hydrocarbon gas and liquids, including related equipment and facilities;

(3) The processes and related equipment and facilities associated with production compression, gas lift, gas injection, fuel gas supply, well drilling, well stimulation, and well completion activities, including dikes, pits, and earthen and other impoundments used for the temporary storage of fluids and waste substances associated with well drilling, well stimulation, and well completion activities;

(4) Equipment and facilities at a wellpad or other location that are used for the transportation, handling, recycling, temporary storage, management, processing, or treatment of any equipment, material, and by-products or other substances from an operation at a wellpad that may be used or reused at the same or another operation at a wellpad or that will be disposed of in accordance with applicable laws and rules adopted under them.

(BB) "Annular overpressurization" means the accumulation of fluids within an annulus with sufficient pressure to allow migration of annular fluids into underground sources of drinking water.
(CC) "Idle and orphaned well" means a well for which a bond has been forfeited or an abandoned well for which no money is available to plug the well in accordance with this chapter and rules adopted under it.

(DD) "Temporarily inactive well" means a well that has been granted temporary inactive status under section 1509.062 of the Revised Code.

(EE) "Material and substantial violation" means any of the following:

1. Failure to obtain a permit to drill, reopen, convert, plugback, or plug a well under this chapter;

2. Failure to obtain, maintain, update, or submit proof of insurance coverage that is required under this chapter;

3. Failure to obtain, maintain, update, or submit proof of a surety bond that is required under this chapter;

4. Failure to plug an abandoned well or idle and orphaned well unless the well has been granted temporary inactive status under section 1509.062 of the Revised Code or the chief of the division of oil and gas resources management has approved another option concerning the abandoned well or idle and orphaned well;

5. Failure to restore a disturbed land surface as required by section 1509.072 of the Revised Code;

6. Failure to reimburse the oil and gas well fund pursuant to a final order issued under section 1509.071 of the Revised Code;

7. Failure to comply with a final nonappealable order of the chief issued under section 1509.04 of the Revised Code;

8. Failure to submit a report, test result, fee, or document that is required in this chapter or rules adopted under it.

(FF) "Severer" has the same meaning as in section 5749.01 of H. B. No. 49 Page 580
the Revised Code.

(GG) "Horizontal well" means a well that is drilled for the production of oil or gas in which the wellbore reaches a horizontal or near horizontal position in the Point Pleasant, Utica, or Marcellus formation and the well is stimulated.

(HH) "Well pad" means the area that is cleared or prepared for the drilling of one or more horizontal wells.

**Sec. 1509.02.** There is hereby created in the department of natural resources the division of oil and gas resources management, which shall be administered by the chief of the division of oil and gas resources management. The division has sole and exclusive authority to regulate the permitting, location, and spacing of oil and gas wells and production operations within the state, excepting only those activities regulated under federal laws for which oversight has been delegated to the environmental protection agency and activities regulated under sections 6111.02 to 6111.028 of the Revised Code. The regulation of oil and gas activities is a matter of general statewide interest that requires uniform statewide regulation, and this chapter and rules adopted under it constitute a comprehensive plan with respect to all aspects of the locating, drilling, well stimulation, completing, and operating of oil and gas wells within this state, including site construction and restoration, permitting related to those activities, and the disposal of wastes from those wells. In order to assist the division in the furtherance of its sole and exclusive authority as established in this section, the chief may enter into cooperative agreements with other state agencies for advice and consultation, including visitations at the surface location of a well on behalf of the division. Such cooperative agreements do not confer on other state agencies any authority to administer or enforce this chapter and rules adopted under it. In
addition, such cooperative agreements shall not be construed to dilute or diminish the division's sole and exclusive authority as established in this section. Nothing in this section affects the authority granted to the director of transportation and local authorities in section 723.01 or 4513.34 of the Revised Code, provided that the authority granted under those sections shall not be exercised in a manner that discriminates against, unfairly impedes, or obstructs oil and gas activities and operations regulated under this chapter.

The chief shall not hold any other public office, nor shall the chief be engaged in any occupation or business that might interfere with or be inconsistent with the duties as chief.

All moneys collected by the chief pursuant to sections 1509.06, 1509.061, 1509.062, 1509.071, 1509.13, 1509.22, 1509.222, 1509.28, and 1509.34 of the Revised Code, ninety percent of moneys received by the treasurer of state from the tax levied in divisions (A)(5) and (6) of section 5749.02 of the Revised Code, all civil penalties paid under section 1509.33 of the Revised Code, and, notwithstanding any section of the Revised Code relating to the distribution or crediting of fines for violations of the Revised Code, all fines imposed under divisions (A) and (B) of section 1509.99 of the Revised Code and fines imposed under divisions (C) and (D) of section 1509.99 of the Revised Code for all violations prosecuted by the attorney general and for violations prosecuted by prosecuting attorneys that do not involve the transportation of brine by vehicle shall be deposited into the state treasury to the credit of the oil and gas well fund, which is hereby created. Fines imposed under divisions (C) and (D) of section 1509.99 of the Revised Code for violations prosecuted by prosecuting attorneys that involve the transportation of brine by vehicle and penalties associated with a compliance agreement entered into pursuant to this chapter shall...
be paid to the county treasury of the county where the violation occurred.

The fund shall be used solely and exclusively for the purposes enumerated in division (B) of section 1509.071 of the Revised Code, for the expenses of the division associated with the administration of this chapter and Chapter 1571. of the Revised Code and rules adopted under them, and for expenses that are critical and necessary for the protection of human health and safety and the environment related to oil and gas production in this state. The expenses of the division in excess of the moneys available in the fund shall be paid from general revenue fund appropriations to the department.

Sec. 1509.071. (A) When the chief of the division of oil and gas resources management finds that an owner has failed to comply with a final nonappealable order issued or compliance agreement entered into under section 1509.04, the restoration requirements of section 1509.072, plugging requirements of section 1509.12, or permit provisions of section 1509.13 of the Revised Code, or rules and orders relating thereto, the chief shall make a finding of that fact and declare any surety bond filed to ensure compliance with those sections and rules forfeited in the amount set by rule of the chief. The chief thereupon shall certify the total forfeiture to the attorney general, who shall proceed to collect the amount of the forfeiture. In addition, the chief may require an owner, operator, producer, or other person who forfeited a surety bond to post a new surety bond in the amount of fifteen thousand dollars for a single well, thirty thousand dollars for two wells, or fifty thousand dollars for three or more wells.

In lieu of total forfeiture, the surety or owner, at the surety's or owner's option, may cause the well to be properly plugged and abandoned and the area properly restored or pay to the
treasurer of state the cost of plugging and abandonment.

    (B) All moneys collected because of forfeitures of bonds as
provided in this section shall be deposited in the state treasury
to the credit of the oil and gas well fund created in section
1509.02 of the Revised Code.

    The chief annually shall spend not less than fourteen per-
cent of the revenue credited to the oil and gas well fund for the following purposes:

    (1) In accordance with division (D) of this section, to plug
idle and orphaned wells or to restore the land surface properly as
required in section 1509.072 of the Revised Code;

    (2) In accordance with division (E) of this section, to
correct conditions that the chief reasonably has determined are
causing imminent health or safety risks at an idle and orphaned
well or a well for which the owner cannot be contacted in order to
initiate a corrective action within a reasonable period of time as
determined by the chief.

    Expenditures from the fund shall be made only for lawful
purposes. In addition, expenditures from the fund shall not be
made to purchase real property or to remove a dwelling in order to
access a well.

    (C)(1) Upon determining that the owner of a well has failed
to properly plug and abandon it or to properly restore the land
surface at the well site in compliance with the applicable
requirements of this chapter and applicable rules adopted and
orders issued under it or that a well is an abandoned well for
which no funds are available to plug the well in accordance with
this chapter, the chief shall do all of the following:

    (a) Determine from the records in the office of the county
recorder of the county in which the well is located the identity
of the owner of the land on which the well is located, the
identity of the owner of the oil or gas lease under which the well was drilled or the identity of each person owning an interest in the lease, and the identities of the persons having legal title to, or a lien upon, any of the equipment appurtenant to the well;

(b) Mail notice to the owner of the land on which the well is located informing the landowner that the well is to be plugged. If the owner of the oil or gas lease under which the well was drilled is different from the owner of the well or if any persons other than the owner of the well own interests in the lease, the chief also shall mail notice that the well is to be plugged to the owner of the lease or to each person owning an interest in the lease, as appropriate.

(c) Mail notice to each person having legal title to, or a lien upon, any equipment appurtenant to the well, informing the person that the well is to be plugged and offering the person the opportunity to plug the well and restore the land surface at the well site at the person's own expense in order to avoid forfeiture of the equipment to this state.

(2) If none of the persons described in division (C)(1)(c) of this section plugs the well within sixty days after the mailing of the notice required by that division, all equipment appurtenant to the well is hereby declared to be forfeited to this state without compensation and without the necessity for any action by the state for use to defray the cost of plugging and abandoning the well and restoring the land surface at the well site.

(D) Expenditures from the fund for the purpose of division (B)(1) of this section shall be made in accordance with either of the following:

(1) The expenditures may be made pursuant to contracts entered into by the chief with persons who agree to furnish all of the materials, equipment, work, and labor as specified and
provided in such a contract for activities associated with the restoration or plugging of a well as determined by the chief. The activities may include excavation to uncover a well, geophysical methods to locate a buried well when clear evidence of leakage from the well exists, cleanout of wellbores to remove material from a failed plugging of a well, plugging operations, installation of vault and vent systems, including associated engineering certifications and permits, restoration of property, and repair of damage to property that is caused by such activities. Expenditures shall not be used for salaries, maintenance, equipment, or other administrative purposes, except for costs directly attributed to the plugging of an idle and orphaned well. Agents or employees of persons contracting with the chief for a restoration or plugging project may enter upon any land, public or private, on which the well is located for the purpose of performing the work. Prior to such entry, the chief shall give to the following persons written notice of the existence of a contract for a project to restore or plug a well, the names of the persons with whom the contract is made, and the date that the project will commence: the owner of the well, the owner of the land upon which the well is located, the owner or agents of adjoining land, and, if the well is located in the same township as or in a township adjacent to the excavations and workings of a mine and the owner or lessee of that mine has provided written notice identifying those townships to the chief at any time during the immediately preceding three years, the owner or lessee of the mine.

(2)(a) The owner of the land on which a well is located who has received notice under division (C)(1)(b) of this section may plug the well and be reimbursed by the division of oil and gas resources management for the reasonable cost of plugging the well. In order to plug the well, the landowner shall submit an application to the chief on a form prescribed by the chief and
approved by the technical advisory council on oil and gas created in section 1509.38 of the Revised Code. The application, at a minimum, shall require the landowner to provide the same information as is required to be included in the application for a permit to plug and abandon under section 1509.13 of the Revised Code. The application shall be accompanied by a copy of a proposed contract to plug the well prepared by a contractor regularly engaged in the business of plugging oil and gas wells. The proposed contract shall require the contractor to furnish all of the materials, equipment, work, and labor necessary to plug the well properly and shall specify the price for doing the work, including a credit for the equipment appurtenant to the well that was forfeited to the state through the operation of division (C)(2) of this section. Expenditures under division (D)(2)(a) of this section shall be consistent with the expenditures for activities described in division (D)(1) of this section. The application also shall be accompanied by the permit fee required by section 1509.13 of the Revised Code unless the chief, in the chief's discretion, waives payment of the permit fee. The application constitutes an application for a permit to plug and abandon the well for the purposes of section 1509.13 of the Revised Code.

(b) Within thirty days after receiving an application and accompanying proposed contract under division (D)(2)(a) of this section, the chief shall determine whether the plugging would comply with the applicable requirements of this chapter and applicable rules adopted and orders issued under it and whether the cost of the plugging under the proposed contract is reasonable. If the chief determines that the proposed plugging would comply with those requirements and that the proposed cost of the plugging is reasonable, the chief shall notify the landowner of that determination and issue to the landowner a permit to plug and abandon the well under section 1509.13 of the Revised Code.
Upon approval of the application and proposed contract, the chief shall transfer ownership of the equipment appurtenant to the well to the landowner. The chief may disapprove an application submitted under division (D)(2)(a) of this section if the chief determines that the proposed plugging would not comply with the applicable requirements of this chapter and applicable rules adopted and orders issued under it, that the cost of the plugging under the proposed contract is unreasonable, or that the proposed contract is not a bona fide, arm's length contract.

(c) After receiving the chief's notice of the approval of the application and permit to plug and abandon a well under division (D)(2)(b) of this section, the landowner shall enter into the proposed contract to plug the well.

(d) Upon determining that the plugging has been completed in compliance with the applicable requirements of this chapter and applicable rules adopted and orders issued under it, the chief shall reimburse the landowner for the cost of the plugging as set forth in the proposed contract approved by the chief. The reimbursement shall be paid from the oil and gas well fund. If the chief determines that the plugging was not completed in accordance with the applicable requirements, the chief shall not reimburse the landowner for the cost of the plugging, and the landowner or the contractor, as applicable, promptly shall transfer back to this state title to and possession of the equipment appurtenant to the well that previously was transferred to the landowner under division (D)(2)(b) of this section. If any such equipment was removed from the well during the plugging and sold, the landowner shall pay to the chief the proceeds from the sale of the equipment, and the chief promptly shall pay the moneys so received to the treasurer of state for deposit into the oil and gas well fund.

The chief may establish an annual limit on the number of
wells that may be plugged under division (D)(2) of this section or an annual limit on the expenditures to be made under that division.

As used in division (D)(2) of this section, "plug" and "plugging" include the plugging of the well and the restoration of the land surface disturbed by the plugging.

(E) Expenditures from the oil and gas well fund for the purpose of division (B)(2) of this section may be made pursuant to contracts entered into by the chief with persons who agree to furnish all of the materials, equipment, work, and labor as specified and provided in such a contract. The competitive bidding requirements of Chapter 153. of the Revised Code do not apply if the chief reasonably determines that an emergency situation exists requiring immediate action for the correction of the applicable health or safety risk. A contract or purchase of materials for purposes of addressing the emergency situation is not subject to division (B) of section 127.16 of the Revised Code. The chief, designated representatives of the chief, and agents or employees of persons contracting with the chief under this division may enter upon any land, public or private, for the purpose of performing the work.

(F) Contracts entered into by the chief under this section are not subject to any of the following:

1. Chapter 4115. of the Revised Code;
2. Section 153.54 of the Revised Code, except that the contractor shall obtain and provide to the chief as a bid guaranty a surety bond or letter of credit in an amount equal to ten percent of the amount of the contract;

(G) The owner of land on which a well is located who has received notice under division (C)(1)(b) of this section, in lieu
of plugging the well in accordance with division (D)(2) of this section, may cause ownership of the well to be transferred to an owner who is lawfully doing business in this state and who has met the financial responsibility requirements established under section 1509.07 of the Revised Code, subject to the approval of the chief. The transfer of ownership also shall be subject to the landowner's filing the appropriate forms required under section 1509.31 of the Revised Code and providing to the chief sufficient information to demonstrate the landowner's or owner's right to produce a formation or formations. That information may include a deed, a lease, or other documentation of ownership or property rights.

The chief shall approve or disapprove the transfer of ownership of the well. If the chief approves the transfer, the owner is responsible for operating the well in accordance with this chapter and rules adopted under it, including, without limitation, all of the following:

1. Filing an application with the chief under section 1509.06 of the Revised Code if the owner intends to drill deeper or produce a formation that is not listed in the records of the division for that well;

2. Taking title to and possession of the equipment appurtenant to the well that has been identified by the chief as having been abandoned by the former owner;

3. Complying with all applicable requirements that are necessary to drill deeper, plug the well, or plug back the well.

H. The chief shall issue an order that requires the owner of a well to pay the actual documented costs of a corrective action that is described in division (B)(2) of this section concerning the well. The chief shall transmit the money so recovered to the treasurer of state who shall deposit the money in the state
treasury to the credit of the oil and gas well fund.

(I) The chief may engage in cooperative projects under this section with any agency of this state, another state, or the United States; any other governmental agencies; or any state university or college as defined in section 3345.27 of the Revised Code. A contract entered into for purposes of a cooperative project is not subject to division (B) of section 127.16 of the Revised Code.

Sec. 1509.11. (A)(1)(a) The owner of any well, except a horizontal well, that is producing or capable of producing oil or gas shall file with the chief of the division of oil and gas resources management, on or before the thirty-first day of March, a statement of production of oil, gas, and brine for the last preceding calendar year in such form as the chief may prescribe. An owner that has more than one hundred such wells in this state shall submit electronically the statement of production in a format that is approved by the chief.

(b) The owner of an exempt domestic well designated as an exempt domestic well on or after June 30, 2010, shall remit a fee of sixty dollars for each such well to the director of the department of natural resources or the director's designee on or before the thirty-first day of March of each year, together with the annual statement filed in accordance with division (A)(1)(a) of this section or with another form prescribed by the director for that purpose. Fees collected under this division shall be credited to the oil and gas well fund.

(2) The owner of any horizontal well that is producing or capable of producing oil or gas shall file with the chief, on the forty-fifth day following the close of each calendar quarter, a statement of production of oil, gas, and brine for the preceding calendar quarter in a form that the chief prescribes. An owner
that has more than one hundred horizontal wells in this state shall submit electronically the statement of production in a format that is approved by the chief.

(B) The chief shall not disclose information received from the department of taxation under division (C)(12) of section 5703.21 of the Revised Code until the related statement of production required by division (A) of this section is filed with the chief.

Sec. 1509.34. (A)(1) If an owner fails to pay the fees imposed by this chapter, or if the chief of the division of oil and gas resources management incurs costs under division (E) of section 1509.071 of the Revised Code to correct conditions associated with the owner's well that the chief reasonably has determined are causing imminent health or safety risks, the division of oil and gas resources management shall have a priority lien against that owner's interest in the applicable well in front of all other creditors for the amount of any such unpaid fees and costs incurred. The chief shall file a statement in the office of the county recorder of the county in which the applicable well is located of the amount of the unpaid fees and costs incurred as described in this division. The statement shall constitute a lien on the owner's interest in the well as of the date of the filing. The lien shall remain in force so long as any portion of the lien remains unpaid or until the chief issues a certificate of release of the lien. If the chief issues a certificate of release of the lien, the chief shall file the certificate of release in the office of the applicable county recorder.

(2) A lien imposed under division (A)(1) of this section shall be in addition to any lien imposed by the attorney general for failure to pay the assessment imposed by former section 1509.50 of the Revised Code or the tax levied under division
(A) (5) or (6) to (8) of section 5749.02 of the Revised Code, as applicable.

(3) If the attorney general cannot collect from a severer or an owner for an outstanding balance of amounts due under former section 1509.50 of the Revised Code or of unpaid taxes levied under division divisions (A)(5) or (6) to (8) of section 5749.02 of the Revised Code, as applicable, the tax commissioner may request the chief to impose a priority lien against the owner's interest in the applicable well. Such a lien has priority in front of all other creditors.

(B) The chief promptly shall issue a certificate of release of a lien under either of the following circumstances:

(1) Upon the repayment in full of the amount of unpaid fees imposed by this chapter or costs incurred by the chief under division (E) of section 1509.071 of the Revised Code to correct conditions associated with the owner's well that the chief reasonably has determined are causing imminent health or safety risks;

(2) Any other circumstance that the chief determines to be in the best interests of the state.

(C) The chief may modify the amount of a lien under this section. If the chief modifies a lien, the chief shall file a statement in the office of the county recorder of the applicable county of the new amount of the lien.

(D) An owner regarding which the division has recorded a lien against the owner's interest in a well in accordance with this section shall not transfer a well, lease, or mineral rights to another owner or person until the chief issues a certificate of release for each lien against the owner's interest in the well.

(E) All money from the collection of liens under this section shall be deposited in the state treasury to the credit of the oil...
and gas well fund created in section 1509.02 of the Revised Code.

(F) As used in this section, "former section 1509.50 of the Revised Code" means section 1509.50 of the Revised Code as it existed before its repeal by ...B... of the 132nd general assembly.

Sec. 1513.08. (A) After a coal mining and reclamation permit application has been approved, the applicant shall file with the chief of the division of mineral resources management, on a form prescribed and furnished by the chief, the performance security required under this section that shall be payable to the state and conditioned on the faithful performance of all the requirements of this chapter and rules adopted under it and the terms and conditions of the permit.

(B) Using the information contained in the permit application; the requirements contained in the approved permit and reclamation plan; and, after considering the topography, geology, hydrology, and revegetation potential of the area of the approved permit, the probable difficulty of reclamation; the chief shall determine the estimated cost of reclamation under the initial term of the permit if the reclamation has to be performed by the division of mineral resources management in the event of forfeiture of the performance security by the applicant. The chief shall send written notice of the amount of the estimated cost of reclamation by certified mail to the applicant. The applicant shall send written notice to the chief indicating the method by which the applicant will provide the performance security pursuant to division (C) of this section.

(C) The applicant shall provide the performance security in an amount using one of the following:

(1) If the applicant elects to provide performance security without reliance on the reclamation forfeiture fund created in...
section 1513.18 of the Revised Code, the amount of the estimated cost of reclamation as determined by the chief under division (B) of this section for the increments of land on which the operator will conduct a coal mining and reclamation operation under the initial term of the permit as indicated in the application;

(2) If the applicant elects to provide performance security together with reliance on the reclamation forfeiture fund through payment of the additional tax on the severance of coal that is levied under division (A)(8) of section 5749.02 of the Revised Code, an amount of twenty-five hundred dollars per acre of land on which the operator will conduct coal mining and reclamation under the initial term of the permit as indicated in the application. However, in order for an applicant to be eligible to provide performance security in accordance with division (C)(2) of this section, the applicant, an owner and controller of the applicant, or an affiliate of the applicant shall have held a permit issued under this chapter for any coal mining and reclamation operation for a period of not less than five years. In the event of forfeiture of performance security that was provided in accordance with division (C)(2) of this section, the difference between the amount of that performance security and the estimated cost of reclamation as determined by the chief under division (B) of this section shall be obtained from money in the reclamation forfeiture fund as needed to complete the reclamation.

The performance security provided under division (C) of this section for the entire area to be mined under one permit issued under this chapter shall not be less than ten thousand dollars.

The performance security shall cover areas of land affected by mining within or immediately adjacent to the permitted area, so long as the total number of acres does not exceed the number of acres for which the performance security is provided. However, the authority for the performance security to cover areas of land...
immediately adjacent to the permitted area does not authorize a permittee to mine areas outside an approved permit area. As succeeding increments of coal mining and reclamation operations are to be initiated and conducted within the permit area, the permittee shall file with the chief additional performance security to cover the increments in accordance with this section. If a permittee intends to mine areas outside the approved permit area, the permittee shall provide additional performance security in accordance with this section to cover the areas to be mined.

If an applicant or permittee has not held a permit issued under this chapter for any coal mining and reclamation operation for a period of five years or more, the applicant or permittee shall provide performance security in accordance with division (C)(1) of this section in the full amount of the estimated cost of reclamation as determined by the chief for a permitted coal preparation plant or coal refuse disposal area that is not located within a permitted area of a mine. If an applicant for a permit for a coal preparation plant or coal refuse disposal area or a permittee of a permitted coal preparation plant or coal refuse disposal area that is not located within a permitted area of a mine has held a permit issued under this chapter for any coal mining and reclamation operation for a period of five years or more, the applicant or permittee may provide performance security for the coal preparation plant or coal refuse disposal area either in accordance with division (C)(1) of this section in the full amount of the estimated cost of reclamation as determined by the chief or in accordance with division (C)(2) of this section in an amount of twenty-five hundred dollars per acre of land with reliance on the reclamation forfeiture fund. If a permittee has previously provided performance security under division (C)(1) of this section for a coal preparation plant or coal refuse disposal area that is not located within a permitted area of a mine and elects to provide performance security in accordance with division
(C)(2) of this section, the permittee shall submit written notice to the chief indicating that the permittee elects to provide performance security in accordance with division (C)(2) of this section. Upon receipt of such a written notice, the chief shall release to the permittee the amount of the performance security previously provided under division (C)(1) of this section that exceeds the amount of performance security that is required to be provided under division (C)(2) of this section.

(D) A permittee's liability under the performance security shall be limited to the obligations established under the permit, which include completion of the reclamation plan in order to make the land capable of supporting the postmining land use that was approved in the permit. The period of liability under the performance security shall be for the duration of the coal mining and reclamation operation and for a period coincident with the operator's responsibility for revegetation requirements under section 1513.16 of the Revised Code.

(E) The amount of the estimated cost of reclamation determined under division (B) of this section and the amount of a permittee's performance security provided in accordance with division (C)(1) of this section shall be adjusted by the chief as the land that is affected by mining increases or decreases or if the cost of reclamation increases or decreases. If the performance security was provided in accordance with division (C)(2) of this section and the chief has issued a cessation order under division (D)(2) of section 1513.02 of the Revised Code for failure to abate a violation of the contemporaneous reclamation requirement under division (A)(15) of section 1513.16 of the Revised Code, the chief may require the permittee to increase the amount of performance security from twenty-five hundred dollars per acre of land to five thousand dollars per acre of land.

The chief shall notify the permittee, each surety, and any
person who has a property interest in the performance security and who has requested to be notified of any proposed adjustment to the performance security. The permittee may request an informal conference with the chief concerning the proposed adjustment, and the chief shall provide such an informal conference.

If the chief increases the amount of performance security under this division, the permittee shall provide additional performance security in an amount determined by the chief. If the chief decreases the amount of performance security under this division, the chief shall determine the amount of the reduction of the performance security and send written notice of the amount of reduction to the permittee. The permittee may reduce the amount of the performance security in the amount determined by the chief.

(F) A permittee may request a reduction in the amount of the performance security by submitting to the chief documentation proving that the amount of the performance security provided by the permittee exceeds the estimated cost of reclamation if the reclamation would have to be performed by the division in the event of forfeiture of the performance security. The chief shall examine the documentation and determine whether the permittee's performance security exceeds the estimated cost of reclamation. If the chief determines that the performance security exceeds that estimated cost, the chief shall determine the amount of the reduction of the performance security and send written notice of the amount to the permittee. The permittee may reduce the amount of the performance security in the amount determined by the chief. Adjustments in the amount of performance security under this division shall not be considered release of performance security and are not subject to section 1513.16 of the Revised Code.

(G) If the performance security is a bond, it shall be executed by the operator and a corporate surety licensed to do business in this state. If the performance security is a cash
deposit or negotiable certificates of deposit of a bank or savings and loan association, the bank or savings and loan association shall be licensed and operating in this state. The cash deposit or market value of the securities shall be equal to or greater than the amount of the performance security required under this section. The chief shall review any documents pertaining to the performance security and approve or disapprove the documents. The chief shall notify the applicant of the chief's determination.

(H) If the performance security is a bond, the chief may accept the bond of the applicant itself without separate surety when the applicant demonstrates to the satisfaction of the chief the existence of a suitable agent to receive service of process and a history of financial solvency and continuous operation sufficient for authorization to self-insure or bond the amount.

(I) Performance security provided under this section may be held in trust, provided that the state is the primary beneficiary of the trust and the custodian of the performance security held in trust is a bank, trust company, or other financial institution that is licensed and operating in this state. The chief shall review the trust document and approve or disapprove the document. The chief shall notify the applicant of the chief's determination.

(J) If a surety, bank, savings and loan association, trust company, or other financial institution that holds the performance security required under this section becomes insolvent, the permittee shall notify the chief of the insolvency, and the chief shall order the permittee to submit a plan for replacement performance security within thirty days after receipt of notice from the chief. If the permittee provided performance security in accordance with division (C)(1) of this section, the permittee shall provide the replacement performance security within ninety days after receipt of notice from the chief. If the permittee provided performance security in accordance with division (C)(2)
of this section, the permittee shall provide the replacement 18605
performance security within one year after receipt of notice from 18606
the chief, and, for a period of one year after the permittee's 18607
receipt of notice from the chief or until the permittee provides 18608
the replacement performance security, whichever occurs first, 18609
money in the reclamation forfeiture fund shall be the permittee's 18610
replacement performance security in an amount not to exceed the 18611
estimated cost of reclamation as determined by the chief. 18612

(K) If a permittee provided performance security in 18613
accordance with division (C)(1) of this section, the permittee's 18614
responsibility for repairing material damage and replacement of 18615
water supply resulting from subsidence shall be satisfied by 18616
either of the following:

(1) The purchase prior to mining of a noncancelable 18617
premium-prepaid liability insurance policy in lieu of the 18618
permittee's performance security for subsidence damage. The 18619
insurance policy shall contain terms and conditions that 18620
specifically provide coverage for repairing material damage and 18621
replacement of water supply resulting from subsidence. 18622

(2) The provision of additional performance security in the 18623
amount of the estimated cost to the division of mineral resources 18624
management to repair material damage and replace water supplies 18625
resulting from subsidence until the repair or replacement is 18626
completed. However, if such repair or replacement is completed, or 18627
compensation for structures that have been damaged by subsidence 18628
is provided, by the permittee within ninety days of the occurrence 18629
of the subsidence, additional performance security is not 18630
required. In addition, the chief may extend the ninety-day period 18631
for a period not to exceed one year if the chief determines that 18632
the permittee has demonstrated in writing that subsidence is not 18633
complete and that probable subsidence-related damage likely will 18634
occur and, as a result, the completion of repairs of 18635

subsidence-related material damage to lands or protected  
structures or the replacement of water supply within ninety days  
of the occurrence of the subsidence would be unreasonable.  

(L) If the performance security provided in accordance with  
this section exceeds the estimated cost of reclamation, the chief  
may authorize the amount of the performance security that exceeds  
the estimated cost of reclamation together with any interest or  
other earnings on the performance security to be paid to the  
permittee.  

(M) A permittee that held a valid coal mining and reclamation  
permit immediately prior to April 6, 2007, shall provide, not  
later than a date established by the chief, performance security  
in accordance with division (C)(1) or (2) of this section, rather  
than in accordance with the law as it existed prior to that date,  
by filing it with the chief on a form that the chief prescribes  
and furnishes. Accordingly, for purposes of this section,  
"applicant" is deemed to include such a permittee.  

(N) As used in this section:  

(1) "Affiliate of the applicant" means an entity that has a  
parent entity in common with the applicant.  

(2) "Owner and controller of the applicant" means a person  
that has any relationship with the applicant that gives the person  
authority to determine directly or indirectly the manner in which  
the applicant conducts coal mining operations.  

Sec. 1513.18. (A) All money that becomes the property of the  
state under division (G) of section 1513.16 of the Revised Code  
shall be deposited in the reclamation forfeiture fund, which is  
hereby created in the state treasury. Disbursements from the fund  
shall be made by the chief of the division of mineral resources  
management for the purpose of reclaiming areas of land affected by
coal mining under a coal mining and reclamation permit issued on or after September 1, 1981, on which an operator has defaulted.

(B) The fund also shall consist of all money from the collection of liens under section 1513.081 of the Revised Code, any moneys transferred to it under section 1513.181 of the Revised Code from the coal mining and reclamation reserve fund created in that section, all money credited to the fund from the fee levied by division (F)(8)(c) of section 1513.16 of the Revised Code, fines collected under division (E) of section 1513.02 and section 1513.99 of the Revised Code, fines collected for a violation of section 2921.31 of the Revised Code that, prior to July 1, 1996, would have been a violation of division (G) of section 1513.17 of the Revised Code as it existed prior to that date, and money collected and credited to it pursuant to section 5749.02 of the Revised Code. Disbursements from the fund shall be made by the chief in accordance with division (D) of this section for the purpose of reclaiming areas that an operator has affected by mining and failed to reclaim under a coal mining and reclamation permit issued under this chapter.

The chief may expend money from the fund to pay necessary administrative costs, including engineering and design services, incurred by the division of mineral resources management in reclaiming these areas. The chief also may expend money from the fund to pay necessary administrative costs of the reclamation forfeiture fund advisory board created in section 1513.182 of the Revised Code as authorized by the board under that section. Expenditures from the fund to pay such administrative costs need not be made under contract.

(C) Except when paying necessary administrative costs authorized by division (B) of this section, expenditures from the fund shall be made under contracts entered into by the chief, with the approval of the director of natural resources, in accordance
with procedures established by the chief, by rules adopted in accordance with section 1513.02 of the Revised Code. The chief may reclaim the land in the same manner as set forth in sections 1513.21 to 1513.24 of the Revised Code. Each contract awarded by the chief shall be awarded to the lowest responsive and responsible bidder, in accordance with section 9.312 of the Revised Code, after sealed bids are received, opened, and published at the time and place fixed by the chief. The chief shall publish notice of the time and place at which bids will be received, opened, and published, at least once and at least ten days before the date of the opening of the bids, in a newspaper of general circulation in the county in which the area of land to be reclaimed under the contract is located. If, after advertising, no bids are received at the time and place fixed for receiving them, the chief may advertise again for bids, or, if the chief considers the public interest will best be served, the chief may enter into a contract for the reclamation of the area of land without further advertisement for bids. The chief may reject any or all bids received and again publish notice of the time and place at which bids for contracts will be received, opened, and published. The chief, with the approval of the director, may enter into a contract with the landowner, a coal mine operator or surface mine operator mining under a current, valid permit issued under this chapter or Chapter 1514. of the Revised Code, or a contractor hired by the surety or trustee, if the performance security is held in trust, to complete reclamation on land affected by coal mining on which an operator has defaulted, or with a contractor hired by the trust administrator of an alternative financial security that is provided in accordance with division (F)(8) of section 1513.16 of the Revised Code to provide long-term water treatment or a long-term alternative water supply on areas affected by coal mining on which a permittee has defaulted or not fully funded an alternative financial security, without
advertising for bids.

(D)(1) The chief shall expend money credited to the reclamation forfeiture fund from the forfeiture of the performance security applicable to an area of land to pay for the cost of completing reclamation to the standards established by this chapter and rules adopted under it.

(2) If the performance security for the area of land was provided under division (C)(1) of section 1513.08 of the Revised Code, the chief shall use the money from the forfeited performance security and any alternative financial security provided under division (F)(8) of section 1513.16 of the Revised Code to complete the reclamation that the operator failed to do under the operator's applicable coal mining and reclamation permit issued under this chapter.

(3) If the performance security for the area of land was provided under division (C)(2) of section 1513.08 of the Revised Code, the chief shall use the money from the forfeited performance security and any alternative financial security provided under division (F)(8) of section 1513.16 of the Revised Code to complete the reclamation that the operator failed to do under the operator's applicable coal mining and reclamation permit issued under this chapter. If the money credited to the reclamation forfeiture fund from the forfeiture of the performance security provided under division (C)(2) of section 1513.08 of the Revised Code and any alternative financial security provided under division (F)(8) of section 1513.16 of the Revised Code is not sufficient to complete the reclamation to the standards established by this chapter and rules adopted under it, the chief shall notify the reclamation forfeiture fund advisory board of the amount of the insufficiency. The chief may expend money credited to the reclamation forfeiture fund under section 5749.02 of the Revised Code or credited to the reclamation forfeiture fund from
the fee levied by division (F)(8)(c) of section 1513.16 of the Revised Code, or transferred to the fund under section 1513.181 of the Revised Code to complete the reclamation to the standards established by this chapter and rules adopted under it. Except as provided in division (D)(5) of this section, the chief shall not expend money from the fund in an amount that exceeds the difference between the amount of the performance security provided under division (C)(2) of section 1513.08 of the Revised Code and the estimated cost of reclamation as determined by the chief under divisions (B) and (E) of that section.

(4) Except as provided in division (D)(5) of this section, money from the reclamation forfeiture fund shall not be used for reclamation of land or water resources affected by mine drainage that requires extended water treatment after reclamation is completed under the terms of the permit. In addition, money from the reclamation forfeiture fund shall not be used to supplement the performance security of an applicant or permittee that has provided performance security in accordance with division (C)(1) of section 1513.08 of the Revised Code.

(5) If a permittee relies in part on the reclamation forfeiture fund for alternative financial security under division (F)(8)(c) of section 1513.16 of the Revised Code, money from the reclamation forfeiture fund may be used for reclamation of the land or water resources affected by mine drainage that requires water treatment after reclamation is completed under the terms of the permit or an alternative water supply after reclamation is completed under the terms of the permit in an amount not to exceed the balance of the alternative financial security provided by the reclamation forfeiture fund under that division.

(E) The chief shall keep a detailed accounting of the expenditures from the reclamation forfeiture fund to complete reclamation of the land or water resources, as applicable, and,
upon completion of the reclamation, shall certify the expenditures to the attorney general. Upon the chief's certification of the expenditures from the reclamation forfeiture fund, the attorney general shall bring an action for that amount of money. The operator is liable for that expense in addition to any other liabilities imposed by law. *Money* so recovered shall be credited to the reclamation forfeiture fund. The chief shall not postpone the reclamation because of any action brought by the attorney general under this division. Prior to completing reclamation, the chief may collect through the attorney general any additional amount that the chief believes will be necessary for reclamation in excess of the forfeited performance security and any alternative financial security amount applicable to the land or water resources that the operator should have, but failed to, reclaim.

(F) Except as otherwise provided in division (H) of this section, if any part of the *money* in the reclamation forfeiture fund remains in the fund after the chief has caused the area of land to be reclaimed and has paid all the reclamation costs and expenses, the chief may expend those *money* to complete other reclamation work performed under this section on forfeiture areas affected under a coal mining and reclamation permit issued on or after September 1, 1981.

(G) The chief shall require every contractor performing reclamation work pursuant to this section to pay workers at the greater of their regular rate of pay, as established by contract, agreement, or prior custom or practice, or the average wage rate paid in this state for the same or similar work as determined by the chief under section 1513.02 of the Revised Code.

(H) All investment earnings of the fund shall be credited to the fund and shall be used only for the reclamation of land for which performance security was provided under division (C)(2) of
Sec. 1513.182. (A) There is hereby created the reclamation forfeiture fund advisory board consisting of the director of natural resources, the director of insurance, and seven members appointed by the governor with the advice and consent of the senate. Of the governor's appointments, one shall be a certified public accountant, one shall be a registered professional engineer with experience in reclamation of mined land, two shall represent agriculture, agronomy, or forestry, one shall be a representative of operators of coal mining operations that have valid permits issued under this chapter and that have provided performance security under division (C)(1) of section 1513.08 of the Revised Code, one shall be a representative of operators of coal mining operations that have valid permits issued under this chapter and that have provided performance security under division (C)(2) of section 1513.08 of the Revised Code, and one shall be a representative of the public.

Of the original members appointed by the governor, two shall serve an initial term of two years, three an initial term of three years, and two an initial term of four years. Thereafter, terms of appointed members shall be for four years, with each term ending on the same date as the original date of appointment. An appointed member shall hold office from the date of appointment until the end of the term for which the member was appointed. Vacancies shall be filled in the same manner as original appointments. A member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first. The governor may remove an appointed member of the board for
misfeasance, nonfeasance, or malfeasance.

The directors of natural resources and insurance shall not receive compensation for serving on the board, but shall be reimbursed for the actual and necessary expenses incurred in the performance of their duties as members of the board. The members appointed by the governor shall receive per diem compensation fixed pursuant to division (J) of section 124.15 of the Revised Code and reimbursement for the actual and necessary expenses incurred in the performance of their duties.

(B) The board annually shall elect from among its members a chairperson, a vice-chairperson, and a secretary to record the board's meetings.

(C) The board shall hold meetings as often as necessary as the chairperson or a majority of the members determines.

(D) The board shall establish procedures for conducting meetings and for the election of its chairperson, vice-chairperson, and secretary.

(E) The board shall do all of the following:

(1) Review the deposits into and expenditures from the reclamation forfeiture fund created in section 1513.18 of the Revised Code;

(2) Retain periodically a qualified actuary to perform an actuarial study of the reclamation forfeiture fund;

(3) Based on an actuarial study and as determined necessary by the board, adopt rules in accordance with Chapter 119. of the Revised Code to adjust the rate of the tax levied under division (A)(10) of section 5749.02 of the Revised Code and the balance of the reclamation forfeiture fund that pertains to that rate;

(4) Evaluate any rules, procedures, and methods for estimating the cost of reclamation for purposes of determining the
amount of performance security that is required under section 1513.08 of the Revised Code; the collection of forfeited performance security; payments to the reclamation forfeiture fund; reclamation of sites for which operators have forfeited the performance security; and the compliance of operators with their reclamation plans;

(5) Provide a forum for discussion of issues related to the reclamation forfeiture fund and the performance security that is required under section 1513.08 of the Revised Code;

(6) Submit a report biennially to the governor that describes the financial status of the reclamation forfeiture fund and the adequacy of the amount of money in the fund to accomplish the purposes of the fund and that may discuss any matter related to the performance security that is required under section 1513.08 of the Revised Code;

(7) Make recommendations to the governor, if necessary, of alternative methods of providing money for or using money in the reclamation forfeiture fund and issues related to the reclamation of land or water resources that have been adversely affected by past coal mining for which the performance security was forfeited;

(8) Adopt rules in accordance with Chapter 119. of the Revised Code that are necessary to administer this section.

Sec. 1513.20. The chief of the division of mineral resources management, with the approval of the director of natural resources, may purchase or acquire by gift, donation, or contribution any eroded land, including land affected by strip mining, for which no cash is held in the reclamation forfeiture fund created by section 1513.18 of the Revised Code. For this purpose the chief may expend money deposited in the unreclaimed lands mining regulation and safety fund created by section 1513.30 of the Revised Code. All lands purchased or
acquired shall be deeded to the state, but no deed shall be
accepted or the purchase price paid until the title has been
approved by the attorney general.

Sec. 1513.25. After completion of the reclamation of a tract
of land acquired pursuant to section 1513.20 of the Revised Code,
the chief of the division of mineral resources management may, if
the land is suitable to the uses of any other department,
division, office, or institution of the state, transfer the land
or tract to that department, division, office, or institution,
subject to the approval of the director of natural resources.

With the approval of the attorney general and the director,
the chief may sell any such land or tract, after completion of the
plan of reclamation, when the sale is advantageous to the state.

With the approval of the attorney general and the director,
the chief may grant easements and leases on the land or tract
under terms advantageous to the state, and may grant mineral
rights on a royalty basis.

All moneys received from the sale of reclaimed lands,
or in payment for easements, leases, or royalties, shall be paid
to the unreclaimed lands mining regulation and safety fund created
in section 1513.30 of the Revised Code.

Sec. 1513.27. As used in this section and sections 1513.28,
1513.30, 1513.31, and 1513.32 of the Revised Code, "damage to
adjacent property" means physical injury or harm to nearby
property caused by the unreclaimed condition of lands mined prior
to April 10, 1972, or pursuant to a license issued prior to April
10, 1972, including, without limitation, injury or harm to
vegetation on adjacent property, pollution of surface or
underground waters on adjacent property, loss or interruption of
water supply on adjacent property, flow of acid water onto or
across adjacent property, flooding of adjacent property, landslides onto or across adjacent property, erosion of adjacent property, or deposition of sediment upon adjacent property. Damage to adjacent property does not include any diminution of the market value of adjacent property caused exclusively by the visual or aesthetic appearance of such unreclaimed lands.

The chief of the division of mineral resources management, with the approval of the director of natural resources, may enter into a written agreement, which may be in the form of a contract, with the owner of any unreclaimed land affected by mining before April 10, 1972, or pursuant to a license issued before April 10, 1972, that causes or may cause pollution of the waters of the state or damage to adjacent property, is not likely to be mined in the foreseeable future, and lies within the boundaries of a project area approved by the chief under section 1513.30 of the Revised Code, under which the state or its agents may enter the land to reclaim it at state expense with money from the unreclaimed lands mining regulation and safety fund by establishing vegetative cover and substantially reducing or eliminating erosion, sedimentation, landslides, pollution, accumulation or discharge of acid water, flooding, and damage to adjacent property. The agreement may include provisions pertaining to liability for damages and any other provisions necessary or desirable to achieve the purposes of this section.

If the chief makes a finding of fact that land or water resources have been adversely affected by past coal mining practices; if the adverse effects are at a stage where, in the public interest, action to restore, reclaim, abate, control, or prevent the adverse effects should be taken; and if the owners of the affected land or water resources either are not known or readily available or will not give permission for the state, political subdivisions, or their agents, employees, or contractors
to enter on the property to restore, reclaim, abate, control, or prevent the adverse effects, the chief or the chief's agents, employees, or contractors may enter on the affected property in order to do all things necessary or expedient to restore, reclaim, abate, control, or prevent the adverse effects. Prior to entering on the property, the chief or the chief's agents, employees, or contractors shall give notice by mail to the owners, if known, or, if not known, by posting notice on the premises and advertising once in a newspaper of general circulation in the county or municipal corporation in which the land lies. Such an entry shall be construed as an exercise of the police power for the protection of public health, safety, and welfare and shall not be construed as an act of condemnation of property or of trespass. The money expended for the work and the benefits accruing to any premises so entered upon shall be chargeable against land and shall mitigate or offset any claim in or any action brought by any owner of any interest in the premises for any alleged damages by virtue of the entry. This provision is not intended to create new rights of action or eliminate existing immunities.

Each agreement entered into pursuant to this section shall contain provisions for the reimbursement of a portion of the costs of the reclamation that is commensurate with the increase in the fair market value of the property attributable to the reclamation work thereon, as determined by appraisals made before and after reclamation in the manner stated in the agreement, unless the determination discloses an increase in value that is insubstantial. For reimbursement of the portion, the agreement may include provisions for any of the following:

(A) Public use for soil, water, forest, or wildlife conservation or public recreation purposes;

(B) Payment to the state of the share of the income from the crops or timber produced on the land that is stated in the
agreement;

(C) Imposition of a lien in the amount of the increase in fair market value payable upon transfer or conveyance of the property to a new owner. All such reimbursements and payments shall be credited to the unreclaimed lands mining regulation and safety fund.

(D) Payment to the state in cash of the amount of the increase in fair market value, payable upon completion of the reclamation.

For the purpose of selecting lands to be reclaimed within the boundaries of approved project areas, the chief shall consult the owners of unreclaimed lands, may consult with local officials, civic and professional organizations, and interested individuals, and shall consider the feasibility, cost, and public benefits of reclaiming particular lands, their potential for being mined, and the availability of federal or other assistance for reclamation. Before entering into the agreement, the chief shall prepare or approve a detailed plan with topographic maps indicating the reclamation improvements to be made. The plan may include improvements recommended by the owner, but may not include improvements that the chief finds are not necessary to establish vegetative cover or substantially reduce or eliminate erosion, sedimentation, landslides, pollution, accumulation or discharge of acid water, flooding, or damage to adjacent property.

With the approval of the director and upon entering into the agreement with the owner, the chief may carry out the plan of reclamation or any part thereof with the employees and equipment of any division of the department of natural resources, or the chief may carry out the plan or any part thereof by contracting therefor.

The chief, with the approval of the director and written
consent of the owner, may enter into a contract with an operator mining adjacent land under a current, valid permit to carry out the plan of reclamation on the unreclaimed land or any part of the plan without advertising for bids. Contracts entered into with operators mining adjacent land are not subject to division (B) of section 127.16 of the Revised Code.

The chief shall require every operator mining adjacent land who performs reclamation work pursuant to this section to pay workers at the greater of their regular rate of pay, as established by contract, agreement, or prior custom or practice, or the average wage rate paid in this state for the same or similar work performed in the same or similar locality by private companies doing their own reclamation work. Each contract awarded by the chief to other than an operator mining adjacent land shall be awarded to the lowest responsible bidder after sealed bids are received, opened, and published at the time and place fixed by the chief. The chief shall publish notice of the time and place at which bids will be received, opened, and published, at least once at least ten days before the date of the opening of the bids, in a newspaper of general circulation in the county in which the area of land to be reclaimed under the contract is located. If, after so advertising for bids, no bids are received by the chief at the time and place fixed for receiving them, the chief may advertise again for bids, or, if the chief considers the public interest will be best served, the chief may enter into a contract for the reclamation of the area of land without further advertisement for bids. The chief may reject all bids received and again publish notice of the time and place at which bids for contracts will be received, opened, and published. The chief, with the approval of the director and written consent of the owner, may enter into a contract with a licensed mine operator mining adjacent land under a valid permit to carry out the plan of reclamation on the unreclaimed land or any part of the plan without advertising for
Sec. 1513.28. The chief of the division of mineral resources management, with the approval of the director of natural resources, may make grants of money from the unreclaimed lands mining regulation and safety fund created by section 1513.30 of the Revised Code for the payment by the state of up to seventy-five per cent of the reasonable and necessary reclamation expenses incurred by the owner of any unreclaimed land affected by mining before April 10, 1972, or pursuant to a license issued before April 10, 1972, that causes or may cause pollution of the waters of the state or damage to adjacent property, is not likely to be mined in the foreseeable future, and lies within the boundaries of a project area approved by the chief under section 1513.30 of the Revised Code.

The owner shall submit application for a grant on forms furnished by the division, together with detailed plans and topographic maps indicating the reclamation improvements to be made, an itemized estimate of the project's cost, a description of the project's benefits, and such other information as the chief prescribes. The plan of reclamation may be prepared in consultation with a local soil and water conservation district.

The chief may award the applicant a grant only after finding that the proposed reclamation work will establish vegetative cover and substantially reduce or eliminate erosion, sedimentation, landslides, pollution, accumulation or discharge of acid water, flooding, and damage to adjacent property.

For the purpose of establishing priorities for awarding grants under this section and section 1513.31 of the Revised Code, the chief shall consider each project's feasibility, cost, and public benefits of reclaiming the particular land, its potential for being mined, and the availability of federal or other...
financial assistance for reclamation.

The chief shall determine the amount of a grant under this section based upon the chief's determination of what constitutes reasonable and necessary expenses actually incurred for establishing vegetative cover, substantially reducing or eliminating erosion, sedimentation, landslides, pollution, accumulation or discharge of acid water, flooding, or damage to adjacent property, and preparing the plan of reclamation. The owner may elect to have other improvements made concurrently, but in no event shall any part of the grant be made for such other improvements, and in no event shall the amount of the grant exceed seventy-five per cent of the total amount, determined by the chief, of what constitutes reasonable and necessary expenses actually incurred for the reclamation measures listed in this section.

The chief shall enter into a contract for funding with each applicant awarded a grant to ensure that the money granted are used for the purposes of this section and that the reclamation work is properly done. The final payment may not be made until the chief inspects and approves the completed reclamation work.

Each such contract shall contain provisions for the reimbursement of a portion of the costs of the reclamation that is commensurate with the increase in the fair market value of the property attributable to the reclamation work thereon, as determined by appraisals made before and after reclamation in the manner stated in the agreement, unless such determination discloses an increase in value that is insubstantial in comparison to the benefits to the public from the abatement of pollution or prevention of damage to adjacent property, considering the applicant's share of the reclamation cost. For reimbursement of such portion, the contract may include provisions for:

(A) Public use for soil, water, forest, or wildlife
conservation or public recreation purposes;

(B) Payment to the state of the share of the income from the crops or timber produced on the land that is stated in the agreement;

(C) Imposition of a lien in the amount of the increase in fair market value payable upon transfer or conveyance of the property to a new owner;

(D) Payment to the state in cash in the amount of the increase in fair market value, payable upon completion of the reclamation.

All such reimbursements and payments shall be credited to the unreclaimed lands mining regulation and safety fund.

Not more than forty per cent of the money credited to the fund during the preceding calendar year may be expended during a calendar year for grants under this section.

The chief shall require every landowner performing reclamation work pursuant to this section to pay workers at the greater of their regular rate of pay, as established by contract, agreement, or prior custom or practice, or the average wage rate in this state for the same or similar work performed in the same or similar locality by private companies doing their own reclamation work.

Sec. 1513.30. (A) There is hereby created in the state treasury the unreclaimed lands mining regulation and safety fund, to be administered by the chief of the division of mineral resources management and, The fund shall be used for the purpose of reclaiming following purposes:

(i) Reclaiming land, public or private, affected by mining, or controlling mine drainage, for which no cash is held in the reclamation forfeiture fund created in section 1513.18 of the
Revised Code of the surface mining fund created in section;  

(2) Specified purposes in sections 1514.06, 1514.11, and 1561.48 of the Revised Code;  

(3) Administration and enforcement of Chapter 1513. of the Revised Code.

All investment earnings of the fund shall be deposited into the fund.

(B) In order to direct expenditures from the unreclaimed lands mining regulation and safety fund toward reclamation projects that fulfill priority needs and provide the greatest public benefits, the chief periodically shall consider projects to be financed from the unreclaimed lands mining regulation and safety fund. For the purpose of selecting project areas and determining the boundaries of project areas, the chief shall consider the feasibility, cost, and public benefits of reclaiming the areas, their potential for being mined, the availability of federal or other financial assistance for reclamation, and the geographic distribution of project areas to ensure fair distribution among affected areas.

(C) The chief shall give priority to areas where there is little or no likelihood of mining within the foreseeable future, reclamation is feasible at reasonable cost with available funds, and either of the following applies:

(A) (1) The pollution of the waters of the state and damage to adjacent property are most severe and widespread.

(B) (2) Reclamation will make possible public uses for soil, water, forest, or wildlife conservation or public recreation purposes, will facilitate orderly commercial or industrial site development, or will facilitate the use or improve the enjoyment of nearby public conservation or recreation lands.
(D) Expenditures from the unreclaimed lands mining regulation and safety fund for reclamation projects may be made only for projects that are within the boundaries of project areas approved by the chief. Expenditures from the unreclaimed lands mining regulation and safety fund shall be made by the chief, with the approval of the director of natural resources.

The chief may expend an amount not to exceed twenty per cent of the moneys credited annually by the treasurer of state to the unreclaimed lands fund for the purpose of administering the fund.

(E) The chief may engage in cooperative projects under this section with any agency of the United States, appropriate state agencies, or state universities or colleges as defined in section 3345.27 of the Revised Code and may transfer money from the fund to other appropriate state agencies or to state universities or colleges in order to carry out the reclamation activities authorized by this section.

If the director of natural resources determines it to be necessary, the director may request the controlling board to transfer an amount of money from the fund to the coal mining administration and reclamation reserve fund created in section 1513.181 of the Revised Code.

Sec. 1513.31. For the purpose of promoting local or regional economic or community development, the chief of the division of mineral resources management, with the approval of the director of natural resources, may make grants of money from the unreclaimed lands mining regulation and safety fund created by section 1513.30 of the Revised Code for the payment by the state of up to seventy-five per cent of the reasonable and necessary expenses incurred by a political subdivision, community improvement corporation incorporated under Chapter 1724. of the Revised Code, or other nonprofit corporation incorporated under Chapter 1702. of...
the Revised Code for the reclamation of any unreclaimed land affected by mining before April 10, 1972, or pursuant to a license issued before April 10, 1972, that is owned by the political subdivision or corporation, is to be reclaimed for the purpose of commercial or industrial site development by the political subdivision or corporation or the development of recreational facilities by the political subdivision, and lies within the boundaries of a project area approved by the chief.

The owner shall submit an application for a grant on forms furnished by the division of mineral resources management together with detailed plans and topographic maps indicating the reclamation improvements to be made, an itemized estimate of the project's cost, a description of the project's benefits, and such other information as the chief prescribes. The chief may award the applicant a grant only after finding that the proposed reclamation work will render the unreclaimed land suitable for commercial, industrial, or, if the land is owned by a political subdivision, recreational site development and will substantially reduce or eliminate the damage, if any, to adjacent property that is or may be caused by the condition of the unreclaimed land.

The chief shall determine the amount of the grant based upon the chief's determination of what constitutes reasonable and necessary expenses actually incurred for preparing the plan of reclamation; preparing the unreclaimed land for commercial, industrial, or, in the case of land owned by a political subdivision, recreational site development, including backfilling, grading, resoiling, planting, or other work to restore the land to a condition suitable for such development; and, if the condition of the unreclaimed land so requires, establishing vegetative cover or substantially reducing or eliminating erosion, sedimentation, landslides, pollution, accumulation or discharge of acid water, flooding, or damage to adjacent property. The owner may have other
improvements made concurrently with the reclamation work, but shall not spend any part of the grant for such other improvements. No grant shall exceed seventy-five per cent of the total amount, as determined by the chief, of what constitutes reasonable and necessary expenses actually incurred for the reclamation measures listed in this section.

The chief shall enter into a contract for funding with each applicant awarded a grant in order to ensure that the money granted are used for the purposes of this section and that the reclamation work is properly done. The final payment under a grant may not be made until the chief inspects and approves the completed reclamation work.

Sec. 1513.32. For the purpose of promoting local or regional economic or community development, the chief of the division of mineral resources management, with the approval of the director of natural resources, may enter into a written agreement, which may be in the form of a contract, with a political subdivision, community improvement corporation incorporated under Chapter 1724. of the Revised Code, or other nonprofit corporation incorporated under Chapter 1702. of the Revised Code that owns any unreclaimed land affected by mining before April 10, 1972, or pursuant to a license issued before April 10, 1972, under which the state or its agents may enter upon the land to reclaim it at state expense with money from the unreclaimed lands mining regulation and safety fund created by section 1513.30 of the Revised Code for the purpose of commercial or industrial site development if the land is owned by a political subdivision or corporation or the development of recreational facilities if the land is owned by a political subdivision. The agreement may include provisions pertaining to liability for damages and any other provisions necessary or desirable to achieve the purposes of this section.
For the purpose of selecting lands to be reclaimed for commercial, industrial, or, if the lands are owned by a political subdivision, recreational site development, the chief shall consult with the owners of unreclaimed lands and with local officials, civic and professional organizations, and interested individuals and shall consider the feasibility, cost, and public benefits of reclaiming particular lands and the availability of federal or other assistance for the reclamation. The chief shall select for reclamation under this section only lands that lie within the boundaries of a project area approved by the chief.

Before entering into the agreement, the chief shall prepare or approve a detailed plan with topographic maps indicating the reclamation improvements to be made, an itemized estimate of the project's cost, a description of the project's benefits, and such other information as the chief considers appropriate. The plan shall include only reclamation work that is necessary to render the unreclaimed land suitable for commercial, industrial, or, if the land is owned by a political subdivision, recreational site development and will substantially reduce or eliminate the damage, if any, to adjacent property that is or may be caused by the condition of the unreclaimed land. The plan may include improvements recommended by the owner, but may not include any improvements that the chief finds are not necessary to prepare the unreclaimed land for commercial, industrial, or, if the land is owned by a political subdivision, recreational site development, or if the condition of the unreclaimed land so requires, are not necessary to establish vegetative cover or substantially reduce or eliminate erosion, sedimentation, landslides, pollution, accumulation or discharge of acid water, flooding, or damage to adjacent property.

With the approval of the director and upon entering into an agreement with the owner, the chief may carry out the plan of
reclamation or any part thereof with the employees or equipment of
the department, or the chief may carry out the plan or any part
thereof by contracting therefor in accordance with the procedures
prescribed in section 1513.27 of the Revised Code. The chief shall
keep an itemized record of the state's expense in carrying out the
plan.

Expenditure of not more than twenty per cent of the moneys
money credited to the unreclaimed lands mining regulation and
safety fund during the preceding fiscal year may be approved by
the chief during a fiscal year for conducting reclamation projects
under this section and for making grants under section 1513.31 of
the Revised Code, provided that such expenditures are primarily
for the pollution abatement purposes of section 1513.30 of the
Revised Code.

Sec. 1513.33. The amount of any grant to a community
improvement corporation or nonprofit corporation made under
section 1513.31 of the Revised Code or the state's expenses
incurred in reclaiming unreclaimed land owned by a community
improvement corporation or nonprofit corporation under section
1513.32 of the Revised Code shall constitute a loan by the state
to the corporation. Entry into a grant contract under section
1513.31 of the Revised Code or into a reclamation agreement under
section 1513.32 of the Revised Code by the chief of the division
of mineral resources management constitutes the designation of the
community improvement corporation or nonprofit corporation as the
state's agent for the commercial or industrial development of the
land named in the contract or agreement.

Each grant contract under section 1513.31 of the Revised Code
or reclamation agreement under section 1513.32 of the Revised Code
shall include terms for repayment of the grant or reimbursement of
the state for its reclamation expenses, which shall require
repayment of the loan in full upon the first sale, lease, or rental of the land reclaimed under the contract or agreement if the entire parcel of reclaimed land is sold, leased, or rented. If the corporation establishes a business enterprise on the entire parcel of reclaimed land, the contract shall require repayment of the loan in full upon the commencement of operation of the business enterprise. If the reclaimed land is sold, leased, or rented in portions or the corporation establishes a business enterprise on any portion of the reclaimed land, the contract or agreement shall require repayment of that portion of the loan that corresponds to the portion of the reclaimed land sold, leased, or rented upon the first sale, lease, or rental of that portion, or upon commencement of operation of the business enterprise on that portion, by the corporation in the proportion that the acreage of the reclaimed land sold, leased, rented, or used in business by the corporation bears to the total acreage of land reclaimed under the contract or agreement.

To secure repayment of the money granted under section 1513.31 of the Revised Code or of the state's reclamation expenses under section 1513.32 of the Revised Code to or on behalf of a community improvement corporation or nonprofit corporation, the state shall have a lien on the land owned by the corporation that is land reclaimed under section 1513.31 or 1513.32 of the Revised Code equal to the amount of the grant made under section 1513.31 of the Revised Code or to the state's expenses incurred in reclaiming the land under section 1513.32 of the Revised Code. Within thirty days after the final grant payment is made under section 1513.31 of the Revised Code or after the completion of the reclamation work under section 1513.32 of the Revised Code, the chief shall cause to be recorded in the office of the county recorder of the county in which the reclaimed land is located a statement that shall contain an itemized accounting of the grant paid under section 1513.31 of the Revised Code or an itemized...
record of the state's expenses incurred in reclaiming the land
under section 1513.32 of the Revised Code. The statement shall
constitute a notice of lien and operate as of the date of delivery
as a lien on the land reclaimed in the amount of the grant moneys
money paid out or the reclamation expenses incurred by the state
and shall have priority as a lien second only to the lien of real
property taxes imposed upon the land. The notice of lien and the
lien shall not be valid as against any mortgagee, pledgee,
purchaser, or judgment creditor whose rights have attached prior
to the date of filing of the statement by the chief or to any
prior or subsequent lien for real property taxes imposed pursuant
to section 5719.04 of the Revised Code.

The county recorder shall record and index the chief's
statement, under the name of the state and the corporation, in the
official records maintained by the county recorder's office. The
county recorder shall impose no charge for the recording or
indexing of the statement. If the land is registered, the county
recorder shall make a notation and enter a memorial of the lien
upon the page of the register in which the last certificate of
title to the land is registered, stating the name of the claimant,
amount claimed, volume and page of the record where recorded, and
exact time the memorial was entered.

The lien shall continue in force so long as any portion of
the amount granted under section 1513.31 of the Revised Code or
the state's reclamation expenses incurred under section 1513.32 of
the Revised Code remains unpaid. Upon repayment in full of those
moneys money or expenses, the chief promptly shall issue a
certificate of release of the lien. Upon presentation of the
certificate of release, the county recorder of the county where
the lien is recorded shall record the lien as having been
discharged.

A lien imposed under this section shall be foreclosed upon
the substantial failure of a corporation to repay any portion of
the amount granted under section 1513.31 of the Revised Code or
the state's reclamation expenses incurred under section 1513.32 of
the Revised Code in accordance with the terms of the grant
contract or reclamation agreement. Before foreclosing any lien
under this section, the chief shall make a written demand upon the
corporation to comply with the repayment terms of the contract or
agreement. If the corporation does not pay the amount due within
sixty days, the chief shall refer the matter to the attorney
general, who shall institute a civil action to foreclose the lien
of the state.

All moneys collected from loan repayments and lien
foreclosures under this section shall be credited to the
unreclaimed lands mining regulation and safety fund created by
section 1513.30 of the Revised Code.

Sec. 1513.37. (A) There is hereby created in the state
treasury the abandoned mine reclamation fund, which shall be
administered by the chief of the division of mineral resources
management. The fund shall consist of grants from the secretary of
the interior from the federal abandoned mine reclamation fund
established by Title IV of the "Surface Mining Control and
regulations adopted under it, and amendments to the act and
regulations. Expenditures from the abandoned mine reclamation fund
shall be made by the chief for the following purposes:

(1) Reclamation and restoration of land and water resources
adversely affected by past coal mining, including, but not limited
to, reclamation and restoration of abandoned strip mine areas,
abandoned coal processing areas, and abandoned coal refuse
disposal areas; sealing and filling of abandoned deep mine entries
and voids; planting of land adversely affected by past coal
mining; prevention of erosion and sedimentation; prevention, 19455
abatement, treatment, and control of water pollution created by 19456
coal mine drainage, including restoration of streambeds and 19457
construction and operation of water treatment plants; prevention, 19458
abatement, and control of burning coal refuse disposal areas and 19459
burning coal in situ; and prevention, abatement, and control of 19460
coal mine subsidence;

(2) Acquisition and filling of voids and sealing of tunnels, 19462
shafts, and entryways of noncoal lands;

(3) Acquisition of land as provided for in this section;

(4) Administrative expenses incurred in accomplishing the 19465
purposes of this section;

(5) All other necessary expenses to accomplish the purposes 19467
of this section.

(B) Expenditures of 

money from the fund on land and 19469
water eligible pursuant to division (C) of this section shall 19470
reflect the following priorities in the order stated:

(1) The protection of public health, safety, general welfare, 19472
and property from extreme danger of adverse effects of coal mining 19473
practices;

(2) The protection of public health, safety, and general 19475
welfare from adverse effects of coal mining practices;

(3) The restoration of land and water resources and the 19477
environment previously degraded by adverse effects of coal mining 19478
practices, including measures for the conservation and development 19479
of soil and water (excluding channelization), woodland, fish and 19480
wildlife, recreation resources, and agricultural productivity;

(4) Research and demonstration projects relating to the 19482
development of coal mining reclamation and water quality control 19483
program methods and techniques;
(5) The protection, repair, replacement, construction, or enhancement of public facilities such as utilities, roads, recreation facilities, and conservation facilities adversely affected by coal mining practices;

(6) The development of publicly owned land adversely affected by coal mining practices, including land acquired as provided in this section for recreation and historic purposes, conservation and reclamation purposes, and open space benefits.

(C)(1) Lands and water eligible for reclamation or drainage abatement expenditures under this section are those that were mined for coal or were affected by such mining, wastebanks, coal processing, or other coal mining processes and that meet one of the following criteria:

(a) Are lands that were abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under state or federal laws;

(b) Are lands for which the chief finds that surface coal mining operations occurred at any time between August 4, 1977, and August 16, 1982, and that any money for reclamation or abatement that are available pursuant to a bond, performance security, or other form of financial guarantee or from any other source are not sufficient to provide for adequate reclamation or abatement at the site;

(c) Are lands for which the chief finds that surface coal mining operations occurred at any time between August 4, 1977, and November 5, 1990, that the surety of the mining operator became insolvent during that time, and that, as of November 5, 1990, any money immediately available from proceedings relating to that insolvency or from any financial guarantee or other source are not sufficient to provide for adequate reclamation or
abatement at the site.

(2) In determining which sites to reclaim pursuant to divisions (C)(1)(b) and (c) of this section, the chief shall follow the priorities stated in divisions (B)(1) and (2) of this section and shall ensure that priority is given to those sites that are in the immediate vicinity of a residential area or that have an adverse economic impact on a local community.

(3) Surface coal mining operations on lands eligible for remining shall not affect the eligibility of those lands for reclamation and restoration under this section after the release of the bond, performance security, or other form of financial guarantee for any such operation as provided under division (F) of section 1513.16 of the Revised Code. If the bond, performance security, or other form of financial guarantee for a surface coal mining operation on lands eligible for remining is forfeited, moneys available under this section may be used if the amount of the bond, performance security, or other form of financial guarantee is not sufficient to provide for adequate reclamation or abatement, except that if conditions warrant, the chief immediately shall exercise the authority granted under division (L) of this section.

(D) The chief may submit to the secretary of the interior a state reclamation plan and annual projects to carry out the purposes of this section.

(1) The reclamation plan generally shall identify the areas to be reclaimed, the purposes for which the reclamation is proposed, the relationship of the lands to be reclaimed and the proposed reclamation to surrounding areas, the specific criteria for ranking and identifying projects to be funded, and the legal authority and programmatic capability to perform the work in accordance with this section.
(2) On an annual basis, the chief may submit to the secretary an application for support of the abandoned mine reclamation fund and implementation of specific reclamation projects. The annual requests shall include such information as may be requested by the secretary.

(3) The costs for each proposed project under this section shall include actual construction costs, actual operation and maintenance costs of permanent facilities, planning and engineering costs, construction inspection costs, and other necessary administrative expenses.

(4) The chief may submit annual and other reports required by the secretary when funds are provided by the secretary under Title IV of the "Surface Mining Control and Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C.A. 1201, regulations adopted under it, and amendments to the act and regulations.

(E)(1) There is hereby created in the state treasury the acid mine drainage abatement and treatment fund, which shall be administered by the chief. The fund shall consist of grants from the secretary of the interior from the federal abandoned mine reclamation fund pursuant to section 402(g)(6) of Title IV of the "Surface Mining Control and Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C.A. 1201. All investment earnings of the fund shall be credited to the fund.

(2) The chief shall make expenditures from the fund, in consultation with the United States department of agriculture, soil conservation service, to implement acid mine drainage abatement and treatment plans approved by the secretary. The plans shall provide for the comprehensive abatement of the causes and treatment of the effects of acid mine drainage within qualified hydrologic units affected by coal mining practices and shall include at least all of the following:
(a) An identification of the qualified hydrologic unit. As used in division (E) of this section, "qualified hydrologic unit" means a hydrologic unit that meets all of the following criteria:

(i) The water quality in the unit has been significantly affected by acid mine drainage from coal mining practices in a manner that has an adverse impact on biological resources.

(ii) The unit contains lands and waters that meet the eligibility requirements established under division (C) of this section and any of the priorities established in divisions (B)(1) to (3) of this section.

(iii) The unit contains lands and waters that are proposed to be the subject of expenditures from the reclamation forfeiture fund created in section 1513.18 of the Revised Code or the unreclaimed lands mining regulation and safety fund created in section 1513.30 of the Revised Code.

(b) The extent to which acid mine drainage is affecting the water quality and biological resources within the hydrologic unit;

(c) An identification of the sources of acid mine drainage within the hydrologic unit;

(d) An identification of individual projects and the measures proposed to be undertaken to abate and treat the causes or effects of acid mine drainage within the hydrologic unit;

(e) The cost of undertaking the proposed abatement and treatment measures;

(f) An identification of existing and proposed sources of funding for those measures;

(g) An analysis of the cost-effectiveness and environmental benefits of abatement and treatment measures.

(3) The chief may make grants of money from the acid mine drainage abatement and treatment fund to watershed groups for
conducting projects to accomplish the purposes of this section. A grant may be made in an amount equal to not more than fifty percent of each of the following:

(a) Reasonable and necessary expenses for the collection and analysis of data sufficient to do either or both of the following:

(i) Identify a watershed as a qualified hydrologic unit;

(ii) Monitor the quality of water in a qualified hydrologic unit before, during, and at any time after completion of the project by the watershed group.

(b) Engineering design costs and construction costs involved in the project, provided that the project is conducted in a qualified hydrologic unit and the chief considers the project to be a priority.

A watershed group that wishes to obtain a grant under division (E)(3) of this section shall submit an application to the chief on forms provided by the division of mineral resources management, together with detailed estimates and timetables for accomplishing the stated goals of the project and any other information that the chief requires.

For the purposes of establishing priorities for awarding grants under division (E)(3) of this section, the chief shall consider each project's feasibility, cost-effectiveness, and environmental benefit, together with the availability of matching funding, including in-kind services, for the project.

The chief shall enter into a contract for funding with each applicant awarded a grant to ensure that the money granted are used for the purposes of this section and that the work that the project involves is done properly. The contract is not subject to division (B) of section 127.16 of the Revised Code. The final payment of grant money shall not be made until the chief inspects and approves the completed project.
The chief shall require each applicant awarded a grant under this section who conducts a project involving construction work to pay workers at the greater of their regular rate of pay, as established by contract, agreement, or prior custom or practice, or the average wage rate paid in this state for the same or similar work performed in the same or a similar locality by private companies doing similar work on similar projects.

As used in division (E)(3) of this section, "watershed group" means a charitable organization as defined in section 1716.01 of the Revised Code that has been established for the purpose of conducting reclamation of land and waters adversely affected by coal mining practices and specifically for conducting acid mine drainage abatement.

(F)(1) If the chief makes a finding of fact that land or water resources have been adversely affected by past coal mining practices; the adverse effects are at a stage where, in the public interest, action to restore, reclaim, abate, control, or prevent the adverse effects should be taken; the owners of the land or water resources where entry must be made to restore, reclaim, abate, control, or prevent the adverse effects of past coal mining practices are not known or are not readily available; or the owners will not give permission for the state, political subdivisions, or their agents, employees, or contractors to enter upon the property to restore, reclaim, abate, control, or prevent the adverse effects of past coal mining practices; then, upon giving notice by mail to the owners, if known, or, if not known, by posting notice upon the premises and advertising once in a newspaper of general circulation in the municipal corporation or county in which the land lies, the chief or the chief's agents, employees, or contractors may enter upon the property adversely affected by past coal mining practices and any other property to have access to the property to do all things necessary or
expedient to restore, reclaim, abate, control, or prevent the adverse effects. The entry shall be construed as an exercise of the police power for the protection of the public health, safety, and general welfare and shall not be construed as an act of condemnation of property nor of trespass on it. The moneys expended for the work and the benefits accruing to any such premises so entered upon shall be chargeable against the land and shall mitigate or offset any claim in or any action brought by any owner of any interest in the premises for any alleged damages by virtue of the entry, but this provision is not intended to create new rights of action or eliminate existing immunities.

(2) The chief or the chief's authorized representatives may enter upon any property for the purpose of conducting studies or exploratory work to determine the existence of adverse effects of past coal mining practices and to determine the feasibility of restoration, reclamation, abatement, control, or prevention of such adverse effects. The entry shall be construed as an exercise of the police power for the protection of the public health, safety, and general welfare and shall not be construed as an act of condemnation of property nor trespass on it.

(3) The chief may acquire any land by purchase, donation, or condemnation that is adversely affected by past coal mining practices if the chief determines that acquisition of the land is necessary to successful reclamation and that all of the following apply:

(a) The acquired land, after restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices, will serve recreation and historic purposes, serve conservation and reclamation purposes, or provide open space benefits.

(b) Permanent facilities such as a treatment plant or a relocated stream channel will be constructed on the land for the
restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices.

(c) Acquisition of coal refuse disposal sites and all coal refuse thereon will serve the purposes of this section or public ownership is desirable to meet emergency situations and prevent recurrences of the adverse effects of past coal mining practices.

(4)(a) Title to all lands acquired pursuant to this section shall be in the name of the state. The price paid for land acquired under this section shall reflect the market value of the land as adversely affected by past coal mining practices.

(b) The chief may receive grants on a matching basis from the secretary of the interior for the purpose of carrying out this section.

(5)(a) Where land acquired pursuant to this section is considered to be suitable for industrial, commercial, residential, or recreational development, the chief may sell the land by public sale under a system of competitive bidding at not less than fair market value and under other requirements imposed by rule to ensure that the lands are put to proper use consistent with local and state land use plans, if any, as determined by the chief.

(b) The chief, when requested, and after appropriate public notice, shall hold a public meeting in the county, counties, or other appropriate political subdivisions of the state in which lands acquired pursuant to this section are located. The meetings shall be held at a time that shall afford local citizens and governments the maximum opportunity to participate in the decision concerning the use or disposition of the lands after restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices.

(6) In addition to the authority to acquire land under division (F)(3) of this section, the chief may use money in the
fund to acquire land by purchase, donation, or condemnation, and
to reclaim and transfer acquired land to a political subdivision,
or to any person, if the chief determines that it is an integral
and necessary element of an economically feasible plan for the
construction or rehabilitation of housing for persons disabled as
the result of employment in the mines or work incidental to that
employment, persons displaced by acquisition of land pursuant to
this section, persons dislocated as the result of adverse effects
of coal mining practices that constitute an emergency as provided
in the "Surface Mining Control and Reclamation Act of 1977," 91
Stat. 466, 30 U.S.C.A. 1240, or amendments to it, or persons
dislocated as the result of natural disasters or catastrophic
failures from any cause. Such activities shall be accomplished
under such terms and conditions as the chief requires, which may
include transfers of land with or without monetary consideration,
except that to the extent that the consideration is below the fair
market value of the land transferred, no portion of the difference
between the fair market value and the consideration shall accrue
as a profit to those persons. No part of the funds provided under
this section may be used to pay the actual construction costs of
housing. The chief may carry out the purposes of division (F)(6)
of this section directly or by making grants and commitments for
grants and may advance money under such terms and conditions as
the chief may require to any agency or instrumentality of the
state or any public body or nonprofit organization designated by
the chief.

(G)(1) Within six months after the completion of projects to
restore, reclaim, abate, control, or prevent adverse effects of
past coal mining practices on privately owned land, the chief
shall itemize the moneys so expended and may file a
statement of the expenditures in the office of the county recorder
of the county in which the land lies, together with a notarized
appraisal by an independent appraiser of the value of the land
before the restoration, reclamation, abatement, control, or prevention of adverse effects of past coal mining practices if the moneys so expended result in a significant increase in property value. The statement shall constitute a lien upon the land as of the date of the expenditures of the moneys and shall have priority as a lien second only to the lien of real property taxes imposed upon the land. The lien shall not exceed the amount determined by the appraisal to be the increase in the fair market value of the land as a result of the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices. No lien shall be filed under division (G) of this section against the property of any person who owned the surface prior to May 2, 1977, and did not consent to, participate in, or exercise control over the mining operation that necessitated the reclamation performed.

(2) The landowner may petition, within sixty days after the filing of the lien, to determine the increase in the fair market value of the land as a result of the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices. The amount reported to be the increase in value of the premises shall constitute the amount of the lien and shall be recorded with the statement provided in this section. Any party aggrieved by the decision may appeal as provided by state law.

(3) The lien provided in division (G) of this section shall be recorded and indexed, under the name of the state and the landowner, in the official records in the office of the county recorder of the county in which the land lies. The county recorder shall impose no charge for the recording or indexing of the lien. If the land is registered, the county recorder shall make a notation and enter a memorial of the lien upon the page of the register in which the last certificate of title to the land is registered.
registered, stating the name of the claimant, amount claimed, volume and page of the record where recorded, and exact time the memorial was entered.

(4) The lien shall continue in force so long as any portion of the amount of the lien remains unpaid. If the lien remains unpaid at the time of conveyance of the land on which the lien was placed, the conveyance may be set aside. Upon repayment in full of the moneys money expended under this section, the chief promptly shall issue a certificate of release of the lien. Upon presentation of the certificate of release, the county recorder of the county in which the lien is recorded shall record the lien as having been discharged.

(5) A lien imposed under this section shall be foreclosed upon the substantial failure of a landowner to pay any portion of the amount of the lien. Before foreclosing any lien under this section, the chief shall make a written demand upon the landowner for payment. If the landowner does not pay the amount due within sixty days, the chief shall refer the matter to the attorney general, who shall institute a civil action to foreclose the lien.

(H)(1) The chief may fill voids, seal abandoned tunnels, shafts, and entryways, and reclaim surface impacts of underground or strip mines that the chief determines could endanger life and property, constitute a hazard to the public health and safety, or degrade the environment.

(2) In those instances where mine waste piles are being reworked for conservation purposes, the incremental costs of disposing of the wastes from those operations by filling voids and sealing tunnels may be eligible for funding, provided that the disposal of these wastes meets the purposes of this section.

(3) The chief may acquire by purchase, donation, easement, or otherwise such interest in land as the chief determines necessary
to carry out division (H) of this section.

(I) The chief shall report annually to the secretary of the interior on operations under the fund and include recommendations as to its future uses.

(J)(1) The chief may engage in any work and do all things necessary or expedient, including the adoption of rules, to implement and administer this section.

(2) The chief may engage in cooperative projects under this section with any agency of the United States, any other state, or their governmental agencies or with any state university or college as defined in section 3345.27 of the Revised Code. The cooperative projects are not subject to division (B) of section 127.16 of the Revised Code.

(3) The chief may request the attorney general to initiate in any court of competent jurisdiction an action in equity for an injunction to restrain any interference with the exercise of the right to enter or to conduct any work provided in this section, which remedy is in addition to any other remedy available under this section.

(4) The chief may construct or operate a plant or plants for the control and treatment of water pollution resulting from mine drainage. The extent of this control and treatment may be dependent upon the ultimate use of the water. Division (J)(4) of this section does not repeal or supersede any portion of the "Federal Water Pollution Control Act," 70 Stat. 498 (1965), 33 U.S.C.A. 1151, as amended, and no control or treatment under division (J)(4) of this section, in any way, shall be less than that required by that act. The construction of a plant or plants may include major interceptors and other facilities appurtenant to the plant.

(5) The chief may transfer money from the abandoned mine
reclamation fund and the acid mine drainage abatement and 19861
treatment fund to other appropriate state agencies or to state 19862
universities or colleges in order to carry out the reclamation 19863
activities authorized by this section. 19864

(K) The chief may contract for any part of work to be 19865
performed under this section, with or without advertising for 19866
bids, if the chief determines that a condition exists that could 19867
reasonably be expected to cause substantial physical harm to 19868
persons, property, or the environment and to which persons or 19869
improvements on real property are currently exposed. 19870

The chief shall require every contractor performing 19871
reclamation work under this section to pay its workers at the 19872
greater of their regular rate of pay, as established by contract, 19873
agreement, or prior custom or practice, or the average wage rate 19874
paid in this state for the same or similar work as determined by 19875
the chief under section 1513.02 of the Revised Code. 19876

(L)(1) The chief may contract for the emergency restoration, 19877
reclamation, abatement, control, or prevention of adverse effects 19878
of mining practices on eligible lands if the chief determines that 19879
an emergency exists constituting a danger to the public health, 19880
safety, or welfare and that no other person or agency will act 19881
expeditiously to restore, reclaim, abate, control, or prevent 19882
those adverse effects. The chief may enter into a contract for 19883
emergency work under division (L) of this section without 19884
advertising for bids. Any such contract or any purchase of 19885
materials for emergency work under division (L) of this section is 19886
not subject to division (B) of section 127.16 of the Revised Code. 19887

(2) The chief or the chief's agents, employees, or 19888
contractors may enter on any land where such an emergency exists, 19889
and on other land in order to have access to that land, in order 19890
to restore, reclaim, abate, control, or prevent the adverse 19891
effects of mining practices and to do all things necessary or 19892
expedient to protect the public health, safety, or welfare. Such 
an entry shall be construed as an exercise of the police power and 
shall not be construed as an act of condemnation of property or of 
trespass. The moneys money expended for the work and the benefits 
accruing to any premises so entered upon shall be chargeable 
against the land and shall mitigate or offset any claim in or any 
action brought by any owner of any interest in the premises for 
any alleged damages by virtue of the entry. This provision is not 
intended to create new rights of action or eliminate existing 
immunities.

Sec. 1514.03. Within thirty days after each anniversary date 
of issuance of a surface or in-stream mining permit, the operator 
shall file with the chief of the division of mineral resources 
management an annual report, on a form prescribed and furnished by 
the chief, that, for the period covered by the report, shall state 
the amount of and identify the types of minerals and coal, if any 
coal, produced and shall state the number of acres affected and 
the number of acres estimated to be affected during the next year 
of operation. An annual report is not required to be filed if a 
final report is filed in lieu thereof.

Each annual report for a surface mining operation shall 
include a progress map indicating the location of areas of land 
affected during the period of the report and the location of the 
area of land estimated to be affected during the next year. The 
map shall be prepared in accordance with division (A)(11) or (12) 
of section 1514.02 of the Revised Code, as appropriate, except 
that a map prepared in accordance with division (A)(12) of that 
section may be certified by the operator or authorized agent of 
the operator in lieu of certification by a professional engineer 
or surveyor registered under Chapter 4733. of the Revised Code. 
However, the chief may require that an annual progress map or a 
final map be prepared by a registered professional engineer or
registered surveyor if the chief has reason to believe that the operator exceeded the boundaries of the permit area or, if the operator filed the map required under division (A)(11) of section 1514.02 of the Revised Code, that the operator extracted ten thousand tons or more of minerals during the period covered by the report.

Each annual report for an in-stream mining operation shall include a statement of the total tonnage removed by in-stream mining for each month and of the surface acreage and depth of material removed by in-stream mining and shall include a map that identifies the area affected by the in-stream mining if the in-stream mining for the year addressed by the report occurred beyond the area identified in the most recent approved map, soundings that depict the cross-sectional views of the channel bottom of the watercourse if the soundings depict a cross-sectional view of the channel bottom that is different from the most recent approved map, and water elevations for the watercourse if water elevations are different from those indicated on the most recent approved map.

Each annual report shall be accompanied by a filing fee in the amount of five hundred dollars, except in the case of an annual report filed by a small operator or an in-stream mining operator. A small operator, which is a surface mine operator who intends to extract fewer than ten thousand tons of minerals and no coal during the next year of operation under the permit, or an in-stream mining operator shall include a filing fee in the amount of two hundred fifty dollars with each annual report. The annual report of any operator also shall be accompanied by an acreage fee in the amount of seventy-five dollars multiplied by the number of acres estimated in the report to be affected during the next year of operation under the permit. The acreage fee shall be adjusted by subtracting a credit of seventy-five dollars per excess acre.
paid for the preceding year if the acreage paid for the preceding year exceeds the acreage actually affected or by adding an additional amount of seventy-five dollars per excess acre affected if the acreage actually affected exceeds the acreage paid for the preceding year.

With each annual report the operator shall file a performance bond in the amount, unless otherwise provided by rule, of five hundred dollars multiplied by the number of acres estimated to be affected during the next year of operation under the permit for which no performance bond previously was filed. Unless otherwise provided by rule, the bond shall be adjusted by subtracting a credit of five hundred dollars per excess acre for which bond was filed for the preceding year if the acreage for which the bond was filed for the preceding year exceeds the acreage actually affected, or by adding an amount of five hundred dollars per excess acre affected if the acreage actually affected exceeds the acreage for which bond was filed for the preceding year.

Within thirty days after the expiration of the surface or in-stream mining permit, or completion or abandonment of the operation, whichever occurs earlier, the operator shall submit a final report containing the same information required in an annual report, but covering the time from the last annual report to the expiration of the permit, or completion or abandonment of the operation, whichever occurs earlier.

Each final report shall include a map indicating the location of the area of land affected during the period of the report and the location of the total area of land affected under the permit. The map shall be prepared in accordance with division (A)(11) or (12) of section 1514.02 of the Revised Code, as appropriate.

In the case of a final report for an in-stream mining operation, the map also shall include the information required under division (A)(18) of section 1514.02 of the Revised Code, as
applicable. If the final report and certified map, as verified by the chief, show that the number of acres affected under the permit is larger than the number of acres for which the operator has paid an acreage fee or filed a performance bond, upon notification by the chief, the operator shall pay an additional acreage fee in the amount of seventy-five dollars multiplied by the difference between the number of acres affected under the permit and the number of acres for which the operator has paid an acreage fee and shall file an additional performance bond in the amount, unless otherwise provided by rule, of five hundred dollars multiplied by the difference between the number of acres affected under the permit and the number of acres for which the operator has filed bond.

If the final report and certified map, as verified by the chief, show that the number of acres affected under the permit is smaller than the number of acres for which the operator has filed a performance bond, the chief shall order release of the excess bond. However, the chief shall retain a performance bond in a minimum amount of ten thousand dollars irrespective of the number of acres affected under the permit. The release of the excess bond shall be in an amount, unless otherwise provided by rule, equal to five hundred dollars multiplied by the difference between the number of acres affected under the permit and the number of acres for which the operator has filed bond.

The fees collected pursuant to this section and section 1514.02 of the Revised Code shall be deposited with the treasurer of state to the credit of the surface mining regulation and safety fund created under section 1514.06 1513.30 of the Revised Code.

If upon inspection the chief finds that any filing fee, acreage fee, performance bond, or part thereof is not paid when due or is paid on the basis of false or substantially inaccurate
reports, the chief may request the attorney general to recover the unpaid amounts that are due the state, and the attorney general shall commence appropriate legal proceedings to recover the unpaid amounts.

Sec. 1514.051. (A) If an operator or a partner or officer of the operator forfeits a performance bond, the division of mineral resources management shall have a priority lien in front of all other interested creditors against the assets of that operator for the amount that is needed to perform any reclamation that is required as a result of the operator's mining activities. The chief of the division of mineral resources management shall file a statement in the office of the county recorder of each county in which the mined land lies of the estimated costs to reclaim the land. Estimated costs shall include direct and indirect costs of the development, design, construction, management, and administration of the reclamation. The statement shall constitute a lien on the assets of the operator as of the date of the filing. The lien shall continue in force so long as any portion of the lien remains unpaid or until the chief issues a certificate of release of the lien. If the chief issues a certificate of release of the lien, the chief shall file a certificate of release in the office of each applicable county recorder.

(B) The chief promptly shall issue a certificate of release under any of the following circumstances:

(1) Upon the repayment in full of the money that is necessary to complete the reclamation;

(2) Upon the transfer of an existing permit that includes the areas of the surface mine for which reclamation was not completed from the operator that forfeited the performance bond to a new operator;

(3) Any other circumstance that the chief determines to be in
the best interests of the state.

(C) The chief may modify the amount of a lien under this section. If the chief modifies a lien, the chief shall file a statement in the office of the county recorder of each applicable county of the new amount of the lien.

(D) The chief may authorize a closing agent to hold a certificate of release in escrow for a period not to exceed one hundred eighty days for the purpose of facilitating the transfer of unreclaimed mine land.

(E) All money from the collection of liens under this section shall be deposited in the state treasury to the credit of the surface mining regulation and safety fund created in section 1513.30 of the Revised Code.

Sec. 1514.06. (A) There is hereby created in the state treasury the surface mining fund consisting of all money that becomes the property of the state pursuant to sections 1514.05 and 1514.051 of the Revised Code, money credited to the fund collected under divisions (C)(1) and (2) of section 1514.071, and other money specified in section 1514.11 of the Revised Code shall be credited to the mining regulation and safety fund created in section 1513.30 of the Revised Code. All investment earnings of the fund shall be credited to the fund. Expenditures from the fund shall be made by the chief of the division of mineral resources management may expend such money for the purpose of reclaiming areas of land affected by surface or in-stream mining under a permit issued under this chapter that the operator has failed to reclaim. Provided that the chief maintains a balance in the fund that is sufficient to achieve that purpose and, in doing so, considers the timeliness of reclamation activity, the chief may use the fund for other purposes specified in section 1514.11 of the Revised Code.
(B) Expenditures of money from the fund for the purposes specified in division (A) of this section, except as otherwise provided by this section, shall be made pursuant to contracts entered into by the chief with persons who agree to furnish all of the materials, equipment, work, and labor, as specified and provided in the contracts, for the prices stipulated therein. With the approval of the director of natural resources, the chief may reclaim the land in the same manner as the chief required of the operator who failed to reclaim the land. Each contract awarded by the chief shall be awarded to the lowest responsive and responsible bidder, in accordance with section 9.312 of the Revised Code, after sealed bids are received, opened, and published at the time and place fixed by the chief. The chief shall publish notice of the time and place at which bids will be received, opened, and published, at least once at least ten days before the date of the opening of the bids, in a newspaper of general circulation in the county in which the area of land to be reclaimed under the contract is located. If, after so advertising for bids, no bids are received by the chief at the time and place fixed for receiving them, the chief may advertise again for bids, or, if the chief considers the public interest will be best served, the chief may enter into a contract for the reclamation of the area of land without further advertisement for bids. The chief may reject any or all bids received and again publish notice of the time and place at which bids for contracts will be received, opened, and published.

(C) With the approval of the director, the chief, without advertising for bids, may enter into a contract with the landowner, a surface or in-stream mine operator or coal mine operator mining under a current, valid permit issued under this chapter or Chapter 1513. of the Revised Code, or a contractor hired by a surety to complete reclamation, to carry out reclamation on land affected by surface or in-stream mining.
operations that an operator has failed to reclaim.  

(D) With the approval of the director, the chief may carry out all or part of the reclamation work on land affected by surface or in-stream mining operations that the operator has failed to reclaim using the employees and equipment of any division of the department of natural resources.

(E) The chief shall require every contractor performing reclamation work under this section to pay workers at the greater of their regular rate of pay, as established by contract, agreement, or prior custom or practice, or the average wage rate paid in this state for the same or similar work, as determined by the chief under section 1513.02 of the Revised Code.

(F) Each contract entered into by the chief under this section shall provide only for the reclamation of land affected by the surface or in-stream mining operation or operations of one operator and not reclaimed by the operator as required by this chapter. If there is money in the fund derived from the performance bond deposited with the chief by one operator to ensure the reclamation of two or more areas of land affected by the surface or in-stream mining operation or operations of one operator and not reclaimed by the operator as required by this chapter, the chief may award a single contract for the reclamation of all such areas of land.

(G) The cost of the reclamation work done under this section on each area of land affected by surface or in-stream mining operations that an operator has failed to reclaim shall be paid out of the money in the fund derived from the performance bond that was deposited with the chief to ensure the reclamation of that area of land. If the amount of money is not sufficient to pay the cost of doing all of the reclamation work on the area of land that the operator should have done, but failed to do, the chief may expend from the reclamation forfeiture fund created in section...
1513.18 of the Revised Code or the surface mining fund created in this section the amount of money needed to complete reclamation to the standards required by this chapter. The operator is liable for that expense in addition to any other liabilities imposed by law. At the request of the chief, the attorney general shall bring an action against the operator for the amount of the expenditures from either the mining regulation and safety fund. Money so recovered shall be deposited in the state treasury to the credit of the fund from which the expenditures were made.

(H) If any part of the money in the surface mining fund remains in the fund after the chief has caused the area of land to be reclaimed and has paid all the reclamation costs and expenses, or if any money remains because the area of land has been repermitted under this chapter or reclaimed by a person other than the chief, the chief may expend the remaining money to complete other reclamation work performed under this section. The chief shall prepare an annual report that summarizes the money credited to the fund and expenditures made from the fund and post the report on the division of mineral resources management's web site.

**Sec. 1514.071.** (A) In addition to any other penalties established under this chapter, the chief of the division of mineral resources management may assess a civil penalty against any person who fails to comply with an order issued by the chief under section 1514.07 of the Revised Code by the date specified in the order or as subsequently extended by the chief.

(B) Civil penalties assessed under this section shall not exceed one thousand dollars for each occurrence of noncompliance with an order. Each day of continuing noncompliance, up to a maximum of thirty days, may be deemed a separate occurrence for purposes of penalty assessments. In determining the amount of the assessment, the chief shall consider the seriousness of the
noncompliance, the effect of the noncompliance, and the operator's history of noncompliance.

(C) Upon issuance of a notice of noncompliance with an order, the chief shall inform the person to whom the notice of noncompliance is issued of the amount of any civil penalty to be assessed and provide an opportunity for an adjudicatory hearing with the reclamation commission pursuant to section 1514.09 of the Revised Code. The person charged with the penalty shall have thirty days from receipt of the assessment to pay the penalty in full or, if the person wishes to contest the amount of the penalty, file a petition for review of the assessment with the commission pursuant to section 1514.09 of the Revised Code and forward the amount of the penalty to the secretary of the commission as required by this division. Failure to forward the money to the secretary within thirty days after the chief informs the person of the amount of the penalty shall result in a waiver of all legal rights to contest the amount of the penalty.

If, after a hearing, the commission affirms or modifies the amount of the penalty, the person charged with the penalty shall have thirty days after receipt of the written decision to file an appeal from the commission's order in accordance with section 1514.09 of the Revised Code.

At the time that the petition for review of the assessment is filed with the secretary, the person shall forward the amount of the penalty to the secretary for placement in the reclamation penalty fund created in division (F)(3) of section 1513.02 of the Revised Code. Pursuant to administrative or judicial review of the penalty, the secretary shall do either of the following:

(1) If it is determined that the amount of the penalty should be reduced, within thirty days, remit the appropriate amount of the penalty to the person, with interest, and forward any balance of the penalty, with interest, to the chief for deposit in the
surface mining regulation and safety fund created in section 1514.06 1513.30 of the Revised Code for reclamation of abandoned surface or in-stream mining operations in the state;

(2) If the penalty was not reduced, forward the entire penalty, with interest, to the chief for deposit in the surface mining regulation and safety fund for reclamation of abandoned surface or in-stream mining operations in the state.

(D) Civil penalties owed under this section may be recovered in a civil action brought by the attorney general upon the request of the chief.

Sec. 1514.11. In addition to the purposes otherwise authorized in section 1514.06 of the Revised Code by law, the chief of the division of mineral resources management may use moneys money in the surface mining regulation and safety fund created under that section 1513.30 of the Revised Code for the administration and enforcement of this chapter, for the reclamation of land affected by surface or in-stream mining under a permit issued under this chapter that the operator failed to reclaim and for which the performance bond filed by the operator is insufficient to complete the reclamation, and for the reclamation of land affected by surface or in-stream mining that was abandoned and left unreclaimed and for which no permit was issued or bond filed under this chapter. Also, the chief may use the portion of the surface mining regulation and safety fund that consists of moneys money collected from the severance taxes levied under section 5749.02 of the Revised Code for mine safety and first aid training. For purposes of reclamation under this section, the chief shall expend moneys money in the fund in accordance with the procedures and requirements established in section 1514.06 of the Revised Code and may enter into contracts and perform work in accordance with that section.
Fees collected under sections 1514.02 and 1514.03 of the Revised Code, one-half of the moneys and money collected from the severance taxes levied under divisions (A)(3) and (4) of section 5749.02 of the Revised Code, and all of the moneys collected from the severance tax levied under division (A)(7) of section 5749.02 of the Revised Code shall be credited to the fund in accordance with those sections. Notwithstanding any section of the Revised Code relating to the distribution or crediting of fines for violations of the Revised Code, all fines imposed under section 1514.99 of the Revised Code shall be credited to the fund.

Sec. 1514.46. If the operator of a surface mining operation requests the division of mineral resources management to conduct mine safety training, the chief of the division of mineral resources management shall conduct mine safety training for the employees of that operator. For persons who are not employed by a holder of a surface mining permit issued under this chapter and who seek the training, the chief may charge a fee in an amount established in rules for conducting it. The safety training shall be conducted in accordance with rules and shall emphasize the standards adopted in rules and include any other content that the chief determines is beneficial. Any fees collected under this section shall be deposited in the state treasury to the credit of the surface mining regulation and safety fund created in section 1514.06 1513.30 of the Revised Code.

Sec. 1521.06. (A) No dam may be constructed for the purpose of storing, conserving, or retarding water, or for any other purpose, nor shall any levee be constructed for the purpose of diverting or retaining flood water, unless the person or governmental agency desiring the construction has a construction permit for the dam or levee issued by the chief of the division of water resources.
A construction permit is not required under this section for:

(1) A dam that is or will be less than ten feet in height and that has or will have a storage capacity of not more than fifty acre-feet at the elevation of the top of the dam, as determined by the chief. For the purposes of this section, the height of a dam shall be measured from the natural stream bed or lowest ground elevation at the downstream or outside limit of the dam to the elevation of the top of the dam.

(2) A dam, regardless of height, that has or will have a storage capacity of not more than fifteen acre-feet at the elevation of the top of the dam, as determined by the chief;

(3) A dam, regardless of storage capacity, that is or will be six feet or less in height, as determined by the chief;

(4) A dam or levee that belongs to a class exempted by the chief;

(5) The repair, maintenance, improvement, alteration, or removal of a dam or levee that is subject to section 1521.062 of the Revised Code, unless the construction constitutes an enlargement or reconstruction of the structure as determined by the chief;

(6) A dam or impoundment constructed under Chapter 1513. of the Revised Code.

(B) Before a construction permit may be issued, three copies of the plans and specifications, including a detailed cost estimate, for the proposed construction, prepared by a registered professional engineer, together with the any filing fee specified by rules adopted by the chief in accordance with division (I) of this section and the bond or other security required by section 1521.061 of the Revised Code, shall be filed with the chief. The detailed estimate of the cost shall include all costs associated with the construction of the dam or levee, including supervision.
and inspection of the construction by a registered professional
engineer. The filing fee shall be based on the detailed cost
estimate for the proposed construction as filed with and approved
by the chief, and shall be determined by the following schedule
unless otherwise provided by rules adopted under this section:

(1) For the first one hundred thousand dollars of estimated
cost, a fee of four per cent;

(2) For the next four hundred thousand dollars of estimated
cost, a fee of three per cent;

(3) For the next five hundred thousand dollars of estimated
cost, a fee of two per cent;

(4) For all costs in excess of one million dollars, a fee of
one half of one per cent.

In no case shall the filing fee be less than one thousand
dollars or more than one hundred thousand dollars. If the actual
cost exceeds the estimated cost by more than fifteen per cent, an
additional filing fee shall be required equal to the fee
determined by the preceding schedule less the original filing fee.

All fees collected pursuant to this section, and all fines
collected pursuant to section 1521.99 of the Revised Code, shall
be deposited in the state treasury to the credit of the dam safety
fund, which is hereby created. Expenditures from the fund shall be
made by the chief for the purpose of administering this section
and sections 1521.061 and 1521.062 of the Revised Code.

(C) The chief shall, within thirty days from the date of the
receipt of the application, fee, and bond or other security, issue
or deny a construction permit for the construction or may issue a
construction permit conditioned upon the making of such changes in
the plans and specifications for the construction as the chief
considers advisable if the chief determines that the construction
of the proposed dam or levee, in accordance with the plans and
specifications filed, would endanger life, health, or property.

(D) The chief may deny a construction permit after finding that a dam or levee built in accordance with the plans and specifications would endanger life, health, or property, because of improper or inadequate design, or for such other reasons as the chief may determine.

In the event the chief denies a permit for the construction of the dam or levee, or issues a permit conditioned upon a making of changes in the plans or specifications for the construction, the chief shall state the reasons therefor and so notify, in writing, the person or governmental agency making the application for a permit. If the permit is denied, the chief shall return the bond or other security to the person or governmental agency making application for the permit.

The decision of the chief conditioning or denying a construction permit is subject to appeal as provided in Chapter 119. of the Revised Code. A dam or levee built substantially at variance from the plans and specifications upon which a construction permit was issued is in violation of this section. The chief may at any time inspect any dam or levee, or site upon which any dam or levee is to be constructed, in order to determine whether it complies with this section.

(E) A registered professional engineer shall inspect the construction for which the permit was issued during all phases of construction and shall furnish to the chief such regular reports of the engineer's inspections as the chief may require. When the chief finds that construction has been fully completed in accordance with the terms of the permit and the plans and specifications approved by the chief, the chief shall approve the construction. When one year has elapsed after approval of the completed construction, and the chief finds that within this period no fact has become apparent to indicate that the
construction was not performed in accordance with the terms of the permit and the plans and specifications approved by the chief, or that the construction as performed would endanger life, health, or property, the chief shall release the bond or other security. No bond or other security shall be released until one year after final approval by the chief, unless the dam or levee has been modified so that it will not retain water and has been approved as nonhazardous after determination by the chief that the dam or levee as modified will not endanger life, health, or property.

(F) When inspections required by this section are not being performed, the chief shall notify the person or governmental agency to which the permit has been issued that inspections are not being performed by the registered professional engineer and that the chief will inspect the remainder of the construction. Thereafter, the chief shall inspect the construction and the cost of inspection shall be charged against the owner. Failure of the registered professional engineer to submit required inspection reports shall be deemed notice that the engineer's inspections are not being performed.

(G) The chief may order construction to cease on any dam or levee that is being built in violation of this section, and may prohibit the retention of water behind any dam or levee that has been built in violation of this section. The attorney general, upon written request of the chief, may bring an action for an injunction against any person who violates this section or to enforce an order or prohibition of the chief made pursuant to this section.

(H) The chief may adopt rules in accordance with Chapter 119. of the Revised Code, for the design and construction of dams and levees for which a construction permit is required by this section or for which periodic inspection is required by section 1521.062 of the Revised Code, for establishing a filing fee schedule in
lieu of the schedule established under division (B) of this section, for deposit and forfeiture of bonds and other securities required by section 1521.061 of the Revised Code, for the periodic inspection, operation, repair, improvement, alteration, or removal of all dams and levees, as specified in section 1521.062 of the Revised Code, and for establishing classes of dams or levees that are exempt from the requirements of this section and section 1521.062 of the Revised Code as being of a size, purpose, or situation that does not present a substantial hazard to life, health, or property. The chief may, by rule, limit the period during which a construction permit issued under this section is valid. The rules may allow for the extension of the period during which a permit is valid upon written request, provided that the written request includes a revised construction cost estimate, and may require the payment of an additional filing fee for the requested extension. If a construction permit expires without an extension before construction is completed, the person or agency shall apply for a new permit, and shall not continue construction until the new permit is issued.

(I) The chief shall adopt rules in accordance with Chapter 119. of the Revised Code establishing a filing fee schedule for purposes of division (B) of this section.

Sec. 1521.063. (A) Except for the federal government, the owner of a dam, that is classified as a class I, class II, or class III dam under rules adopted under section 1521.06 of the Revised Code and subject to section 1521.062 of the Revised Code shall pay an annual fee, based upon the height of the dam, the linear foot length of the dam, and the per-acre foot of volume of water impounded by the dam in accordance with the annual fee schedule established in rules adopted under division (B) of this section. The fee shall be paid to the division of water resources on or before the thirtieth day of June of each year.
fee shall be as follows until otherwise provided by rules adopted under this section:

(1) For any dam classified as a class I dam under rules adopted by the chief of the division of water resources under section 1521.06 of the Revised Code, three hundred dollars plus ten dollars per foot of height of dam, five cents per foot of length of the dam and five cents per acre foot of water impounded by the dam;

(2) For any dam classified as a class II dam under those rules, ninety dollars plus six dollars per foot of height of dam, five cents per foot of length of the dam and five cents per acre foot of water impounded by the dam;

(3) For any dam classified as a class III dam under those rules, ninety dollars plus four dollars per foot of height of the dam, five cents per foot of length of the dam, and five cents per acre foot of volume of water impounded by the dam.

For purposes of this section, the height of a dam is the vertical height, to the nearest foot, as determined by the division under section 1521.062 of the Revised Code.

All fees collected under this section shall be deposited in the dam safety fund created in section 1521.06 of the Revised Code. Any owner who fails to pay any annual fee required by this section within sixty days after the due date shall be assessed a penalty of ten per cent of the annual fee plus interest at the rate of one-half per cent per month from the due date until the date of payment.

There is hereby created the compliant dam discount program to be administered by the chief of the division of water resources. Under the program, the chief may reduce the amount of the annual fee that an owner of a dam is required to pay in accordance with rules adopted by the chief under division (A)(1), (2), or (3) (B)
of this section if the owner is in compliance with section 1521.062 of the Revised Code and has developed an emergency action plan pursuant to standards established in rules adopted under this section. The chief shall not discount an annual fee by more than twenty-five per cent of the total annual fee that is due. In addition, the chief shall not discount the annual fee that is due from the owner of a dam who has been assessed a penalty under this section.

(B) (1) The chief shall, in accordance with Chapter 119. of the Revised Code and subject to the prior approval of the director of natural resources, adopt, and may amend or rescind, rules for the collection of fees and the administration, implementation, and enforcement of this section and:

(2) The chief shall, in accordance with Chapter 119. of the Revised Code, adopt rules for the establishment of an annual fee schedule in lieu of the schedule established in division (A) for purposes of this section.

(3) The annual fee schedule must be based on the height of the dam, the linear foot length of the dam, and the per-acre foot of volume of water impounded by the dam. For purposes of this section, the height of a dam is the vertical height, to the nearest foot, as determined by the division under section 1521.062 of the Revised Code.

(C)(1) No person, political subdivision, or state governmental agency shall violate or fail to comply with this section or any rule or order adopted or issued under it.

(2) The attorney general, upon written request of the chief, may commence an action against any such violator. Any action under division (C)(2) of this section is a civil action.

(D) As used in this section, "political subdivision" includes townships, municipal corporations, counties, school districts,
municipal universities, park districts, sanitary districts, and conservancy districts and subdivisions thereof.

Sec. 1561.14. A person who applies for a certificate as a mine electrician shall be able to read and write the English language, and prior to the date of the application for examination either shall have had at least one year's experience in performing electrical work underground in a coal mine, in the surface work area of an underground coal mine, in a surface coal mine, or in a noncoal mine, or shall have had such experience as the chief of the division of mineral resources management determines to be equivalent. Each applicant for examination shall pay a fee of ten dollars to the chief on the first day of the examination. Any money collected under this section shall be paid into the state treasury to the credit of the mining regulation and safety fund created in section 1561.48 1513.30 of the Revised Code.

Sec. 1561.16. (A) As used in this section and sections 1561.17 to 1561.21 of the Revised Code, "actual practical experience" means previous employment that involved a person's regular presence in the type of mining operation in which the experience is required to exist; participation in functions relating to the hazards involved in and the utilization of equipment, tools, and work crews and individuals for that type of mining; and regular exposure to the methods, procedures, and safety laws applicable to that type of mining. Credit of up to one year for a portion of the required experience time may be given upon documentation to the chief of the division of mineral resources management of an educational degree in a field related to mining. Credit of up to two years of the required experience time may be given upon presentation to the chief of proof of graduation from an accredited school of mines or mining after a four-year course of study with employment in the mining industry.
during interim breaks during the school years.

(B) A person who applies for a certificate as a mine foreperson of gaseous mines shall be able to read and write the English language; shall have had at least five years' actual practical experience in the underground workings of a gaseous mine or the equivalent thereof in the judgment of the chief; and shall have had practical experience obtained by actual contact with gas in mines and have knowledge of the dangers and nature of noxious and explosive gases and ventilation of gaseous mines. An applicant for a certificate as a foreperson of gaseous mines shall meet the same requirements, except that the applicant shall have had at least three years' actual practical experience in the underground workings of a gaseous mine or the equivalent thereof in the judgment of the chief. Each applicant for examination shall pay a fee established in rules adopted under this section to the chief on the first day of such examination.

(C) A person who has been issued a certificate as a mine foreperson or a foreperson of a gaseous mine and who has not worked in an underground coal mine for a period of more than two calendar years shall apply for and obtain recertification from the chief in accordance with rules adopted under this section before performing the duties of a mine foreperson or a foreperson of a gaseous mine. An applicant for recertification shall pay a fee established in rules adopted under this section at the time of application for recertification.

(D) A person who has been issued a certificate as a mine foreperson or a foreperson of a gaseous mine and who has not worked in an underground coal mine for a period of one or more calendar years shall successfully complete a retraining course in accordance with rules adopted under this section before performing the duties of a mine foreperson or a foreperson of a gaseous mine.

(E) The chief, in consultation with a statewide association
representing the coal mining industry and a statewide association representing employees of coal mines, shall adopt rules in accordance with Chapter 119. of the Revised Code that do all of the following:

1) Prescribe requirements, criteria, and procedures for the recertification of a mine foreperson or a foreperson of a gaseous mine who has not worked in an underground coal mine for a period of more than two calendar years;

2) Prescribe requirements, criteria, and procedures for the retraining of a mine foreperson or a foreperson of a gaseous mine who has not worked in an underground coal mine for a period of one or more calendar years;

3) Establish fees for the examination and recertification of mine forepersons or forepersons of gaseous mines under this section;

4) Prescribe any other requirements, criteria, and procedures that the chief determines are necessary to administer this section.

(F) Any money collected under this section shall be paid into the state treasury to the credit of the mining regulation and safety fund created in section 1561.48 1513.30 of the Revised Code.

Sec. 1561.17. (A) A person who applies for a certificate as mine foreperson or foreperson of nongaseous mines shall be able to read and write the English language; shall have had at least three years' actual practical experience in mines, or the equivalent thereof in the judgment of the chief of the division of mineral resources management; and shall have knowledge of the dangers and nature of noxious gases. Each applicant for examination shall pay a fee established in rules adopted under this section to the chief
on the first day of the examination.

(B) A person who has been issued a certificate as a mine foreperson or a foreperson of a nongaseous coal mine and who has not worked in an underground coal mine for a period of more than two calendar years shall apply for and obtain recertification from the chief in accordance with rules adopted under this section before performing the duties of a mine foreperson or a foreperson of a nongaseous coal mine. An applicant for recertification shall pay a fee established in rules adopted under this section at the time of application for recertification.

(C) A person who has been issued a certificate as a mine foreperson or a foreperson of a nongaseous coal mine and who has not worked in an underground coal mine for a period of one or more calendar years shall successfully complete a retraining course in accordance with rules adopted under this section before performing the duties of a mine foreperson or a foreperson of a nongaseous coal mine.

(D) The chief, in consultation with a statewide association representing the coal mining industry and a statewide association representing employees of coal mines, shall adopt rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Prescribe requirements, criteria, and procedures for the recertification of a mine foreperson or a foreperson of a nongaseous coal mine who has not worked in an underground coal mine for a period of more than two calendar years;

(2) Prescribe requirements, criteria, and procedures for the retraining of a mine foreperson or a foreperson of a nongaseous coal mine who has not worked in an underground coal mine for a period of one or more calendar years;

(3) Establish fees for the examination and recertification of...
mine forepersons or forepersons of nongaseous coal mines under
this section;

(4) Prescribe any other requirements, criteria, and
procedures that the chief determines are necessary to administer
this section.

(E) Any money collected under this section shall be
paid into the state treasury to the credit of the mining
regulation and safety fund created in section 1561.48 1513.30 of
the Revised Code.

Sec. 1561.18. A person who applies for a certificate as a
foreperson of surface maintenance facilities at underground or
surface mines shall be able to read and write the English language
and shall have had at least three years' actual practical
experience in or around the surface maintenance facilities of
underground or surface mines or the equivalent thereof in the
judgment of the chief of the division of mineral resources
management. Each applicant for examination shall pay a fee of ten
dollars to the chief on the first day of the examination. Any
money collected under this section shall be paid into the
state treasury to the credit of the mining regulation and safety
fund created in section 1561.48 1513.30 of the Revised Code.

Sec. 1561.19. A person who applies for a certificate as a
mine foreperson of surface mines shall be able to read and write
the English language and shall have had at least five years'
actual practical experience in surface mines. An applicant for a
certificate as a foreperson of surface mines shall meet the same
requirements, except that the applicant shall have had at least
three years' actual practical experience in surface mines or the
equivalent thereof in the judgment of the chief of the division of
mineral resources management. Each applicant for examination shall
pay a fee of ten dollars to the chief on the first day of the examination. Any money collected under this section shall be paid into the state treasury to the credit of the mining regulation and safety fund created in section 1513.30 of the Revised Code.

Sec. 1561.20. A person who applies for a certificate as a surface mine blaster shall be able to read and write the English language; shall have had at least one year's actual practical experience in surface mines or the equivalent thereof in the judgment of the chief of the division of mineral resources management; shall have knowledge of the dangers and nature of the use of explosives, related equipment, and blasting techniques; and shall have knowledge of safety laws and rules, including those related to the storage, use, and transportation of explosives. Each applicant for examination shall pay a fee of ten dollars to the chief on the first day of the examination. Any money collected under this section shall be paid into the state treasury to the credit of the mining regulation and safety fund created in section 1513.30 of the Revised Code.

Sec. 1561.21. A person who applies for a certificate as a shot firer shall be able to read and write the English language; shall have had at least one year's actual practical experience in the underground workings of mines or the equivalent thereof in the judgment of the chief of the division of mineral resources management; shall have knowledge of the dangers and nature of noxious and explosive gases; shall have knowledge of the dangers and nature of the use of explosives, related equipment, and blasting techniques; and shall have knowledge of safety laws and rules, including those related to the underground storage, use, and transportation of explosives. Each applicant for examination shall pay a fee of ten dollars to the chief on the first day of
the examination. Any money collected under this section shall be paid into the state treasury to the credit of the mining regulation and safety fund created in section 1513.30 of the Revised Code.

Any person who possesses a mine foreperson or fire boss certificate issued by the chief shall be considered certified as a shot firer.

Sec. 1561.22. A person who applies for a certificate as fire boss shall be able to read and write the English language; shall have had at least three years' actual practical experience in the underground workings of a gaseous mine or the equivalent thereof in the judgment of the chief of the division of mineral resources management; and shall have knowledge of the dangers and nature of noxious and explosive gases gained by actual contact with gas in mines and ventilation of gaseous mines. Each applicant for examination shall pay a fee of ten dollars to the chief on the first day of the examination. Any money collected under this section shall be paid into the state treasury to the credit of the mining regulation and safety fund created in section 1513.30 of the Revised Code.

Sec. 1561.26. (A) As used in this section:

(1) "EMT-basic," "EMT-I," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code.

(2) "Mine medical responder" has the same meaning as in section 1565.15 of the Revised Code.

(B) The superintendent of rescue stations, with the approval of the chief of the division of mineral resources management, shall, at each rescue station provided for in section 1561.25 of the Revised Code, train and employ rescue crews of six members each, one of whom shall hold a mine foreperson or fire boss
certificate and be designated captain, and train and employ any number of such rescue crews as the superintendent believes necessary. One member of a rescue crew shall be certified as an EMT-basic, EMT-I, mine medical responder, or paramedic. Each member of a rescue crew shall devote the time specified by the chief each month for training purposes and shall be available at all times to assist in rescue work at explosions, mine fires, and other emergencies.

A captain of mine rescue crews shall receive for service as captain the sum of twenty-four dollars per month, and each member shall receive the sum of twenty dollars per month, all payable on requisition approved by the chief. When engaged in rescue work at explosions, mine fires, or other emergencies away from their station, the members of the rescue crews and captains of the same shall be paid the sum of six dollars per hour for work on the surface, which includes the time consumed by those members in traveling to and from the scene of the emergency when the scene is away from the station of the members, and the sum of seven dollars per hour for all work underground at the emergency, and in addition thereto, the necessary living expenses of the members when the emergency is away from their home station, all payable on requisition approved by the chief.

Each member of a mine rescue crew shall undergo an annual medical examination. The chief may designate to perform an examination any individual authorized by the Revised Code to do so, including a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife. In designating the individual to perform a medical examination, the chief shall choose one near the station of the member of the rescue crews. The examiner shall report the examination results to the chief and if, in the opinion of the chief, the report indicates that the member is physically unfit for further
services, the chief shall relieve the member from further duty.
The fee charged by the examiner for the examination shall be paid
in the same manner as fees are paid to doctors employed by the
industrial commission for special medical examinations.

The chief may remove any member of a rescue crew for any
reason. Such crews shall be subject to the orders of the chief,
the superintendent, and the deputy mine inspectors when engaged in
actual mine rescue work. Mine rescue crews shall, in case of death
or injury when engaged in rescue work, wherever the same may
occur, be paid compensation, or their dependents shall be paid
death benefits, from the workers' compensation fund, in the same
manner as other employees of the state.

(C) In addition to the training of rescue crews, each
assistant superintendent of rescue stations, with the approval of
the superintendent, shall provide for and conduct safety, first
aid, and rescue classes at any mine or for any group of miners who
make application for the conducting of such classes. The chief may
assess a fee for safety and first aid classes for the purpose of
covering the costs associated with providing those classes. The
chief shall establish a fee schedule for safety and first aid
classes by rule adopted in accordance with Chapter 119. of the
Revised Code. Fees collected under this section shall be deposited
in the surface mining regulation and safety fund created in
section 1514.06 1513.30 of the Revised Code.

The superintendent shall prescribe and provide for a uniform
schedule of conducting such safety and rescue classes as will
provide a competent knowledge of modern safety and rescue methods
in, at, and about mines.

(D) No member of a mine rescue crew who performs mine rescue
at an underground coal mine and no operator of a mine whose
employee participates as a member of such a mine rescue crew is
liable in any civil action that arises under the laws of this
state for damage or injury caused in the performance of rescue 20772
work at an underground coal mine. However, a member of such a mine 20773
rescue crew may be liable if the member acted with malicious 20774
purpose, in bad faith, or in a wanton or reckless manner. 20775

This division does not eliminate, limit, or reduce any 20776
immunity from civil liability that is conferred on a member of 20777
such a mine rescue crew or an operator by any other provision of 20778
the Revised Code or by case law. 20779

**Sec. 1561.45.** Fines collected by reason of prosecutions under 20780
this chapter and Chapters 1563., 1565., and 1567. of the Revised 20781
Code shall be paid to the chief of the division of mineral 20782
resources management, and by the chief paid into the state 20783
treasury to the credit of the mining regulation and safety fund 20784
created in section 1561.48 1513.30 of the Revised Code. 20785

**Sec. 1561.46.** Fees received by the chief of the division of 20786
mineral resources management under sections 1561.16 to 1561.22 of 20787
the Revised Code shall be paid by the chief into the state 20788
treasury to the credit of the mining regulation and safety fund 20789
created in section 1561.48 1513.30 of the Revised Code. 20790

**Sec. 1561.48.** All money collected under sections 20791
1561.14, 1561.16, 1561.17, 1561.18, 1561.19, 1561.20, 1561.21, 20792
1561.22, 1561.45, and 1561.46 of the Revised Code shall be paid 20793
into the state treasury to the credit of the mining regulation and 20794
safety fund, which is hereby created by section 1513.30 of the 20795
Revised Code. The department of natural resources shall use the 20796
money in the fund to pay the operating expenses of the 20797
division of mineral resources management. 20798

**Sec. 1721.01.** A company or association incorporated for 20799
cemetery purposes may appropriate or otherwise acquire, and may 20800
hold, not more than six hundred forty acres of land at any one location, which shall be exempt from execution, and from being appropriated for any public purpose, except as otherwise provided in this section, and from taxation, if held exclusively for cemetery or burial purposes, and with no view to profit. A company or association of that nature may own land at multiple locations, and as many as six hundred forty acres owned at each location in accordance with this section are entitled to the exemptions specified in this section.

Lands of cemetery associations not containing graves or not containing graves that are in use as such on the date a written notice, as provided in this section, is served upon the officers of a cemetery, shall be subject to appropriation for highway or street purposes if an appropriation commences within four years of the serving of the notice. For such purposes said lands shall be subject to the exercise of the right of eminent domain by the municipal corporation in which such lands are located, by the board of county commissioners of the county in which such lands are located, or by the director of transportation under the same conditions and in the same manner as any private property; and, if any burial occurs within the area specifically designated in the written notice, the appropriating agency shall have the same powers with respect to such burial as are given to a board of township trustees by section 517.21 of the Revised Code and shall pay any costs resulting from the exercise of these powers. This section shall not be construed as authorizing an appropriating agency to exercise the powers specified by section 517.21 of the Revised Code in any part of a cemetery other than the area specifically designated in the written notice.

The appropriating agency shall serve upon the officers or agents having control of a cemetery a written notice that a specifically designated area of the cemetery may be needed for
highway purposes. No such notice may be served more than once.

Such appropriation proceedings shall be made in the manner provided for in sections 163.01 to 163.22 of the Revised Code or, if by the director of transportation, as otherwise provided by law.

The board of trustees of such company or association, whenever in its opinion any portion of such lands is unsuitable for burial purposes, may sell and convey by deed in fee simple, in such manner, and upon such terms, as are provided by resolution of such board, any such portion of said lands, and apply the proceeds thereof to the general purposes of the company or association; but on such sale being made, the lands so sold shall be returned by the board to the auditor of the proper county and placed by that auditor upon the grand tax list and duplicate of real and public utility property for taxation.

Such company or association may also take, set aside, or hold any personal property received by it from any source for cemetery purposes; and if such company or association is incorporated not for profit, all personal property, including the income therefrom, owned or held by it, or for its use, for cemetery purposes and with no view to profit, shall be exempt from execution, from being appropriated for any public purpose, and from taxation, and no tax shall be assessed upon any personal property or the income therefrom expressly exempted under this section.

This chapter does not authorize the exemption of real property used for a funeral home or any other activity not permitted to be conducted by a cemetery association exempt from taxation under section 501(c)(13) of the "Internal Revenue Code of 1954," 26 U.S.C.A. 501, or any successor provision.

All exemptions from taxation provided for in this section shall be in addition to such other exemptions from taxation as a
company or association incorporated for cemetery purposes, or its real or personal property, has under any other provisions of the Revised Code.

**Sec. 1721.10.** Except as otherwise provided in this section, lands appropriated and set apart as burial grounds, either for public or for private use, and recorded or filed as such in the office of the county recorder of the county where they are situated, and any burial ground that has been used as such for fifteen years are exempt from sale on execution on a judgment, taxation, dower, and compulsory partition; but land appropriated and set apart as a private burial ground is not so exempt if it exceeds in value the sum of fifty dollars.

The lien for taxes against such burial grounds may be enforced in the same manner prescribed for abandoned lands under sections 323.65 to 323.79 of the Revised Code except that the burial ground may be transferred only to a municipal corporation, county, or township under division (D) of section 323.74 of the Revised Code. No burial ground that is otherwise exempt from sale or execution under this section shall be offered for sale at public auction.

**Sec. 1923.02.** (A) Proceedings under this chapter may be had as follows:

1. Against tenants or manufactured home park residents holding over their terms;

2. Against tenants or manufactured home park residents in possession under an oral tenancy, who are in default in the payment of rent as provided in division (B) of this section;

3. In sales of real estate, on executions, orders, or other judicial process, when the judgment debtor was in possession at the time of the rendition of the judgment or decree, by virtue of
which the sale was made;

(4) In sales by executors, administrators, or guardians, and on partition, when any of the parties to the complaint were in possession at the commencement of the action, after the sales, so made on execution or otherwise, have been examined by the proper court and adjudged legal;

(5) When the defendant is an occupier of lands or tenements, without color of title, and the complainant has the right of possession to them;

(6) In any other case of the unlawful and forcible detention of lands or tenements. For purposes of this division, in addition to any other type of unlawful and forcible detention of lands or tenements, such a detention may be determined to exist when both of the following apply:

(a) A tenant fails to vacate residential premises within three days after both of the following occur:

(i) The tenant's landlord has actual knowledge of or has reasonable cause to believe that the tenant, any person in the tenant's household, or any person on the premises with the consent of the tenant previously has or presently is engaged in a violation of Chapter 2925. or 3719. of the Revised Code, or of a municipal ordinance that is substantially similar to any section in either of those chapters, which involves a controlled substance and which occurred in, is occurring in, or otherwise was or is connected with the premises, whether or not the tenant or other person has been charged with, has pleaded guilty to or been convicted of, or has been determined to be a delinquent child for an act that, if committed by an adult, would be a violation as described in this division. For purposes of this division, a landlord has "actual knowledge of or has reasonable cause to believe" that a tenant, any person in the tenant's household, or
any person on the premises with the consent of the tenant previously has or presently is engaged in a violation as described in this division if a search warrant was issued pursuant to Criminal Rule 41 or Chapter 2933. of the Revised Code; the affidavit presented to obtain the warrant named or described the tenant or person as the individual to be searched and particularly described the tenant's premises as the place to be searched, named or described one or more controlled substances to be searched for and seized, stated substantially the offense under Chapter 2925. or 3719. of the Revised Code or the substantially similar municipal ordinance that occurred in, is occurring in, or otherwise was or is connected with the tenant's premises, and states the factual basis for the affiant's belief that the controlled substances are located on the tenant's premises; the warrant was properly executed by a law enforcement officer and any controlled substance described in the affidavit was found by that officer during the search and seizure; and, subsequent to the search and seizure, the landlord was informed by that or another law enforcement officer of the fact that the tenant or person has or presently is engaged in a violation as described in this division and it occurred in, is occurring in, or otherwise was or is connected with the tenant's premises.

(ii) The landlord gives the tenant the notice required by division (C) of section 5321.17 of the Revised Code.

(b) The court determines, by a preponderance of the evidence, that the tenant, any person in the tenant's household, or any person on the premises with the consent of the tenant previously has or presently is engaged in a violation as described in division (A)(6)(a)(i) of this section.

(7) In cases arising out of Chapter 5313. of the Revised Code. In those cases, the court has the authority to declare a forfeiture of the vendee's rights under a land installment contract.
contract and to grant any other claims arising out of the contract.

(8) Against tenants who have breached an obligation that is imposed by section 5321.05 of the Revised Code, other than the obligation specified in division (A)(9) of that section, and that materially affects health and safety. Prior to the commencement of an action under this division, notice shall be given to the tenant and compliance secured with section 5321.11 of the Revised Code.

(9) Against tenants who have breached an obligation imposed upon them by a written rental agreement;

(10) Against manufactured home park residents who have defaulted in the payment of rent or breached the terms of a rental agreement with a park operator. Nothing in this division precludes the commencement of an action under division (A)(12) of this section when the additional circumstances described in that division apply.

(11) Against manufactured home park residents who have committed two material violations of the rules of the manufactured home park, of the manufactured homes commission division of industrial compliance of the department of commerce, or of applicable state and local health and safety codes and who have been notified of the violations in compliance with section 4781.45 of the Revised Code;

(12) Against a manufactured home park resident, or the estate of a manufactured home park resident, who as a result of death or otherwise has been absent from the manufactured home park for a period of thirty consecutive days prior to the commencement of an action under this division and whose manufactured home or mobile home, or recreational vehicle that is parked in the manufactured home park, has been left unoccupied for that thirty-day period, without notice to the park operator and without payment of rent.
due under the rental agreement with the park operator;

(13) Against occupants of self-service storage facilities, as defined in division (A) of section 5322.01 of the Revised Code, who have breached the terms of a rental agreement or violated section 5322.04 of the Revised Code;

(14) Against any resident or occupant who, pursuant to a rental agreement, resides in or occupies residential premises located within one thousand feet of any school premises or preschool or child day-care center premises and to whom both of the following apply:

(a) The resident's or occupant's name appears on the state registry of sex offenders and child-victim offenders maintained under section 2950.13 of the Revised Code.

(b) The state registry of sex offenders and child-victim offenders indicates that the resident or occupant was convicted of or pleaded guilty to a sexually oriented offense or a child-victim oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for that offense.

(15) Against any tenant who permits any person to occupy residential premises located within one thousand feet of any school premises or preschool or child day-care center premises if both of the following apply to the person:

(a) The person's name appears on the state registry of sex offenders and child-victim offenders maintained under section 2950.13 of the Revised Code.

(b) The state registry of sex offenders and child-victim offenders indicates that the person was convicted of or pleaded guilty to a sexually oriented offense or a child-victim oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for that offense.
(B) If a tenant or manufactured home park resident holding
under an oral tenancy is in default in the payment of rent, the
tenant or resident forfeits the right of occupancy, and the
landlord may, at the landlord's option, terminate the tenancy by
notifying the tenant or resident, as provided in section 1923.04
of the Revised Code, to leave the premises, for the restitution of
which an action may then be brought under this chapter.

(C)(1) If a tenant or any other person with the tenant's
permission resides in or occupies residential premises that are
located within one thousand feet of any school premises and is a
resident or occupant of the type described in division (A)(14) of
this section or a person of the type described in division (A)(15)
of this section, the landlord for those residential premises, upon
discovery that the tenant or other person is a resident, occupant,
or person of that nature, may terminate the rental agreement or
tenancy for those residential premises by notifying the tenant and
all other occupants, as provided in section 1923.04 of the Revised
Code, to leave the premises.

(2) If a landlord is authorized to terminate a rental
agreement or tenancy pursuant to division (C)(1) of this section
but does not so terminate the rental agreement or tenancy, the
landlord is not liable in a tort or other civil action in damages
for any injury, death, or loss to person or property that
allegedly result from that decision.

(D) This chapter does not apply to a student tenant as
defined by division (H) of section 5321.01 of the Revised Code
when the college or university proceeds to terminate a rental
agreement pursuant to section 5321.031 of the Revised Code.

Sec. 2135.01. As used in sections 2135.01 to 2135.14 of the
Revised Code:

(A) "Adult" means a person who is eighteen years of age or
(B) "Capacity to consent to mental health treatment decisions" means the functional ability to understand information about the risks of, benefits of, and alternatives to the proposed mental health treatment, to rationally use that information, to appreciate how that information applies to the declarant, and to express a choice about the proposed treatment.

(C) "Declarant" means an adult who has executed a declaration for mental health treatment in accordance with this chapter.

(D) "Declaration for mental health treatment" or "declaration" means a written document declaring preferences or instructions regarding mental health treatment executed in accordance with this chapter.

(E) "Designated physician" means the physician the declarant has named in a declaration for mental health treatment and has assigned the primary responsibility for the declarant's mental health treatment or, if the declarant has not so named a physician, the physician who has accepted that responsibility.

(F) "Guardian" means a person appointed by a probate court pursuant to Chapter 2111. of the Revised Code to have the care and management of the person of an incompetent.

(G) "Health care" means any care, treatment, service, or procedure to maintain, diagnose, or treat an individual's physical or mental condition or physical or mental health.

(H) "Health care facility" has the same meaning as in section 1337.11 of the Revised Code.

(I) "Incompetent" has the same meaning as in section 2111.01 of the Revised Code.

(J) "Informed consent" means consent voluntarily given by a person after a sufficient explanation and disclosure of the
subject matter involved to enable that person to have a general understanding of the nature, purpose, and goal of the treatment or procedures, including the substantial risks and hazards inherent in the proposed treatment or procedures and any alternative treatment or procedures, and to make a knowing health care decision without coercion or undue influence.

(K) "Medical record" means any document or combination of documents that pertains to a declarant's medical history, diagnosis, prognosis, or medical condition and that is generated and maintained in the process of the declarant's health care.

(L) "Mental health treatment" means any care, treatment, service, or procedure to maintain, diagnose, or treat an individual's mental condition or mental health, including, but not limited to, electroconvulsive or other convulsive treatment, treatment of mental illness with medication, and admission to and retention in a health care facility.

(M) "Mental health treatment decision" means informed consent, refusal to give informed consent, or withdrawal of informed consent to mental health treatment.

(N) "Mental health treatment provider" means physicians, physician assistants, psychologists, licensed independent social workers, licensed professional clinical counselors, and psychiatric nurses.

(O) "Physician" means a person who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(P) "Professional disciplinary action" means action taken by the board or other entity that regulates the professional conduct of health care personnel, including, but not limited to, the state medical board, the state behavioral health and social work board of psychology, and the state board of nursing.
(Q) "Proxy" means an adult designated to make mental health treatment decisions for a declarant under a valid declaration for mental health treatment.

(R) "Psychiatric nurse" means a registered nurse who holds a master's degree or doctorate in nursing with a specialization in psychiatric nursing.

(S) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.

(T) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.

(U) "Registered nurse" has the same meaning as in section 4723.01 of the Revised Code.

(V) "Tort action" means a civil action for damages for injury, death, or loss to person or property, other than a civil action for damages for a breach of contract or another agreement between persons.

Sec. 2151.43. In cases against an adult under sections 2151.01 to 2151.54 of the Revised Code, any person may file an affidavit with the clerk of the juvenile court setting forth briefly, in plain and ordinary language, the charges against the accused who shall be tried thereon. When the child is a recipient of aid pursuant to Chapter 5107. or 5115. of the Revised Code, the county department of job and family services shall file charges against any person who fails to provide support to a child in violation of section 2919.21 of the Revised Code, unless the department files charges under section 3113.06 of the Revised Code, or unless charges of nonsupport are filed by a relative or guardian of the child, or unless action to enforce support is brought under Chapter 3115. of the Revised Code.

In such prosecution an indictment by the grand jury or
information by the prosecuting attorney shall not be required. The clerk shall issue a warrant for the arrest of the accused, who, when arrested, shall be taken before the juvenile judge and tried according to such sections.

The affidavit may be amended at any time before or during the trial.

The judge may bind such adult over to the grand jury, where the act complained of constitutes a felony.

Sec. 2151.49. In every case of conviction under sections 2151.01 to 2151.54 of the Revised Code, where imprisonment is imposed as part of the punishment, the juvenile judge may suspend sentence, before or during commitment, upon such condition as the juvenile judge imposes. In the case of conviction for nonsupport of a child who is receiving aid under Chapter 5107. of the Revised Code, if the juvenile judge suspends sentence on condition that the person make payments for support, the payment shall be made to the county department of job and family services rather than to the child or custodian of the child.

The court, in accordance with sections 3119.29 to 3119.56 of the Revised Code, shall include in each support order made under this section the requirement that one or both of the parents provide for the health care needs of the child to the satisfaction of the court.

Sec. 2301.56. (A) A facility governing board that proposes or establishes one or more community-based correctional facilities and programs or district community-based correctional facilities and programs may apply to the division of parole and community services of the department of rehabilitation and correction for state financial assistance for the cost of renovation, maintenance, and operation of any of the facilities and programs.
If the facility governing board has proposed or established more than one facility and program and if it desires state financial assistance for more than one of the facilities and programs, the board shall submit a separate application for each facility and program for which it desires the financial assistance.

An application for state financial assistance under this section may be made when the facility governing board submits for approval of the division of parole and community services its proposal for the establishment of the facility and program in question under division (B) of section 2301.51 of the Revised Code, or at any time after the division has approved the proposal. All applications for state financial assistance for proposed or approved facilities and programs shall be made on forms that are prescribed and furnished by the department of rehabilitation and correction, and in accordance with section 5120.112 of the Revised Code.

(B) The facility governing board may submit a request for funding of some or all of its community-based correctional facilities and programs or district community-based correctional facilities and programs to the board of county commissioners of the county, if the facility governing board serves a community-based correctional facility and program, or to the boards of county commissioners of all of the member counties, if the facility governing board serves a district community-based correctional facility and program. The board or boards may appropriate, but are not required to appropriate, a sum of money for funding all aspects of each facility and program as outlined in sections 2301.51 to 2301.58 of the Revised Code. The facility governing board has no recourse against a board or boards of county commissioners if the board or boards of county commissioners do not appropriate money for funding any facility and program or if they appropriate money for funding a facility.
and program in an amount less than the total amount of the submitted request for funding.

(C) Pursuant to section 2929.37 of the Revised Code, a board of county commissioners may require a person who was convicted of an offense and who is confined in a community-based correctional facility or district community-based correctional facility as provided in sections 2301.51 to 2301.58 of the Revised Code to reimburse the county for its expenses incurred by reason of the person's confinement.

(D)(1) Community-based correctional facilities and programs and district community-based correctional facilities and programs are public offices under section 117.01 of the Revised Code and are subject to audit under section 117.10 of the Revised Code. The audits of the facilities and programs shall include financial audits and, in addition, in the circumstances specified in this division, performance audits by the auditor of state. If a private or nonprofit entity performs the day-to-day operation of any community-based correctional facility and program or district community-based correctional facility and program, the private or nonprofit entity also is subject to financial audits under section 117.10 of the Revised Code, and, in addition, in the circumstances specified in this division, to performance audits by the auditor of state. The auditor of state shall conduct the performance audits of a facility and program and of an entity required under section 117.10 of the Revised Code and this division and, notwithstanding the time period for audits specified in section 117.11 of the Revised Code, shall conduct the financial audits of a facility and program and of an entity required under section 117.10 of the Revised Code and this division, in accordance with the following criteria:

(a) For each facility and program and each entity, the auditor of state shall conduct the initial financial audit within
two years after March 31, 2003, or, if the facility and program in question is established on or after March 31, 2003, within two years after the date on which it is established.

(b) After the initial financial audit described in division (D)(1)(a) of this section, for each facility and program and each entity, the auditor of state shall conduct the financial audits of the facility and program or the entity at least once every two fiscal years.

(c) At any time after March 31, 2003, regarding a facility and program or regarding an entity that performs the day-to-day operation of a facility and program, the department of rehabilitation and correction or the facility governing board that established the facility and program may request, or the auditor of state on its own initiative may undertake, a performance audit of the facility and program or the entity. Upon the receipt of the request, or upon the auditor of state's own initiative as described in this division, the auditor of state shall conduct a performance audit of the facility and program or the entity.

(2) The department of rehabilitation and correction Each community-based correctional facility and program, district community-based correctional facility and program, and, to the extent that information is available, private or nonprofit entity that performs the day-to-day operation of any community-based correctional facility and program or district community-based correctional facility and program shall prepare and provide to the auditor of state quarterly an annual financial reports for each community-based correctional facility and program, for each district community-based correctional facility and program, and, to the extent that information is available, for each private or nonprofit entity that performs the day to day operation of any community-based correctional facility and program or district community-based correctional facility and program. Each report
shall cover a three-month period and shall be provided to the auditor of state not later than fifteen days after the end of the period covered by the report in accordance with section 117.38 of the Revised Code.

Sec. 2305.113. (A) Except as otherwise provided in this section, an action upon a medical, dental, optometric, or chiropractic claim shall be commenced within one year after the cause of action accrued.

(B)(1) If prior to the expiration of the one-year period specified in division (A) of this section, a claimant who allegedly possesses a medical, dental, optometric, or chiropractic claim gives to the person who is the subject of that claim written notice that the claimant is considering bringing an action upon that claim, that action may be commenced against the person notified at any time within one hundred eighty days after the notice is so given.

(2) An insurance company shall not consider the existence or nonexistence of a written notice described in division (B)(1) of this section in setting the liability insurance premium rates that the company may charge the company's insured person who is notified by that written notice.

(C) Except as to persons within the age of minority or of unsound mind as provided by section 2305.16 of the Revised Code, and except as provided in division (D) of this section, both of the following apply:

(1) No action upon a medical, dental, optometric, or chiropractic claim shall be commenced more than four years after the occurrence of the act or omission constituting the alleged basis of the medical, dental, optometric, or chiropractic claim.

(2) If an action upon a medical, dental, optometric, or...
chiropractic claim is not commenced within four years after the occurrence of the act or omission constituting the alleged basis of the medical, dental, optometric, or chiropractic claim, then, any action upon that claim is barred.

(D)(1) If a person making a medical claim, dental claim, optometric claim, or chiropractic claim, in the exercise of reasonable care and diligence, could not have discovered the injury resulting from the act or omission constituting the alleged basis of the claim within three years after the occurrence of the act or omission, but, in the exercise of reasonable care and diligence, discovers the injury resulting from that act or omission before the expiration of the four-year period specified in division (C)(1) of this section, the person may commence an action upon the claim not later than one year after the person discovers the injury resulting from that act or omission.

(2) If the alleged basis of a medical claim, dental claim, optometric claim, or chiropractic claim is the occurrence of an act or omission that involves a foreign object that is left in the body of the person making the claim, the person may commence an action upon the claim not later than one year after the person discovered the foreign object or not later than one year after the person, with reasonable care and diligence, should have discovered the foreign object.

(3) A person who commences an action upon a medical claim, dental claim, optometric claim, or chiropractic claim under the circumstances described in division (D)(1) or (2) of this section has the affirmative burden of proving, by clear and convincing evidence, that the person, with reasonable care and diligence, could not have discovered the injury resulting from the act or omission constituting the alleged basis of the claim within the three-year period described in division (D)(1) of this section or within the one-year period described in division (D)(2) of this
section, whichever is applicable.

(E) As used in this section:

(1) "Hospital" includes any person, corporation, association, board, or authority that is responsible for the operation of any hospital licensed or registered in the state, including, but not limited to, those that are owned or operated by the state, political subdivisions, any person, any corporation, or any combination of the state, political subdivisions, persons, and corporations. "Hospital" also includes any person, corporation, association, board, entity, or authority that is responsible for the operation of any clinic that employs a full-time staff of physicians practicing in more than one recognized medical specialty and rendering advice, diagnosis, care, and treatment to individuals. "Hospital" does not include any hospital operated by the government of the United States or any of its branches.

(2) "Physician" means a person who is licensed to practice medicine and surgery or osteopathic medicine and surgery by the state medical board or a person who otherwise is authorized to practice medicine and surgery or osteopathic medicine and surgery in this state.

(3) "Medical claim" means any claim that is asserted in any civil action against a physician, podiatrist, hospital, home, or residential facility, against any employee or agent of a physician, podiatrist, hospital, home, or residential facility, or against a licensed practical nurse, registered nurse, advanced practice registered nurse, physical therapist, physician assistant, emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic, and that arises out of the medical diagnosis, care, or treatment of any person. "Medical claim" includes the following:
(a) Derivative claims for relief that arise from the plan of care, medical diagnosis, or treatment of a person;

(b) Claims that arise out of the plan of care, medical diagnosis, or treatment of any person and to which either of the following applies:

(i) The claim results from acts or omissions in providing medical care.

(ii) The claim results from the hiring, training, supervision, retention, or termination of caregivers providing medical diagnosis, care, or treatment.

(c) Claims that arise out of the plan of care, medical diagnosis, or treatment of any person and that are brought under section 3721.17 of the Revised Code;

(d) Claims that arise out of skilled nursing care or personal care services provided in a home pursuant to the plan of care, medical diagnosis, or treatment.

(4) "Podiatrist" means any person who is licensed to practice podiatric medicine and surgery by the state medical board.

(5) "Dentist" means any person who is licensed to practice dentistry by the state dental board.

(6) "Dental claim" means any claim that is asserted in any civil action against a dentist, or against any employee or agent of a dentist, and that arises out of a dental operation or the dental diagnosis, care, or treatment of any person. "Dental claim" includes derivative claims for relief that arise from a dental operation or the dental diagnosis, care, or treatment of a person.

(7) "Derivative claims for relief" include, but are not limited to, claims of a parent, guardian, custodian, or spouse of an individual who was the subject of any medical diagnosis, care, or treatment, dental diagnosis, care, or treatment, dental
operation, optometric diagnosis, care, or treatment, or chiropractic diagnosis, care, or treatment, that arise from that diagnosis, care, treatment, or operation, and that seek the recovery of damages for any of the following:

(a) Loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, or education, or any other intangible loss that was sustained by the parent, guardian, custodian, or spouse;

(b) Expenditures of the parent, guardian, custodian, or spouse for medical, dental, optometric, or chiropractic care or treatment, for rehabilitation services, or for other care, treatment, services, products, or accommodations provided to the individual who was the subject of the medical diagnosis, care, or treatment, the dental diagnosis, care, or treatment, the dental operation, the optometric diagnosis, care, or treatment, or the chiropractic diagnosis, care, or treatment.

(8) "Registered nurse" means any person who is licensed to practice nursing as a registered nurse by the board of nursing.

(9) "Chiropractic claim" means any claim that is asserted in any civil action against a chiropractor, or against any employee or agent of a chiropractor, and that arises out of the chiropractic diagnosis, care, or treatment of any person. "Chiropractic claim" includes derivative claims for relief that arise from the chiropractic diagnosis, care, or treatment of a person.

(10) "Chiropractor" means any person who is licensed to practice chiropractic by the state chiropractic board.

(11) "Optometric claim" means any claim that is asserted in any civil action against an optometrist, or against any employee or agent of an optometrist, and that arises out of the optometric diagnosis, care, or treatment of any person. "Optometric claim"
includes derivative claims for relief that arise from the  
opptic care, or treatment of a person.  

(12) "Optometrist" means any person licensed to practice  
optometry by the state board of optometry vision and hearing  
professionals board.  

(13) "Physical therapist" means any person who is licensed to  
practice physical therapy under Chapter 4755. of the Revised Code.  

(14) "Home" has the same meaning as in section 3721.10 of the  
Revised Code.  

(15) "Residential facility" means a facility licensed under  
section 5123.19 of the Revised Code.  

(16) "Advanced practice registered nurse" has the same  
meaning as in section 4723.01 of the Revised Code.  

(17) "Licensed practical nurse" means any person who is  
licensed to practice nursing as a licensed practical nurse by the  
board of nursing pursuant to Chapter 4723. of the Revised Code.  

(18) "Physician assistant" means any person who is licensed  
as a physician assistant under Chapter 4730. of the Revised Code.  

(19) "Emergency medical technician-basic," "emergency medical  
technician-intermediate," and "emergency medical  
technician-paramedic" means any person who is certified under  
Chapter 4765. of the Revised Code as an emergency medical  
technician-basic, emergency medical technician-intermediate, or  
extreme medical technician-paramedic, whichever is applicable.  

(20) "Skilled nursing care" and "personal care services" have  
the same meanings as in section 3721.01 of the Revised Code.  

Sec. 2329.66. (A) Every person who is domiciled in this state  
may hold property exempt from execution, garnishment, attachment,  
or sale to satisfy a judgment or order, as follows:
(1)(a) In the case of a judgment or order regarding money owed for health care services rendered or health care supplies provided to the person or a dependent of the person, one parcel or item of real or personal property that the person or a dependent of the person uses as a residence. Division (A)(1)(a) of this section does not preclude, affect, or invalidate the creation under this chapter of a judgment lien upon the exempted property but only delays the enforcement of the lien until the property is sold or otherwise transferred by the owner or in accordance with other applicable laws to a person or entity other than the surviving spouse or surviving minor children of the judgment debtor. Every person who is domiciled in this state may hold exempt from a judgment lien created pursuant to division (A)(1)(a) of this section the person's interest, not to exceed one hundred twenty-five thousand dollars, in the exempted property.

(b) In the case of all other judgments and orders, the person's interest, not to exceed one hundred twenty-five thousand dollars, in one parcel or item of real or personal property that the person or a dependent of the person uses as a residence.

(c) For purposes of divisions (A)(1)(a) and (b) of this section, "parcel" means a tract of real property as identified on the records of the auditor of the county in which the real property is located.

(2) The person's interest, not to exceed three thousand two hundred twenty-five dollars, in one motor vehicle;

(3) The person's interest, not to exceed four hundred dollars, in cash on hand, money due and payable, money to become due within ninety days, tax refunds, and money on deposit with a bank, savings and loan association, credit union, public utility, landlord, or other person, other than personal earnings.

(4)(a) The person's interest, not to exceed five hundred
twenty-five dollars in any particular item or ten thousand seven hundred seventy-five dollars in aggregate value, in household furnishings, household goods, wearing apparel, appliances, books, animals, crops, musical instruments, firearms, and hunting and fishing equipment that are held primarily for the personal, family, or household use of the person;

(b) The person's aggregate interest in one or more items of jewelry, not to exceed one thousand three hundred fifty dollars, held primarily for the personal, family, or household use of the person or any of the person's dependents.

(5) The person's interest, not to exceed an aggregate of two thousand twenty-five dollars, in all implements, professional books, or tools of the person's profession, trade, or business, including agriculture;

(6)(a) The person's interest in a beneficiary fund set apart, appropriated, or paid by a benevolent association or society, as exempted by section 2329.63 of the Revised Code;

(b) The person's interest in contracts of life or endowment insurance or annuities, as exempted by section 3911.10 of the Revised Code;

(c) The person's interest in a policy of group insurance or the proceeds of a policy of group insurance, as exempted by section 3917.05 of the Revised Code;

(d) The person's interest in money, benefits, charity, relief, or aid to be paid, provided, or rendered by a fraternal benefit society, as exempted by section 3921.18 of the Revised Code;

(e) The person's interest in the portion of benefits under policies of sickness and accident insurance and in lump sum payments for dismemberment and other losses insured under those policies, as exempted by section 3923.19 of the Revised Code.
(7) The person's professionally prescribed or medically necessary health aids;

(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;

(9) The person's interest in the following:

(a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;

(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;

(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;

(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;

(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;

(f) Disability financial assistance payments, as exempted by section 5115.06 of the Revised Code;

(g) Payments under section 24 or 32 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.

(10) (a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C)(2)(b) of that section, in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, in cases in which an order for forfeiture was issued under division (A) or (B) of section 2929.192 of the Revised Code, and in cases in which an order was issued under section 2929.193 or 2929.194 of the Revised Code, and
only to the extent provided in the order, and except as provided in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's rights to or interests in a pension, benefit, annuity, retirement allowance, or accumulated contributions, the person's rights to or interests in a participant account in any deferred compensation program offered by the Ohio public employees deferred compensation board, a government unit, or a municipal corporation, or the person's other accrued or accruing rights or interests, as exempted by section 143.11, 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of the Revised Code, and the person's rights to or interests in benefits from the Ohio public safety officers death benefit fund;

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's rights to receive or interests in receiving a payment or other benefits under any pension, annuity, or similar plan or contract, not including a payment or benefit from a stock bonus or profit-sharing plan or a payment included in division (A)(6)(b) or (10)(a) of this section, on account of illness, disability, death, age, or length of service, to the extent reasonably necessary for the support of the person and any of the person's dependents, except if all the following apply:

(i) The plan or contract was established by or under the auspices of an insider that employed the person at the time the person's rights or interests under the plan or contract arose.

(ii) The payment is on account of age or length of service.

(iii) The plan or contract is not qualified under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.

(c) Except for any portion of the assets that were deposited...
for the purpose of evading the payment of any debt and except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's rights or interests in the assets held in, or to directly or indirectly receive any payment or benefit under, any individual retirement account, individual retirement annuity, "Roth IRA," account opened pursuant to a program administered by a state under section 529 or 529A of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, or education individual retirement account that provides payments or benefits by reason of illness, disability, death, retirement, or age or provides payments or benefits for purposes of education or qualified disability expenses, to the extent that the assets, payments, or benefits described in division (A)(10)(c) of this section are attributable to or derived from any of the following or from any earnings, dividends, interest, appreciation, or gains on any of the following:

(i) Contributions of the person that were less than or equal to the applicable limits on deductible contributions to an individual retirement account or individual retirement annuity in the year that the contributions were made, whether or not the person was eligible to deduct the contributions on the person's federal tax return for the year in which the contributions were made;

(ii) Contributions of the person that were less than or equal to the applicable limits on contributions to a Roth IRA or education individual retirement account in the year that the contributions were made;

(iii) Contributions of the person that are within the applicable limits on rollover contributions under subsections 219, 402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended;
(iv) Contributions by any person into any plan, fund, or account that is formed, created, or administered pursuant to, or is otherwise subject to, section 529 or 529A of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.

(d) Except for any portion of the assets that were deposited for the purpose of evading the payment of any debt and except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's rights or interests in the assets held in, or to receive any payment under, any Keogh or "H.R. 10" plan that provides benefits by reason of illness, disability, death, retirement, or age, to the extent reasonably necessary for the support of the person and any of the person's dependents.

(e) The person's rights to or interests in any assets held in, or to directly or indirectly receive any payment or benefit under, any individual retirement account, individual retirement annuity, "Roth IRA," account opened pursuant to a program administered by a state under section 529 or 529A of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, or education individual retirement account that a decedent, upon or by reason of the decedent's death, directly or indirectly left to or for the benefit of the person, either outright or in trust or otherwise, including, but not limited to, any of those rights or interests in assets or to receive payments or benefits that were transferred, conveyed, or otherwise transmitted by the decedent by means of a will, trust, exercise of a power of appointment, beneficiary designation, transfer or payment on death designation, or any other method or procedure.

(f) The exemptions under divisions (A)(10)(a) to (e) of this section also shall apply or otherwise be available to an alternate payee under a qualified domestic relations order (QDRO) or other similar court order.
(g) A person's interest in any plan, program, instrument, or device described in divisions (A)(10)(a) to (e) of this section shall be considered an exempt interest even if the plan, program, instrument, or device in question, due to an error made in good faith, failed to satisfy any criteria applicable to that plan, program, instrument, or device under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.

(11) The person's right to receive spousal support, child support, an allowance, or other maintenance to the extent reasonably necessary for the support of the person and any of the person's dependents;

(12) The person's right to receive, or moneys received during the preceding twelve calendar months from, any of the following:

(a) An award of reparations under sections 2743.51 to 2743.72 of the Revised Code, to the extent exempted by division (D) of section 2743.66 of the Revised Code;

(b) A payment on account of the wrongful death of an individual of whom the person was a dependent on the date of the individual's death, to the extent reasonably necessary for the support of the person and any of the person's dependents;

(c) Except in cases in which the person who receives the payment is an inmate, as defined in section 2969.21 of the Revised Code, and in which the payment resulted from a civil action or appeal against a government entity or employee, as defined in section 2969.21 of the Revised Code, a payment, not to exceed twenty thousand two hundred dollars, on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the person or an individual for whom the person is a dependent;

(d) A payment in compensation for loss of future earnings of the person or an individual of whom the person is or was a
dependent, to the extent reasonably necessary for the support of the debtor and any of the debtor's dependents.

(13) Except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, personal earnings of the person owed to the person for services in an amount equal to the greater of the following amounts:

(a) If paid weekly, thirty times the current federal minimum hourly wage; if paid biweekly, sixty times the current federal minimum hourly wage; if paid semimonthly, sixty-five times the current federal minimum hourly wage; or if paid monthly, one hundred thirty times the current federal minimum hourly wage that is in effect at the time the earnings are payable, as prescribed by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C. 206(a)(1), as amended;

(b) Seventy-five per cent of the disposable earnings owed to the person.

(14) The person's right in specific partnership property, as exempted by the person's rights in a partnership pursuant to section 1776.50 of the Revised Code, except as otherwise set forth in section 1776.50 of the Revised Code;

(15) A seal and official register of a notary public, as exempted by section 147.04 of the Revised Code;

(16) The person's interest in a tuition unit or a payment under section 3334.09 of the Revised Code pursuant to a tuition payment contract, as exempted by section 3334.15 of the Revised Code;

(17) Any other property that is specifically exempted from execution, attachment, garnishment, or sale by federal statutes other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 U.S.C.A. 101, as amended;
(18) The person's aggregate interest in any property, not to exceed one thousand seventy-five dollars, except that division (A)(18) of this section applies only in bankruptcy proceedings.

(B) On April 1, 2010, and on the first day of April in each third calendar year after 2010, the Ohio judicial conference shall adjust each dollar amount set forth in this section to reflect any increase in the consumer price index for all urban consumers, as published by the United States department of labor, or, if that index is no longer published, a generally available comparable index, for the three-year period ending on the thirty-first day of December of the preceding year. Any adjustments required by this division shall be rounded to the nearest twenty-five dollars.

The Ohio judicial conference shall prepare a memorandum specifying the adjusted dollar amounts. The judicial conference shall transmit the memorandum to the director of the legislative service commission, and the director shall publish the memorandum in the register of Ohio. (Publication of the memorandum in the register of Ohio shall continue until the next memorandum specifying an adjustment is so published.) The judicial conference also may publish the memorandum in any other manner it concludes will be reasonably likely to inform persons who are affected by its adjustment of the dollar amounts.

(C) As used in this section:

(1) "Disposable earnings" means net earnings after the garnishee has made deductions required by law, excluding the deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the Revised Code.

(2) "Insider" means:

(a) If the person who claims an exemption is an individual, a relative of the individual, a relative of a general partner of the individual, a partnership in which the individual is a general
partner, a general partner of the individual, or a corporation of which the individual is a director, officer, or in control;

(b) If the person who claims an exemption is a corporation, a director or officer of the corporation; a person in control of the corporation; a partnership in which the corporation is a general partner; a general partner of the corporation; or a relative of a general partner, director, officer, or person in control of the corporation;

(c) If the person who claims an exemption is a partnership, a general partner in the partnership; a general partner of the partnership; a person in control of the partnership; a partnership in which the partnership is a general partner; or a relative in, a general partner of, or a person in control of the partnership;

(d) An entity or person to which or whom any of the following applies:

(i) The entity directly or indirectly owns, controls, or holds with power to vote, twenty per cent or more of the outstanding voting securities of the person who claims an exemption, unless the entity holds the securities in a fiduciary or agency capacity without sole discretionary power to vote the securities or holds the securities solely to secure to debt and the entity has not in fact exercised the power to vote.

(ii) The entity is a corporation, twenty per cent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the person who claims an exemption or by an entity to which division (C)(2)(d)(i) of this section applies.

(iii) A person whose business is operated under a lease or operating agreement by the person who claims an exemption, or a person substantially all of whose business is operated under an operating agreement with the person who claims an exemption.
(iv) The entity operates the business or all or substantially all of the property of the person who claims an exemption under a lease or operating agreement.

(e) An insider, as otherwise defined in this section, of a person or entity to which division (C)(2)(d)(i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption;

(f) A managing agent of the person who claims an exemption.

(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code.

(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code.

(D) For purposes of this section, "interest" shall be determined as follows:

(1) In bankruptcy proceedings, as of the date a petition is filed with the bankruptcy court commencing a case under Title 11 of the United States Code;

(2) In all cases other than bankruptcy proceedings, as of the date of an appraisal, if necessary under section 2329.68 of the Revised Code, or the issuance of a writ of execution.

An interest, as determined under division (D)(1) or (2) of this section, shall not include the amount of any lien otherwise valid pursuant to section 2329.661 of the Revised Code.

Sec. 2743.75. (A) In order to provide for an expeditious and economical procedure that attempts to resolve disputes alleging a denial of access to public records in violation of division (B) of section 149.43 of the Revised Code, except for a court that hears a mandamus action pursuant to that section, the court of claims shall be the sole and exclusive authority in this state that adjudicates or resolves complaints based on alleged violations of
that section. The clerk of the court of claims shall designate one or more current employees or hire one or more individuals to serve as special masters to hear complaints brought under this section. All special masters shall have been engaged in the practice of law in this state for at least four years and be in good standing with the supreme court at the time of designation or hiring. The clerk may assign administrative and clerical work associated with complaints brought under this section to current employees or may hire such additional employees as may be necessary to perform such work.

(B) The clerk of the court of common pleas in each county shall act as the clerk of the court of claims for purposes of accepting those complaints filed with the clerk under division (D)(1) of this section, accepting filing fees for those complaints, and serving those complaints.

(C)(1) Subject to division (C)(2) of this section, a person allegedly aggrieved by a denial of access to public records in violation of division (B) of section 149.43 of the Revised Code may seek relief under that section or under this section, provided, however, that if the allegedly aggrieved person files a complaint under either section, that person may not seek relief that pertains to the same request for records in a complaint filed under the other section.

(2) If the allegedly aggrieved person files a complaint under this section and the court of claims determines that the complaint constitutes a case of first impression that involves an issue of substantial public interest, the court shall dismiss the complaint without prejudice and direct the allegedly aggrieved person to commence a mandamus action in the court of appeals with appropriate jurisdiction as provided in division (C)(1) of section 149.43 of the Revised Code.
(D)(1) An allegedly aggrieved person who proceeds under this section shall file a complaint, on a form prescribed by the clerk of the court of claims, with the clerk of the court of claims or with the clerk of the court of common pleas of the county in which the public office from which the records are requested is located. The person shall attach to the complaint copies of the original records request and any written responses or other communications relating to the request from the public office or person responsible for public records and shall pay a filing fee of twenty-five dollars made payable to the clerk of the court with whom the complaint is filed. The clerk shall serve a copy of the complaint on the public office or person responsible for public records for the particular public office in accordance with Civil Rule 4.1 and, if the complaint is filed with the clerk of the court of common pleas, shall forward the complaint to the clerk of the court of claims, and to no other court, within three business days after service is complete.

(2) Upon receipt of a complaint filed under division (D)(1) of this section, the clerk of the court of claims shall assign a case number for the action and a special master to examine the complaint. Notwithstanding any provision to the contrary in this section, upon the recommendation of the special master, the court of claims on its own motion may dismiss the complaint at any time. The allegedly aggrieved person may voluntarily dismiss the complaint filed by that person under division (D)(1) of this section.

(E)(1) Upon service of a complaint under division (D)(1) of this section, except as otherwise provided in this division, the special master assigned by the clerk under division (D)(2) of this section immediately shall refer the case to mediation services that the court of claims makes available to persons. If, in the interest of justice considering the circumstances of the case or

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the parties, the special master determines that the case should not be referred to mediation, the special master shall notify the court that the case was not referred to mediation, and the case shall proceed in accordance with division (F) of this section. If the case is referred to mediation, any further proceedings under division (F) of this section shall be stayed until the conclusion of the mediation. Any mediation proceedings under this division may be conducted by teleconference, telephone, or other electronic means. If an agreement is reached during mediation, the court shall dismiss the complaint. If an agreement is not reached, the special master shall notify the court that the case was not resolved and that the mediation has been terminated.

(2) Within ten business days after the termination of the mediation or the notification to the court that the case was not referred to mediation under division (E)(1) of this section, the public office or person responsible for public records shall file a response, and if applicable, a motion to dismiss the complaint, with the clerk of the court of claims and transmit copies of the pleadings to the allegedly aggrieved party. No further motions or pleadings shall be accepted by the clerk of the court of claims or by the special master assigned by the clerk under division (D)(2) of this section unless the special master directs in writing that a further motion or pleading be filed.

(3) All of the following apply prior to the submission of the special master's report and recommendation to the court of claims under division (F)(1) of this section:

(a) The special master shall not permit any discovery.

(b) The parties may attach supporting affidavits to their respective pleadings.

(c) The special master may require either or both of the parties to submit additional information or documentation.
supported by affidavits.

(F)(1) Not later than seven business days after receiving the response, or motion to dismiss the complaint, if applicable, of the public office or person responsible for public records, the special master shall submit to the court of claims a report and recommendation based on the ordinary application of statutory law and case law as they existed at the time of the filing of the complaint. For good cause shown, the special master may extend the seven-day period for the submission of the report and recommendation to the court of claims under this division by an additional seven business days.

(2) Upon submission of the special master's report and recommendation to the court of claims under division (F)(1) of this section, the clerk shall send copies of the report and recommendation to each party by certified mail, return receipt requested, not later than three business days after the report and recommendation is filed. Either party may object to the report and recommendation within seven business days after receiving the report and recommendation by filing a written objection with the clerk and sending a copy to the other party by certified mail, return receipt requested. Any objection to the report and recommendation shall be specific and state with particularity all grounds for the objection. If neither party timely objects, the court of claims shall promptly issue a final order adopting the report and recommendation, unless it determines that there is an error of law or other defect evident on the face of the report and recommendation. If either party timely objects, the other party may file with the clerk a response within seven business days after receiving the objection and send a copy of the response to the objecting party by certified mail, return receipt requested. The court, within seven business days after the response to the objection is filed, shall issue a final order that adopts,
modifies, or rejects the report and recommendation.

(3) If the court of claims determines that the public office or person responsible for the public records denied the aggrieved person access to the public records in violation of division (B) of section 149.43 of the Revised Code and if no appeal from the court's final order is taken under division (G) of this section, both of the following apply:

(a) The public office or the person responsible for the public records shall permit the aggrieved person to inspect or receive copies of the public records that the court requires to be disclosed in its order.

(b) The aggrieved person shall be entitled to recover from the public office or person responsible for the public records the amount of the filing fee of twenty-five dollars and any other costs associated with the action that are incurred by the aggrieved person, but shall not be entitled to recover attorney's fees, except that division (G)(2) of this section applies if an appeal is taken under division (G)(1) of this section.

(G)(1) Any appeal from a final order of the court of claims under this section or from an order of the court of claims dismissing the complaint as provided in division (D)(2) of this section shall be taken to the court of appeals of the appellate district where the principal place of business of the public office from which the public record is requested is located. However, no appeal may be taken from a final order of the court of claims that adopts the special master's report and recommendation unless a timely objection to that report and recommendation was filed under division (F)(2) of this section. If the court of claims materially modifies the special master's report and recommendation, either party may take an appeal to the court of appeals of the appellate district of the principal place of business where that public office is located but the appeal shall
be limited to the issue in the report and recommendation that is materially modified by the court of claims. In order to facilitate the expeditious resolution of disputes over alleged denials of access to public records in violation of division (B) of section 149.43 of the Revised Code, the appeal shall be given such precedence over other pending matters as will ensure that the court will reach a decision promptly.

(2) If a court of appeals in any appeal taken under division (G)(1) of this section by the public office or person responsible for the public records determines that the public office or person denied the aggrieved person access to the public records in violation of division (B) of section 149.43 of the Revised Code and obviously filed the appeal with the intent to either delay compliance with the court of claims' order from which the appeal is taken for no reasonable cause or unduly harass the aggrieved person, the court of appeals may award reasonable attorney's fees to the aggrieved person in accordance with division (C) of section 149.43 of the Revised Code. No discovery may be conducted on the issue of the public office or person responsible for the public records filing the appeal with the alleged intent to either delay compliance with the court of claims' order for no reasonable cause or unduly harass the aggrieved person. This division shall not be construed as creating a presumption that the public office or the person responsible for the public records filed the appeal with the intent to either delay compliance with the court of claims' order for no reasonable cause or unduly harass the aggrieved person.

(H) The powers of the court of claims prescribed in section 2743.05 of the Revised Code apply to the proceedings in that court under this section.

(I)(1) All filing fees collected by a clerk of the court of common pleas under division (D)(1) of this section shall be paid
to the county treasurer for deposit into the county general revenue fund. All such money collected during a month shall be transmitted on or before the twentieth day of the following month by the clerk of the court of common pleas to the county treasurer.

(2) All filing fees collected by the clerk of the court of claims under division (D)(1) of this section shall be kept deposited into the state treasury to the credit of the public records fund, which is hereby created. Money credited to the fund shall be used by the court of claims to assist in paying for its costs to implement this section. All investment earnings of the fund shall be credited to the fund. Not later than the first day of February of each year, the clerk of the court of claims shall prepare a report accessible to the public that details the fees collected during the preceding calendar year by the clerk of the court of claims and the clerks of the courts of common pleas under this section.

(J) Nothing in this section shall be construed to limit the authority of the auditor of state under division (G) of section 109.43 of the Revised Code.

Sec. 2925.01. As used in this chapter:


(B) "Drug dependent person" and "drug of abuse" have the same meanings as in section 3719.011 of the Revised Code.

(C) "Drug," "dangerous drug," "licensed health professional authorized to prescribe drugs," and "prescription" have the same
meanings as in section 4729.01 of the Revised Code.

(D) "Bulk amount" of a controlled substance means any of the following:

(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of controlled substance analogs, marihuana, cocaine, L.S.D., heroin, and hashish and except as provided in division (D)(2) or (5) of this section, whichever of the following is applicable:

(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;

(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium;

(c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a schedule I stimulant or depressant;

(d) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II opiate or opium derivative;

(e) An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of phencyclidine;

(f) An amount equal to or exceeding one hundred twenty grams
or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant that is in a final dosage form manufactured by a person authorized by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the federal drug abuse control laws, as defined in section 3719.01 of the Revised Code, that is or contains any amount of a schedule II depressant substance or a schedule II hallucinogenic substance;

(g) An amount equal to or exceeding three grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act and the federal drug abuse control laws.

(2) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III or IV substance other than an anabolic steroid or a schedule III opiate or opium derivative;

(3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III opiate or opium derivative;

(4) An amount equal to or exceeding two hundred fifty milliliters or two hundred fifty grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule V substance;
(5) An amount equal to or exceeding two hundred solid dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III anabolic steroid.

(E) "Unit dose" means an amount or unit of a compound, mixture, or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

(F) "Cultivate" includes planting, watering, fertilizing, or tilling.

(G) "Drug abuse offense" means any of the following:

(1) A violation of division (A) of section 2913.02 that constitutes theft of drugs, or a violation of section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code;

(2) A violation of an existing or former law of this or any other state or of the United States that is substantially equivalent to any section listed in division (G)(1) of this section;

(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element;

(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit any offense under division (G)(1), (2), or (3) of this section.
(H) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States.

(I) "Harmful intoxicant" does not include beer or intoxicating liquor but means any of the following:

1. Any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes, but is not limited to, any of the following:

   a. Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;

   b. Any aerosol propellant;

   c. Any fluorocarbon refrigerant;

   d. Any anesthetic gas.

2. Gamma Butyrolactone;

3. 1,4 Butanediol.

(J) "Manufacture" means to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.

(K) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.
(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.

(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the state board of pharmacy.

(N) "Juvenile" means a person under eighteen years of age.

(O) "Counterfeit controlled substance" means any of the following:

(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark;

(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;

(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.

(P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school...
building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.

(Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a criminal offense is committed.

(R) "School premises" means either of the following:

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed;

(2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the governing body of a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.

(S) "School building" means any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction,
extracurricular activities, or training provided by the school is being conducted in the school building at the time a criminal offense is committed.

(T) "Disciplinary counsel" means the disciplinary counsel appointed by the board of commissioners on grievances and discipline of the supreme court under the Rules for the Government of the Bar of Ohio.

(U) "Certified grievance committee" means a duly constituted and organized committee of the Ohio state bar association or of one or more local bar associations of the state of Ohio that complies with the criteria set forth in Rule V, section 6 of the Rules for the Government of the Bar of Ohio.

(V) "Professional license" means any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate, or temporary registration that is described in divisions (W)(1) to (36) of this section and that qualifies a person as a professionally licensed person.

(W) "Professionally licensed person" means any of the following:

(1) A person who has obtained a license as a manufacturer of controlled substances or a wholesaler of controlled substances under Chapter 3719. of the Revised Code;

(2) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Chapter 4701. of the Revised Code and who holds an Ohio permit issued under that chapter;

(3) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;
(4) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;

(5) A person licensed under Chapter 4707. of the Revised Code;

(6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;

(7) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;

(8) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;

(9) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious intravenous sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;

(10) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;

(11) A person who has been licensed as a registered nurse or...
practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;

(12) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;

(13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;

(14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;

(15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;

(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;

(17) A person who has been issued a certificate license to practice medicine and surgery, osteopathic medicine and surgery, a limited branch of medicine, or podiatry podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;

(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;

(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;

(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;

(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;

(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;

(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;

(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;

(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;

(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;

(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;

(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;

(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;

(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;

(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;

(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;

(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;

(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.

(X) "Cocaine" means any of the following:

(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;

(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;

(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.

(Y) "L.S.D." means lysergic acid diethylamide.

(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.
(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code.

(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code.

(EE) "Minor drug possession offense" means either of the following:

(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;

(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree.

(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.

(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.

(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.

(II) "Methamphetamine" means methamphetamine, any salt,
isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.

(JJ) "Lawful prescription" means a prescription that is issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense.

(KK) "Deception" and "theft offense" have the same meanings as in section 2913.01 of the Revised Code.

Sec. 2925.23. (A) No person shall knowingly make a false statement in any prescription, order, report, or record required by Chapter 3719. or 4729. of the Revised Code.

(B) No person shall intentionally make, utter, or sell, or knowingly possess any of the following that is a false or forged:

(1) Prescription;

(2) Uncompleted preprinted prescription blank used for writing a prescription;

(3) Official written order;

(4) License for a terminal distributor of dangerous drugs as required defined in section 4729.60 4729.01 of the Revised Code;

(5) Registration certificate License for a wholesale distributor of dangerous drugs as required defined in section 4729.60 4729.01 of the Revised Code.

(C) No person, by theft as defined in section 2913.02 of the Revised Code, shall acquire any of the following:

(1) A prescription;

(2) An uncompleted preprinted prescription blank used for writing a prescription;
(3) An official written order;

(4) A blank official written order;

(5) A license or blank license for a terminal distributor of dangerous drugs, as defined in section 4729.60 of the Revised Code;

(6) A registration certificate or blank registration certificate for a wholesale distributor of dangerous drugs, as defined in section 4729.60 of the Revised Code.

(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs.

(E) Divisions (A) and (D) of this section do not apply to licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code.

(F) Whoever violates this section is guilty of illegal processing of drug documents. If the offender violates division (B)(2), (4), or (5) or division (C)(2), (4), (5), or (6) of this section, illegal processing of drug documents is a felony of the fifth degree. If the offender violates division (A), division (B)(1) or (3), division (C)(1) or (3), or division (D) of this section, the penalty for illegal processing of drug documents shall be determined as follows:

(1) If the drug involved is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, illegal processing of drug documents is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.
(2) If the drug involved is a dangerous drug or a compound, mixture, preparation, or substance included in schedule III, IV, or V or is marihuana, illegal processing of drug documents is a felony of the fifth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(G)(1) In addition to any prison term authorized or required by division (F) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to any violation of divisions (A) to (D) of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.

If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with section 2925.38 of the Revised Code.

(2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to the effective date of this amendment, September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.
ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

Upon the filing of a motion under division (G)(2) of this section, the sentencing court, in its discretion, may terminate the suspension.

(H) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of court shall pay a fine imposed for a violation of this section pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code.

Sec. 2929.34. (A) A person who is convicted of or pleads guilty to aggravated murder, murder, or an offense punishable by life imprisonment and who is sentenced to a term of life imprisonment or a prison term pursuant to that conviction shall serve that term in an institution under the control of the department of rehabilitation and correction.

(B)(1) A person who is convicted of or pleads guilty to a felony other than aggravated murder, murder, or an offense punishable by life imprisonment and who is sentenced to a term of imprisonment or a prison term pursuant to that conviction shall serve that term as follows:

(a) Subject to divisions (B)(1)(b) and (B)(2), and (B)(3) of this section, in an institution under the control of the department of rehabilitation and correction if the term is a prison term of more than twelve months or as otherwise determined by the sentencing court pursuant to section 2929.16 of the Revised Code.
Code if the term is not a prison term;

(b) In a facility of a type described in division (G)(1) of section 2929.13 of the Revised Code, if the offender is sentenced pursuant to that division.

(2) If the term is a prison term, the person may be imprisoned in a jail that is not a minimum security jail pursuant to agreement under section 5120.161 of the Revised Code between the department of rehabilitation and correction and the local authority that operates the jail.

(3)(a) Except as provided in division (B)(3)(b) of this section, on and after July 1, 2018, no person sentenced to a prison term that is twelve months or less for a felony of the fifth degree shall serve the term in an institution under the control of the department of rehabilitation and correction. The person shall instead serve the sentence as a term of confinement in a facility of a type described in division (C) or (D) of this section.

(b) Division (B)(3)(a) of this section does not apply to any person to whom any of the following apply:

(i) The felony of the fifth degree was an offense of violence, as defined in section 2901.01 of the Revised Code, a sex offense under Chapter 2907. of the Revised Code, or any offense for which a mandatory prison term is required.

(ii) The person previously has been convicted of or pleaded guilty to any felony offense of violence, as defined in section 2901.01 of the Revised Code.

(iii) The person previously has been convicted of or pleaded guilty to any felony sex offense under Chapter 2907. of the Revised Code.

(C) A person who is convicted of or pleads guilty to one or
more misdemeanors and who is sentenced to a jail term or term of imprisonment pursuant to the conviction or convictions shall serve that term in a county, multicity, municipal, municipal-county, or multicity-municipal jail or workhouse; in a community alternative sentencing center or district community alternative sentencing center when authorized by section 307.932 of the Revised Code; or, if the misdemeanor or misdemeanors are not offenses of violence, in a minimum security jail.

(D) Nothing in this section prohibits the commitment, referral, or sentencing of a person who is convicted of or pleads guilty to a felony to a community-based correctional facility.

Sec. 2941.51. (A) Counsel appointed to a case or selected by an indigent person under division (E) of section 120.16 or division (E) of section 120.26 of the Revised Code, or otherwise appointed by the court, except for counsel appointed by the court to provide legal representation for a person charged with a violation of an ordinance of a municipal corporation, shall be paid for their services by the county the compensation and expenses that the trial court approves. Each request for payment shall be accompanied by include a financial disclosure form and an affidavit of indigency that are completed by the indigent person on forms a form prescribed by the state public defender. Compensation and expenses shall not exceed the amounts fixed by the board of county commissioners pursuant to division (B) of this section.

(B) The board of county commissioners shall establish a schedule of fees by case or on an hourly basis to be paid by the county for legal services provided by appointed counsel. Prior to establishing such schedule, the board shall request the bar association or associations of the county to submit a proposed schedule for cases other than capital cases. The schedule
submitted shall be subject to the review, amendment, and approval of the board of county commissioners, except with respect to capital cases. With respect to capital cases, the schedule shall provide for fees by case or on an hourly basis to be paid to counsel in the amount or at the rate set by the capital case attorney fee council pursuant to division (D) of section 120.33 of the Revised Code, and the board of county commissioners shall approve that amount or rate.

With respect to capital cases, counsel shall be paid compensation and expenses in accordance with the amount or at the rate set by the capital case attorney fee council pursuant to division (D) of section 120.33 of the Revised Code.

(C) In a case where counsel have been appointed to conduct an appeal under Chapter 120. of the Revised Code, such compensation shall be fixed by the court of appeals or the supreme court, as provided in divisions (A) and (B) of this section.

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

(E) The county auditor shall draw a warrant on the county treasurer for the payment of such counsel in the amount fixed by
the court, plus the expenses that the court fixes and certifies to the auditor. The county auditor shall report periodically, but not less than annually, to the board of county commissioners and to the Ohio public defender commission the amounts paid out pursuant to the approval of the court under this section, separately stating costs and expenses that are reimbursable under section 120.35 of the Revised Code. The board, after review and approval of the auditor's report, may then certify it to the state public defender for reimbursement. The request for reimbursement shall be accompanied by a financial disclosure form completed by each indigent person for whom counsel was provided on a form prescribed by the state public defender. The state public defender shall review the report and, in accordance with the standards, guidelines, and maximums established pursuant to divisions (B)(7) and (8) of section 120.04 of the Revised Code, pay fifty per cent of the total cost, other than costs and expenses that are reimbursable under section 120.35 of the Revised Code, if any, of paying appointed counsel in each county and pay fifty per cent of costs and expenses that are reimbursable under section 120.35 of the Revised Code, if any, to the board.

(F) If any county system for paying appointed counsel fails to maintain the standards for the conduct of the system established by the rules of the Ohio public defender commission pursuant to divisions (B) and (C) of section 120.03 of the Revised Code or the standards established by the state public defender pursuant to division (B)(7) of section 120.04 of the Revised Code, the commission shall notify the board of county commissioners of the county that the county system for paying appointed counsel has failed to comply with its rules. Unless the board corrects the conduct of its appointed counsel system to comply with the rules within ninety days after the date of the notice, the state public defender may deny all or part of the county's reimbursement from the state provided for in this section.
Sec. 2953.25. (A) As used in this section:

(1) "Collateral sanction" means a penalty, disability, or disadvantage that is related to employment or occupational licensing, however denominated, as a result of the individual's conviction of or plea of guilty to an offense and that applies by operation of law in this state whether or not the penalty, disability, or disadvantage is included in the sentence or judgment imposed.

"Collateral sanction" does not include imprisonment, probation, parole, supervised release, forfeiture, restitution, fine, assessment, or costs of prosecution.

(2) "Decision-maker" includes, but is not limited to, the state acting through a department, agency, board, commission, or instrumentality established by the law of this state for the exercise of any function of government, a political subdivision, an educational institution, or a government contractor or subcontractor made subject to this section by contract, law, or ordinance.

(3) "Department-funded program" means a residential or nonresidential program that is not a term in a state correctional institution, that is funded in whole or part by the department of rehabilitation and correction, and that is imposed as a sanction for an offense, as part of a sanction that is imposed for an offense, or as a term or condition of any sanction that is imposed for an offense.

(4) "Designee" means the person designated by the deputy director of the division of parole and community services to perform the duties designated in division (B) of this section.

(5) "Division of parole and community services" means the division of parole and community services of the department of
rehabilitation and correction.

(6) "Offense" means any felony or misdemeanor under the laws of this state.

(7) "Political subdivision" has the same meaning as in section 2969.21 of the Revised Code.

(B)(1) After the provisions of this division become operative as described in division (J) of this section, an individual who is subject to one or more collateral sanctions as a result of being convicted of or pleading guilty to an offense and who either has served a term in a state correctional institution for any offense or has spent time in a department-funded program for any offense may file a petition with the designee of the deputy director of the division of parole and community services for a certificate of qualification for employment.

(2) After the provisions of this division become operative as described in division (J) of this section, an individual who is subject to one or more collateral sanctions as a result of being convicted of or pleading guilty to an offense and who is not in a category described in division (B)(1) of this section may file a petition with the court of common pleas of the county in which the person resides or with the designee of the deputy director of the division of parole and community services for a certificate of qualification for employment by doing either of the following:

(a) In the case of an individual who resides in this state, filing a petition with the court of common pleas of the county in which the person resides or with the designee of the deputy director of the division of parole and community services;

(b) In the case of an individual who resides outside of this state, filing a petition with the court of common pleas of any county in which any conviction or plea of guilty from which the individual seeks relief was entered or with the designee of the
deputy director of the division of parole and community services.

(3) A petition under division (B)(1) or (2) of this section shall be made on a copy of the form prescribed by the division of parole and community services under division (J) of this section and shall contain all of the information described in division (F) of this section.

(4) An individual may file a petition under division (B)(1) or (2) of this section at any time after the expiration of whichever of the following is applicable:

(a)(i) If the offense that resulted in the collateral sanction from which the individual seeks relief is a felony, at any time after the expiration of one year from the date of release of the individual from any period of incarceration in a state or local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at any time after the expiration of one year from the date of the individual's final release from all other sanctions imposed for that offense.

(b)(ii) If the offense that resulted in the collateral sanction from which the individual seeks relief is a misdemeanor, at any time after the expiration of six months from the date of release of the individual from any period of incarceration in a local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at any time after the expiration of six months from the date of the final release of the individual from all sanctions imposed for that offense including any period of supervision.

(b) The department of rehabilitation and correction may
establish criteria by rule adopted under Chapter 119. of the Revised Code that, if satisfied by an individual, would allow the individual to file a petition before the expiration of six months or one year from the date of final release, whichever is applicable under division (B)(4)(a) of this section.

(5)(a) A designee that receives a petition for a certification certificate of qualification for employment from an individual under division (B)(1) or (2) of this section shall review the petition to determine whether it is complete. If the petition is complete, the designee shall forward the petition, and any other information the designee possesses that relates to the petition, to the court of common pleas of the county in which the individual resides if the individual submitting the petition resides in this state or, if the individual resides outside of this state, to the court of common pleas of the county in which the conviction or plea of guilty from which the individual seeks relief was entered.

(b) A court of common pleas that receives a petition for a certificate of qualification for employment from an individual under division (B)(2) of this section, or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section, shall attempt to determine all other courts in this state in which the individual was convicted of or pleaded guilty to an offense other than the offense from which the individual is seeking relief. The court that receives or is forwarded the petition shall notify all other courts in this state that it determines under this division were courts in which the individual was convicted of or pleaded guilty to an offense other than the offense from which the individual is seeking relief that the individual has filed the petition and that the court may send comments regarding the possible issuance of the certificate.
certificate of qualification for employment under division (B)(2) of this section shall notify the county's prosecuting attorney of the county in which the individual resides that the individual has filed the petition. A court of common pleas that receives a petition for a certificate of qualification for employment under division (B)(2) of this section, or that is forwarded a petition for qualification under division (B)(5)(a) of this section may direct the clerk of court to process and record all notices required in or under this section. (C)(1) Upon receiving a petition for a certificate of qualification for employment filed by an individual under division (B)(2) of this section or being forwarded a petition for such a certificate under division (B)(5)(a) of this section, the court shall review the individual's petition, the individual's criminal history, all filings submitted by the prosecutor or by the victim in accordance with rules adopted by the division of parole and community services, the applicant's military service record, if applicable, and whether the applicant has an emotional, mental, or physical condition that is traceable to the applicant's military service in the armed forces of the United States and that was a contributing factor in the commission of the offense or offenses, and all other relevant evidence. The court may order any report, investigation, or disclosure by the individual that the court believes is necessary for the court to reach a decision on whether to approve the individual's petition for a certificate of qualification for employment. (2) Upon receiving a petition for a certificate of qualification for employment filed by an individual under division (B)(2) of this section or being forwarded a petition for such a certificate under division (B)(5)(a) of this section, except as otherwise provided in this division, the court shall decide
whether to issue the certificate within sixty days after the court receives or is forwarded the completed petition and all information requested for the court to make that decision. Upon request of the individual who filed the petition, the court may extend the sixty-day period specified in this division.

(3) Subject to division (C)(5) of this section, a court that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section may issue a certificate of qualification for employment, at the court's discretion, if the court finds that the individual has established all of the following by a preponderance of the evidence:

(a) Granting the petition will materially assist the individual in obtaining employment or occupational licensing.

(b) The individual has a substantial need for the relief requested in order to live a law-abiding life.

(c) Granting the petition would not pose an unreasonable risk to the safety of the public or any individual.

(4) The submission of an incomplete petition by an individual shall not be grounds for the designee or court to deny the petition.

(5) A court that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section shall not issue a certificate of qualification for employment that grants the individual relief from any of the following collateral sanctions:

(a) Requirements imposed by Chapter 2950. of the Revised Code and rules adopted under sections 2950.13 and 2950.132 of the
Revised Code;

(b) A driver's license, commercial driver's license, or probationary license suspension, cancellation, or revocation pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the Revised Code if the relief sought is available pursuant to section 4510.021 or division (B) of section 4510.13 of the Revised Code;

(c) Restrictions on employment as a prosecutor or law enforcement officer;

(d) The denial, ineligibility, or automatic suspension of a license that is imposed upon an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code if the individual is convicted of, pleads guilty to, is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state under section 2951.041 of the Revised Code, or is subject to treatment or intervention in lieu of conviction for a violation of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, 2911.11, or 2919.123 of the Revised Code;

(e) The immediate suspension of a license, certificate, or evidence of registration that is imposed upon an individual holding a license as a health care professional under Title XLVII of the Revised Code pursuant to division (C) of section 3719.121 of the Revised Code;

(f) The denial or ineligibility for employment in a pain clinic under division (B)(4) of section 4729.552 of the Revised Code;

(g) The mandatory suspension of a license that is imposed on an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code pursuant to section 3123.43 of the Revised Code.

(6) If a court that receives an individual's petition for a
certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section denies the petition, the court shall provide written notice to the individual of the court's denial. The court may place conditions on the individual regarding the individual's filing of any subsequent petition for a certificate of qualification for employment. The written notice must notify the individual of any conditions placed on the individual's filing of a subsequent petition for a certificate of qualification for employment.

If a court of common pleas that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section denies the petition, the individual may appeal the decision to the court of appeals only if the individual alleges that the denial was an abuse of discretion on the part of the court of common pleas.

(D)(1) A certificate of qualification for employment issued to an individual lifts the automatic bar of a collateral sanction, and a decision-maker shall consider on a case-by-case basis whether to grant or deny the issuance or restoration of an occupational license or an employment opportunity, notwithstanding the individual's possession of the certificate, without, however, reconsidering or rejecting any finding made by a designee or court under division (C)(3) of this section.

(2) The certificate constitutes a rebuttable presumption that the person's criminal convictions are insufficient evidence that the person is unfit for the license, employment opportunity, or certification in question. Notwithstanding the presumption established under this division, the agency may deny the license or certification for the person if it determines that the person
is unfit for issuance of the license.

(3) If an employer that has hired a person who has been issued a certificate of qualification for employment applies to a licensing agency for a license or certification and the person has a conviction or guilty plea that otherwise would bar the person's employment with the employer or licensure for the employer because of a mandatory civil impact, the agency shall give the person individualized consideration, notwithstanding the mandatory civil impact, the mandatory civil impact shall be considered for all purposes to be a discretionary civil impact, and the certificate constitutes a rebuttable presumption that the person's criminal convictions are insufficient evidence that the person is unfit for the employment, or that the employer is unfit for the license or certification, in question.

(E) A certificate of qualification for employment does not grant the individual to whom the certificate was issued relief from the mandatory civil impacts identified in division (A)(1) of section 2961.01 or division (B) of section 2961.02 of the Revised Code.

(F) A petition for a certificate of qualification for employment filed by an individual under division (B)(1) or (2) of this section shall include all of the following:

(1) The individual's name, date of birth, and social security number;

(2) All aliases of the individual and all social security numbers associated with those aliases;

(3) The individual's residence address, including the city, county, and state of residence and zip code;

(4) The length of time that the individual has resided in the individual's current state of residence, expressed in years and months of residence;
(5) The name or type of each collateral sanction from which the individual is requesting a certificate of qualification for employment. A general statement as to why the individual has filed the petition and how the certificate of qualification for employment would assist the individual;

(6) A summary of the individual's criminal history with respect to each offense that is a disqualification from employment or licensing in an occupation or profession, including the years of each conviction or plea of guilty for each of those offenses;

(7) A summary of the individual's employment history, specifying the name of, and dates of employment with, each employer;

(8) Verifiable references and endorsements;

(9) The name of one or more immediate family members of the individual, or other persons with whom the individual has a close relationship, who support the individual's reentry plan;

(10) A summary of the reason the individual believes the certificate of qualification for employment should be granted;

(11) Any other information required by rule by the department of rehabilitation and correction.

(G)(1) In a judicial or administrative proceeding alleging negligence or other fault, a certificate of qualification for employment issued to an individual under this section may be introduced as evidence of a person's due care in hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in activity with the individual to whom the certificate of qualification for employment was issued if the person knew of the certificate at the time of the alleged negligence or other fault.

(2) In any proceeding on a claim against an employer for
negligent hiring, a certificate of qualification for employment issued to an individual under this section shall provide immunity for the employer as to the claim if the employer knew of the certificate at the time of the alleged negligence.

(3) If an employer hires an individual who has been issued a certificate of qualification for employment under this section, if the individual, after being hired, subsequently demonstrates dangerousness or is convicted of or pleads guilty to a felony, and if the employer retains the individual as an employee after the demonstration of dangerousness or the conviction or guilty plea, the employer may be held liable in a civil action that is based on or relates to the retention of the individual as an employee only if it is proved by a preponderance of the evidence that the person having hiring and firing responsibility for the employer had actual knowledge that the employee was dangerous or had been convicted of or pleaded guilty to the felony and was willful in retaining the individual as an employee after the demonstration of dangerousness or the conviction or guilty plea of which the person has actual knowledge.

(H) A certificate of qualification for employment issued under this section shall be presumptively revoked if the individual to whom the certificate of qualification for employment was issued is convicted of or pleads guilty to a felony offense committed subsequent to the issuance of the certificate of qualification for employment. The department of rehabilitation and correction shall periodically review the certificates listed in the database described in division (K) of this section to identify those that are subject to revocation under this division. Upon identifying a certificate of qualification for employment that is subject to revocation, the department shall note in the database that the certificate has been revoked, the reason for revocation, and the effective date of revocation, which shall be the date of
the conviction or plea of guilty subsequent to the issuance of the certificate.

(I) A designee's forwarding, or failure to forward, a petition for a certificate of qualification for employment to a court or a court's issuance, or failure to issue, a petition for a certificate of qualification for employment to an individual under division (B) of this section does not give rise to a claim for damages against the department of rehabilitation and correction or court.

(J) Not later than ninety days after September 28, 2012, the division of parole and community services shall adopt rules in accordance with Chapter 119. of the Revised Code for the implementation and administration of this section and shall prescribe the form for the petition to be used under division (B)(1) or (2) of this section. The form for the petition shall include places for all of the information specified in division (F) of this section. Upon the adoption of the rules, the provisions of divisions (A) to (I) of this section become operative.

(K) The department of rehabilitation and correction shall conduct a study to determine the manner for transferring the mechanism for the issuance of a certificate of qualification for employment created by this section to an electronic database established and maintained by the department. The database to which the mechanism is to be transferred shall include that identifies granted certificates and revoked certificates and shall be designed to track the number of certificates granted and revoked, the industries, occupations, and professions with respect to which the certificates have been most applicable, and the types of employers that have accepted the certificates, and the recidivism rates of individuals who have been issued the certificates. Not later than the date that is one year after
September 28, 2012, the department of rehabilitation and correction shall submit to the general assembly and the governor annually create a report that contains the results of the study and recommendations for transferring the mechanism for the issuance of certificate of qualification for employment created by this section to an electronic summarizes the information maintained in the database established and maintained by the department and shall make the report available to the public on its internet web site.

(L) The department of rehabilitation and correction, in conjunction with the Ohio judicial conference, shall conduct a study to determine whether the application process for certificates of qualification for employment created by this section is feasible based upon the caseload capacity of the department and the courts of common pleas. Not later than the date that is one year after September 28, 2012, the department shall submit to the general assembly a report that contains the results of the study and any recommendations for improvement of the application process.

Sec. 2967.193. (A)(1) Except as provided in division (C) of this section and subject to the maximum aggregate total specified in division (A)(2)(3) of this section, a person confined in a state correctional institution or placed in the substance use disorder treatment program may provisionally earn one day or five days of credit, based on the category set forth in division (D)(1), (2), (3), (4), or (5) of this section in which the person is included, toward satisfaction of the person's stated prison term for each completed month during which the person, if confined in a state correctional institution, productively participates in an education program, vocational training, employment in prison industries, treatment for substance abuse, or any other constructive program developed by the department with specific
standards for performance by prisoners or during which the person, if placed in the substance use disorder treatment program, productively participates in the program. Except as provided in division (C) of this section and subject to the maximum aggregate total specified in division (A)(3) of this section, a person so confined in a state correctional institution who successfully completes two programs or activities of that type may, in addition, provisionally earn up to five days of credit toward satisfaction of the person's stated prison term for the successful completion of the second program or activity. The person shall not be awarded any provisional days of credit for the successful completion of the first program or activity or for the successful completion of any program or activity that is completed after the second program or activity. At the end of each calendar month in which a person productively participates in a program or activity listed in this division or successfully completes a program or activity listed in this division, the department of rehabilitation and correction shall determine and record the total number of days credit that the person provisionally earned in that calendar month. If the person in a state correctional institution violates prison rules or the person in the substance use disorder treatment program violates program or department rules, the department may deny the person a credit that otherwise could have been provisionally awarded to the person or may withdraw one or more credits previously provisionally earned by the person. Days of credit provisionally earned by a person shall be finalized and awarded by the department subject to administrative review by the department of the person's conduct.

(2) The Regardless of the category in which a person is included in division (D) of this section, and notwithstanding the maximum aggregate total specified in division (A)(3) of this section, each person who successfully completes an Ohio high school diploma or Ohio certificate of high school equivalence
certified by the Ohio central school system shall earn ninety days of credit toward satisfaction of the person's stated prison term.

(3) Except for persons described in division (A)(2) of this section, the aggregate days of credit provisionally earned by a person for program or activity participation and program and activity completion under this section and the aggregate days of credit finally credited to a person under this section shall not exceed eight per cent of the total number of days in the person's stated prison term.

(B) The department of rehabilitation and correction shall adopt rules that specify the programs or activities for which credit may be earned under this section, the criteria for determining productive participation in, or completion of, the programs or activities and the criteria for awarding credit, including criteria for awarding additional credit for successful program or activity completion, and the criteria for denying or withdrawing previously provisionally earned credit as a result of a violation of prison rules, or program or department rules, whichever is applicable.

(C) No person confined in a state correctional institution or placed in a substance use disorder treatment program to whom any of the following applies shall be awarded any days of credit under division (A) of this section:

(1) The person is serving a prison term that section 2929.13 or section 2929.14 of the Revised Code specifies cannot be reduced pursuant to this section or this chapter or is serving a sentence for which section 2967.13 or division (B) of section 2929.143 of the Revised Code specifies that the person is not entitled to any earned credit under this section.

(2) The person is sentenced to death or is serving a prison term or a term of life imprisonment for aggravated murder, murder,
or a conspiracy or attempt to commit, or complicity in committing, aggravated murder or murder.

(3) The person is serving a sentence of life imprisonment without parole imposed pursuant to section 2929.03 or 2929.06 of the Revised Code, a prison term or a term of life imprisonment without parole imposed pursuant to section 2971.03 of the Revised Code, or a sentence for a sexually oriented offense that was committed on or after September 30, 2011.

(D) This division does not apply to a determination of whether a person confined in a state correctional institution or placed in a substance use disorder treatment program may earn any days of credit under division (A) of this section for successful completion of a second program or activity. The determination of whether a person confined in a state correctional institution may earn one day of credit or five days of credit under division (A) of this section for each completed month during which the person productively participates in a program or activity specified under that division shall be made in accordance with the following:

(1) The offender may earn one day of credit under division (A) of this section, except as provided in division (C) of this section, if the most serious offense for which the offender is confined is any of the following that is a felony of the first or second degree:

(a) A violation of division (A) of section 2903.04 or of section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22, 2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 2927.24 of the Revised Code;

(b) A conspiracy or attempt to commit, or complicity in committing, any other offense for which the maximum penalty is
imprisonment for life or any offense listed in division (D)(1)(a) of this section.

(2) The offender may earn one day of credit under division (A) of this section, except as provided in division (C) of this section, if the offender is serving a stated prison term that includes a prison term imposed for a sexually oriented offense that the offender committed prior to September 30, 2011.

(3) The offender may earn one day of credit under division (A) of this section, except as provided in division (C) of this section, if the offender is serving a stated prison term that includes a prison term imposed for a felony other than carrying a concealed weapon an essential element of which is any conduct or failure to act expressly involving any deadly weapon or dangerous ordnance.

(4) Except as provided in division (C) of this section, if the most serious offense for which the offender is confined is a felony of the first or second degree and divisions (D)(1), (2), and (3) of this section do not apply to the offender, the offender may earn one day of credit under division (A) of this section if the offender committed that offense prior to September 30, 2011, and the offender may earn five days of credit under division (A) of this section if the offender committed that offense on or after September 30, 2011.

(5) Except as provided in division (C) of this section, if the most serious offense for which the offender is confined is a felony of the third, fourth, or fifth degree or an unclassified felony and neither division (D)(2) nor (3) of this section applies to the offender, the offender may earn one day of credit under division (A) of this section if the offender committed that offense prior to September 30, 2011, and the offender may earn five days of credit under division (A) of this section if the offender committed that offense on or after September 30, 2011.
(E) The department annually shall seek and consider the written feedback of the Ohio prosecuting attorneys association, the Ohio judicial conference, the Ohio public defender, the Ohio association of criminal defense lawyers, and other organizations and associations that have an interest in the operation of the corrections system and the earned credits program under this section as part of its evaluation of the program and in determining whether to modify the program.

(F) As used in this section:

(1) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(2) "Substance use disorder treatment program" means the substance use disorder treatment program established by the department of rehabilitation and correction under section 5120.035 of the Revised Code.

Sec. 3111.04. (A)(1) Except as provided in division (A)(2) of this section, an action to determine the existence or nonexistence of the father and child relationship may be brought by the child or the child's personal representative, the child's mother or her personal representative, a man alleged or alleging himself to be the child's father, the child support enforcement agency of the county in which the child resides if the child's mother, father, or alleged father is a recipient of public assistance or of services under Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, or the alleged father's personal representative.

(2) A man alleged or alleging himself to be the child's father is not eligible to file an action under division (A)(1) of this section if the man was convicted of or pleaded guilty to rape or sexual battery, the victim of the rape or sexual battery was the child's mother, and the child was conceived as a result of the
rape or sexual battery.

    (B) An agreement does not bar an action under this section.

    (C) If an action under this section is brought before the
birth of the child and if the action is contested, all
proceedings, except service of process and the taking of
depositions to perpetuate testimony, may be stayed until after the
birth.

    (D) A recipient of public assistance or of services under
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42
U.S.C.A. 651, as amended, shall cooperate with the child support
enforcement agency of the county in which a child resides to
obtain an administrative determination pursuant to sections
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court
determination pursuant to sections 3111.01 to 3111.18 of the
Revised Code, of the existence or nonexistence of a parent and
child relationship between the father and the child. If the
recipient fails to cooperate, the agency may commence an action to
determine the existence or nonexistence of a parent and child
relationship between the father and the child pursuant to sections
3111.01 to 3111.18 of the Revised Code.

    (E) As used in this section:

        (1) "Public assistance" means all both of the following:

            (a) Medicaid;

            (b) Ohio works first under Chapter 5107. of the Revised Code;

            (c) Disability financial assistance under Chapter 5115. of
the Revised Code.

        (2) "Rape" means a violation of section 2907.02 of the
Revised Code or similar law of another state.

        (3) "Sexual battery" means a violation of section 2907.03 of
the Revised Code or similar law of another state.
Sec. 3113.06. No father, or mother when she is charged with
the maintenance, of a child under eighteen years of age, or a
mentally or physically handicapped child under age twenty-one, who
is legally a ward of a public children services agency or is the
recipient of aid pursuant to Chapter 5107. of the Revised
Code, shall neglect or refuse to pay such agency the reasonable
cost of maintaining such child when such father or mother is able
do so by reason of property, labor, or earnings.

An offense under this section shall be held committed in the
county in which the agency is located. The agency shall file
charges against any parent who violates this section, unless the
agency files charges under section 2919.21 of the Revised Code, or
unless charges of nonsupport are filed by a relative or guardian
of the child, or unless an action to enforce support is brought
under Chapter 3115. of the Revised Code.

Sec. 3113.07. As used in this section, "executive director"
has the same meaning as in section 5153.01 of the Revised Code.

Sentence may be suspended, if a person, after conviction
under section 3113.06 of the Revised Code and before sentence
thereunder, appears before the court of common pleas in which such
conviction took place and enters into bond to the state in a sum
fixed by the court at not less than five hundred dollars, with
sureties approved by such court, conditioned that such person will
pay, so long as the child remains a ward of the public children
services agency or a recipient of aid pursuant to Chapter 5107. of the Revised Code, to the executive director thereof or to
a trustee to be named by the court, for the benefit of such agency
or if the child is a recipient of aid pursuant to Chapter 5107. of the Revised Code, to the county department of job and
family services, the reasonable cost of keeping such child. The
amount of such costs and the time of payment shall be fixed by the
The court, in accordance with sections 3119.29 to 3119.56 of the Revised Code, shall include in each support order made under this section the requirement that one or both of the parents provide for the health care needs of the child to the satisfaction of the court.

Sec. 3119.05. When a court computes the amount of child support required to be paid under a court child support order or a child support enforcement agency computes the amount of child support to be paid pursuant to an administrative child support order, all of the following apply:

(A) The parents' current and past income and personal earnings shall be verified by electronic means or with suitable documents, including, but not limited to, paystubs, employer statements, receipts and expense vouchers related to self-generated income, tax returns, and all supporting documentation and schedules for the tax returns.

(B) The amount of any pre-existing child support obligation of a parent under a child support order and the amount of any court-ordered spousal support actually paid shall be deducted from the gross income of that parent to the extent that payment under the child support order or that payment of the court-ordered spousal support is verified by supporting documentation.

(C) If other minor children who were born to the parent and a person other than the other parent who is involved in the immediate child support determination live with the parent, the court or agency shall deduct an amount from that parent's gross income that equals the number of such minor children times the federal income tax exemption for such children less child support received for them for the year, not exceeding the federal income tax exemption.
(D) When the court or agency calculates the gross income of a parent, it shall include the lesser of the following as income from overtime and bonuses:

1. The yearly average of all overtime, commissions, and bonuses received during the three years immediately prior to the time when the person's child support obligation is being computed;

2. The total overtime, commissions, and bonuses received during the year immediately prior to the time when the person's child support obligation is being computed.

(E) When the court or agency calculates the gross income of a parent, it shall not include any income earned by the spouse of that parent.

(F) The court shall issue a separate order for extraordinary medical or dental expenses, including, but not limited to, orthodontia, psychological, appropriate private education, and other expenses, and may consider the expenses in adjusting a child support order.

(G) When a court or agency calculates the amount of child support to be paid pursuant to a court child support order or an administrative child support order, if the combined gross income of both parents is an amount that is between two amounts set forth in the first column of the schedule, the court or agency may use the basic child support obligation that corresponds to the higher of the two amounts in the first column of the schedule, use the basic child support obligation that corresponds to the lower of the two amounts in the first column of the schedule, or calculate a basic child support obligation that is between those two amounts and corresponds proportionally to the parents' actual combined gross income.

(H) When the court or agency calculates gross income, the court or agency, when appropriate, may average income over a
reasonable period of years.

(I) Unless it would be unjust or inappropriate and therefore not in the best interests of the child, a court or agency shall not determine a parent to be voluntarily unemployed or underemployed and shall not impute income to that parent if either of the following conditions exist:

(1) The parent is receiving recurring monetary income from means-tested public assistance benefits, including cash assistance payments under the Ohio works first program established under Chapter 5107. of the Revised Code, financial assistance under the disability financial assistance program established under Chapter 5115. of the Revised Code, supplemental security income, or means-tested veterans' benefits;

(2) The parent is incarcerated or institutionalized for a period of twelve months or more with no other available assets, unless the parent is incarcerated for an offense relating to the abuse or neglect of a child who is the subject of the support order or an offense under Title XXIX of the Revised Code when the obligee or a child who is the subject of the support order is a victim of the offense.

(J) When a court or agency requires a parent to pay an amount for that parent's failure to support a child for a period of time prior to the date the court modifies or issues a court child support order or an agency modifies or issues an administrative child support order for the current support of the child, the court or agency shall calculate that amount using the basic child support schedule, worksheets, and child support laws in effect, and the incomes of the parents as they existed, for that prior period of time.

(K) A court or agency may disregard a parent's additional income from overtime or additional employment when the court or
agency finds that the additional income was generated primarily to support a new or additional family member or members, or under other appropriate circumstances.

(L) If both parents involved in the immediate child support determination have a prior order for support relative to a minor child or children born to both parents, the court or agency shall collect information about the existing order or orders and consider those together with the current calculation for support to ensure that the total of all orders for all children of the parties does not exceed the amount that would have been ordered if all children were addressed in a single judicial or administrative proceeding.

Sec. 3121.03. If a court or child support enforcement agency that issued or modified a support order, or the agency administering the support order, is required by the Revised Code to issue one or more withholding or deduction notices described in this section or other orders described in this section, the court or agency shall issue one or more of the following types of notices or orders, as appropriate, for payment of the support and also, if required by the Revised Code or the court, to pay any arrearages:

(A)(1) If the court or the child support enforcement agency determines that the obligor is receiving income from a payor, the court or agency shall require the payor to do all of the following:

(a) Withhold from the obligor's income a specified amount for support in satisfaction of the support order and begin the withholding no later than fourteen business days following the date the notice is mailed or transmitted to the payor under section 3121.035, 3123.021, or 3123.06 of the Revised Code and division (A)(2) of this section or, if the payor is an employer,
no later than the first pay period that occurs after fourteen business days following the date the notice is mailed or transmitted;

(b) Send the amount withheld to the office of child support in the department of job and family services pursuant to section 3121.43 of the Revised Code immediately but not later than seven business days after the date the obligor is paid;

(c) Continue the withholding at intervals specified in the notice until further notice from the court or child support enforcement agency.

To the extent possible, the amount specified to be withheld shall satisfy the amount ordered for support in the support order plus any arrearages owed by the obligor under any prior support order that pertained to the same child or spouse, notwithstanding any applicable limitations of sections 2329.66, 2329.70, 2716.02, 2716.041, and 2716.05 of the Revised Code. However, in no case shall the sum of the amount to be withheld and any fee withheld by the payor as a charge for its services exceed the maximum amount permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b).

(2) A court or agency that imposes an income withholding requirement shall, within the applicable time specified in section 3119.80, 3119.81, 3121.035, 3123.021, or 3123.06 of the Revised Code, send to the obligor's payor by regular mail or via secure federally managed data transmission interface a notice that contains all of the information applicable to withholding notices set forth in section 3121.037 of the Revised Code. The notice is final and is enforceable by the court.

(B)(1) If the court or child support enforcement agency determines that the obligor has funds that are not exempt under the laws of this state or the United States from execution,
attachment, or other legal process and are on deposit in an 23404
account in a financial institution under the jurisdiction of the 23405
court that issued the court support order, or in the case of an 23406
administrative child support order, under the jurisdiction of the 23407
common pleas court of the county in which the agency that issued 23408
or is administering the order is located, the court or agency may 23409
require any financial institution in which the obligor's funds are 23410
on deposit to do all of the following:

(a) Deduct from the obligor's account a specified amount for 23412
support in satisfaction of the support order and begin the 23413
deduction no later than fourteen business days following the date 23414
the notice was mailed or transmitted to the financial institution 23415
under section 3121.035 or 3123.06 of the Revised Code and division 23416
(B)(2) of this section;

(b) Send the amount deducted to the office of child support 23418
in the department of job and family services pursuant to section 23419
3121.43 of the Revised Code immediately but not later than seven 23420
business days after the date the latest deduction was made;

(c) Provide the date on which the amount was deducted;

(d) Continue the deduction at intervals specified in the 23423
notice until further notice from the court or child support 23424
enforcement agency.

To the extent possible, the amount to be deducted shall 23426
satisfy the amount ordered for support in the support order plus 23427
any arrearages that may be owed by the obligor under any prior 23428
support order that pertained to the same child or spouse, 23429
notwithstanding the limitations of sections 2329.66, 2329.70, and 23430
2716.13 of the Revised Code.

(2) A court or agency that imposes a deduction requirement 23432
shall, within the applicable period of time specified in section 23433
3119.80, 3119.81, 3121.035, or 3123.06 of the Revised Code, send 23434
to the financial institution by regular mail or via secure  
federally managed data transmission interface a notice that  
contains all of the information applicable to deduction notices  
set forth in section 3121.037 of the Revised Code. The notice is  
final and is enforceable by the court.

(C) With respect to any court support order it issues, a  
court may issue an order requiring the obligor to enter into a  
cash bond with the court. The court shall issue the order as part  
of the court support order or, if the court support order has  
previously been issued, as a separate order. The cash bond shall  
be in a sum fixed by the court at not less than five hundred nor  
more than ten thousand dollars, conditioned that the obligor will  
make payment as previously ordered and will pay any arrearages  
under any prior court support order that pertained to the same  
child or spouse.

The order, along with an additional order requiring the  
obligor to immediately notify the child support enforcement  
agency, in writing, if the obligor begins to receive income from a  
payor, shall be attached to and served on the obligor at the same  
time as service of the court support order or, if the court  
support order has previously been issued, as soon as possible  
after the issuance of the order under this section. The additional  
order requiring notice by the obligor shall state all of the  
following:

(1) That when the obligor begins to receive income from a  
payor the obligor may request that the court cancel its bond order  
and instead issue a notice requiring the withholding of an amount  
from income for support in accordance with this section;

(2) That when the obligor begins to receive income from a  
payor the court will proceed to collect on the bond if the court  
determines that payments due under the court support order have  
not been made and that the amount that has not been paid is at
least equal to the support owed for one month under the court
support order and will issue a notice requiring the withholding of
an amount from income for support in accordance with this section.
The notice required of the obligor shall include a description of
the nature of any new employment, the name and business address of
any new employer, and any other information reasonably required by
the court.

The court shall not order an obligor to post a cash bond
under this section unless the court determines that the obligor
has the ability to do so.

A child support enforcement agency may not issue a cash bond
order. If a child support enforcement agency is required to issue
a withholding or deduction notice under this section with respect
to a court support order but the agency determines that no
withholding or deduction notice would be appropriate, the agency
may request that the court issue a cash bond order under this
section, and upon the request, the court may issue the order.

(D)(1) If the obligor under a court support order is
unemployed, has no income, and does not have an account at any
financial institution, or on request of a child support
enforcement agency under division (D)(1) or (2) of this section,
the court shall issue an order requiring the obligor, if able to
engage in employment, to seek employment or participate in a work
activity to which a recipient of assistance under Title IV-A of
as amended, may be assigned as specified in section 407(d) of the
shall include in the order requirements that the obligor register
with the OhioMeansJobs web site and to notify the child support
enforcement agency on obtaining employment, obtaining any income,
or obtaining ownership of any asset with a value of five hundred
dollars or more. The court may issue the order regardless of
whether the obligee to whom the obligor owes support is a recipient of assistance under Title IV-A of the "Social Security Act." The court shall issue the order as part of a court support order or, if a court support order has previously been issued, as a separate order. If a child support enforcement agency is required to issue a withholding or deduction notice under this section with respect to a court support order but determines that no withholding or deduction notice would be appropriate, the agency may request that the court issue a court order under division (D)(1) of this section, and, on the request, the court may issue the order.

(2) If the obligor under an administrative child support order is unemployed, has no income, and does not have an account at any financial institution, the agency shall issue an administrative order requiring the obligor, if able to engage in employment, to seek employment or participate in a work activity to which a recipient of assistance under Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, may be assigned as specified in section 407(d) of the "Social Security Act," 42 U.S.C.A. 607(d), as amended. The agency shall include in the order requirements that the obligor register with the OhioMeansJobs web site and to notify the agency on obtaining employment or income, or ownership of any asset with a value of five hundred dollars or more. The agency may issue the order regardless of whether the obligee to whom the obligor owes support is a recipient of assistance under Title IV-A of the "Social Security Act." If an obligor fails to comply with an administrative order issued pursuant to division (D)(2) of this section, the agency shall submit a request to a court for the court to issue an order under division (D)(1) of this section.

Sec. 3301.07. The state board of education shall exercise under the acts of the general assembly general supervision of the
system of public education in the state. In addition to the powers otherwise imposed on the state board under the provisions of law, the board shall have the powers described in this section.

(A) The state board shall exercise policy forming, planning, and evaluative functions for the public schools of the state except as otherwise provided by law.

(B)(1) The state board shall exercise leadership in the improvement of public education in this state, and administer the educational policies of this state relating to public schools, and relating to instruction and instructional material, building and equipment, transportation of pupils, administrative responsibilities of school officials and personnel, and finance and organization of school districts, educational service centers, and territory. Consultative and advisory services in such matters shall be provided by the board to school districts and educational service centers of this state.

(2) The state board also shall develop a standard of financial reporting which shall be used by each school district board of education and each governing board of an educational service center, each governing authority of a community school established under Chapter 3314., each governing body of a STEM school established under Chapter 3328., and each board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code to make its financial information and annual budgets for each school building under its control available to the public in a format understandable by the average citizen. The format shall show, both at the district and at the school building level, revenue by source; expenditures for salaries, wages, and benefits of employees, showing such amounts separately for classroom teachers, other employees required to hold licenses issued pursuant to sections 3319.22 to 3319.31 of the Revised Code, and all other employees; expenditures other than
for personnel, by category, including utilities, textbooks and other educational materials, equipment, permanent improvements, pupil transportation, extracurricular athletics, and other extracurricular activities; and per pupil expenditures. The format shall also include information on total revenue and expenditures, per pupil revenue, and expenditures for both classroom and nonclassroom purposes, as defined by the standards adopted under section 3302.20 of the Revised Code in the aggregate and for each subgroup of students, as defined by section 3317.40 of the Revised Code, that receives services provided for by state or federal funding.

(3) Each school district board, governing authority, governing body, or board of trustees, or its respective designee, shall annually report, to the department of education, all financial information required by the standards for financial reporting, as prescribed by division (B)(2) of this section and adopted by the state board. The department shall make all reports submitted pursuant to this division available in such a way that allows for comparison between financial information included in these reports and financial information included in reports produced prior to July 1, 2013. The department shall post these reports in a prominent location on its web site and shall notify each school when reports are made available.

(C) The state board shall administer and supervise the allocation and distribution of all state and federal funds for public school education under the provisions of law, and may prescribe such systems of accounting as are necessary and proper to this function. It may require county auditors and treasurers, boards of education, educational service center governing boards, treasurers of such boards, teachers, and other school officers and employees, or other public officers or employees, to file with it such reports as it may prescribe relating to such funds, or to the
management and condition of such funds.

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, XLVII, and LI of the Revised Code a reference is made to standards prescribed under this section or division (D) of this section, that reference shall be construed to refer to the standards prescribed under division (D)(2) of this section, unless the context specifically indicates a different meaning or intent.

(2) The state board shall formulate and prescribe minimum standards to be applied to all elementary and secondary schools in this state for the purpose of providing children access to a general education of high quality according to the learning needs of each individual, including students with disabilities, economically disadvantaged students, limited English proficient students, and students identified as gifted. Such standards shall provide adequately for: the licensing of teachers, administrators, and other professional personnel and their assignment according to training and qualifications; efficient and effective instructional materials and equipment, including library facilities; the proper organization, administration, and supervision of each school, including regulations for preparing all necessary records and reports and the preparation of a statement of policies and objectives for each school; the provision of safe buildings, grounds, health and sanitary facilities and services; admission of pupils, and such requirements for their promotion from grade to grade as will assure that they are capable and prepared for the level of study to which they are certified; requirements for graduation; and such other factors as the board finds necessary.

The state board shall base any standards governing the promotion of students or requirements for graduation on the ability of students, at any grade level, to earn credits or advance upon demonstration of mastery of knowledge and skills through competency-based learning models. Credits of grade level
advancement shall not require a minimum number of days or hours in a classroom.

The state board shall base any standards governing the assignment of staff on ensuring each school has a sufficient number of teachers to ensure a student has an appropriate level of interaction to meet each student's personal learning goals.

In the formulation and administration of such standards for nonpublic schools the board shall also consider the particular needs, methods and objectives of those schools, provided they do not conflict with the provision of a general education of a high quality and provided that regular procedures shall be followed for promotion from grade to grade of pupils who have met the educational requirements prescribed.

(3) In addition to the minimum standards required by division (D)(2) of this section, the state board may formulate and prescribe the following additional minimum operating standards for school districts:

(a) Standards for the effective and efficient organization, administration, and supervision of each school district with a commitment to high expectations for every student based on the learning needs of each individual, including students with disabilities, economically disadvantaged students, limited English proficient students, and students identified as gifted, and commitment to closing the achievement gap without suppressing the achievement levels of higher achieving students so that all students achieve core knowledge and skills in accordance with the statewide academic standards adopted under section 3301.079 of the Revised Code;

(b) Standards for the establishment of business advisory councils under section 3313.82 of the Revised Code;

(c) Standards for school district buildings that may require
the effective and efficient organization, administration, and supervision of each school district building with a commitment to high expectations for every student based on the learning needs of each individual, including students with disabilities, economically disadvantaged students, limited English proficient students, and students identified as gifted, and commitment to closing the achievement gap without suppressing the achievement levels of higher achieving students so that all students achieve core knowledge and skills in accordance with the statewide academic standards adopted under section 3301.079 of the Revised Code.

(E) The state board may require as part of the health curriculum information developed under section 2108.34 of the Revised Code promoting the donation of anatomical gifts pursuant to Chapter 2108. of the Revised Code and may provide the information to high schools, educational service centers, and joint vocational school district boards of education;

(F) The state board shall prepare and submit annually to the governor and the general assembly a report on the status, needs, and major problems of the public schools of the state, with recommendations for necessary legislative action and a ten-year projection of the state's public and nonpublic school enrollment, by year and by grade level.

(G) The state board shall prepare and submit to the director of budget and management the biennial budgetary requests of the state board of education, for its agencies and for the public schools of the state.

(H) The state board shall cooperate with federal, state, and local agencies concerned with the health and welfare of children and youth of the state.

(I) The state board shall require such reports from school
districts and educational service centers, school officers, and employees as are necessary and desirable. The superintendents and treasurers of school districts and educational service centers shall certify as to the accuracy of all reports required by law or state board or state department of education rules to be submitted by the district or educational service center and which contain information necessary for calculation of state funding. Any superintendent who knowingly falsifies such report shall be subject to license revocation pursuant to section 3319.31 of the Revised Code.

(J) In accordance with Chapter 119. of the Revised Code, the state board shall adopt procedures, standards, and guidelines for the education of children with disabilities pursuant to Chapter 3323. of the Revised Code, including procedures, standards, and guidelines governing programs and services operated by county boards of developmental disabilities pursuant to section 3323.09 of the Revised Code.

(K) For the purpose of encouraging the development of special programs of education for academically gifted children, the state board shall employ competent persons to analyze and publish data, promote research, advise and counsel with boards of education, and encourage the training of teachers in the special instruction of gifted children. The board may provide financial assistance out of any funds appropriated for this purpose to boards of education and educational service center governing boards for developing and conducting programs of education for academically gifted children.

(L) The state board shall require that all public schools emphasize and encourage, within existing units of study, the teaching of energy and resource conservation as recommended to each district board of education by leading business persons involved in energy production and conservation, beginning in the primary grades.
(M) The state board shall formulate and prescribe minimum standards requiring the use of phonics as a technique in the teaching of reading in grades kindergarten through three. In addition, the state board shall provide in-service training programs for teachers on the use of phonics as a technique in the teaching of reading in grades kindergarten through three.

(N) The state board may adopt rules necessary for carrying out any function imposed on it by law, and may provide rules as are necessary for its government and the government of its employees, and may delegate to the superintendent of public instruction the management and administration of any function imposed on it by law. It may provide for the appointment of board members to serve on temporary committees established by the board for such purposes as are necessary. Permanent or standing committees shall not be created.

(O) Upon application from the board of education of a school district, the superintendent of public instruction may issue a waiver exempting the district from compliance with the standards adopted under divisions (B)(2) and (D) of this section, as they relate to the operation of a school operated by the district. The state board shall adopt standards for the approval or disapproval of waivers under this division. The state superintendent shall consider every application for a waiver, and shall determine whether to grant or deny a waiver in accordance with the state board's standards. For each waiver granted, the state superintendent shall specify the period of time during which the waiver is in effect, which shall not exceed five years. A district board may apply to renew a waiver.

Sec. 3301.0711. (A) The department of education shall:

(1) Annually furnish to, grade, and score all assessments required by divisions (A)(1) and (B)(1) of section 3301.0710 of
the Revised Code to be administered by city, local, exempted
village, and joint vocational school districts, except that each
district shall score any assessment administered pursuant to
division (B)(10) of this section. Each assessment so furnished
shall include the data verification code of the student to whom
the assessment will be administered, as assigned pursuant to
division (D)(2) of section 3301.0714 of the Revised Code. In
furnishing the practice versions of Ohio graduation tests
prescribed by division (D) of section 3301.0710 of the Revised
Code, the department shall make the tests available on its web
site for reproduction by districts. In awarding contracts for
grading assessments, the department shall give preference to
Ohio-based entities employing Ohio residents.

(2) Adopt rules for the ethical use of assessments and
prescribing the manner in which the assessments prescribed by
section 3301.0710 of the Revised Code shall be administered to
students.

(B) Except as provided in divisions (C) and (J) of this
section, the board of education of each city, local, and exempted
village school district shall, in accordance with rules adopted
under division (A) of this section:

(1) Administer the English language arts assessments
prescribed under division (A)(1)(a) of section 3301.0710 of the
Revised Code twice annually to all students in the third grade who
have not attained the score designated for that assessment under
division (A)(2)(c) of section 3301.0710 of the Revised Code.

(2) Administer the mathematics assessment prescribed under
division (A)(1)(a) of section 3301.0710 of the Revised Code at
least once annually to all students in the third grade.

(3) Administer the assessments prescribed under division
(A)(1)(b) of section 3301.0710 of the Revised Code at least once
annually to all students in the fourth grade.

(4) Administer the assessments prescribed under division (A)(1)(c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade.

(5) Administer the assessments prescribed under division (A)(1)(d) of section 3301.0710 of the Revised Code at least once annually to all students in the sixth grade.

(6) Administer the assessments prescribed under division (A)(1)(e) of section 3301.0710 of the Revised Code at least once annually to all students in the seventh grade.

(7) Administer the assessments prescribed under division (A)(1)(f) of section 3301.0710 of the Revised Code at least once annually to all students in the eighth grade.

(8) Except as provided in division (B)(9) of this section, administer any assessment prescribed under division (B)(1) of section 3301.0710 of the Revised Code as follows:

(a) At least once annually to all tenth grade students and at least twice annually to all students in eleventh or twelfth grade who have not yet attained the score on that assessment designated under that division;

(b) To any person who has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code but has not received a high school diploma and who requests to take such assessment, at any time such assessment is administered in the district.

(9) In lieu of the board of education of any city, local, or exempted village school district in which the student is also enrolled, the board of a joint vocational school district shall administer any assessment prescribed under division (B)(1) of
section 3301.0710 of the Revised Code at least twice annually to any student enrolled in the joint vocational school district who has not yet attained the score on that assessment designated under that division. A board of a joint vocational school district may also administer such an assessment to any student described in division (B)(8)(b) of this section.

(10) If the district has a three-year average graduation rate of not more than seventy-five per cent, administer each assessment prescribed by division (D) of section 3301.0710 of the Revised Code in September to all ninth grade students who entered ninth grade prior to July 1, 2014.

Except as provided in section 3313.614 of the Revised Code for administration of an assessment to a person who has fulfilled the curriculum requirement for a high school diploma but has not passed one or more of the required assessments, the assessments prescribed under division (B)(1) of section 3301.0710 of the Revised Code shall not be administered after the date specified in the rules adopted by the state board of education under division (D)(1) of section 3301.0712 of the Revised Code.

(11) Administer the assessments prescribed by division (B)(2) of section 3301.0710 and section 3301.0712 of the Revised Code in accordance with the timeline and plan for implementation of those assessments prescribed by rule of the state board adopted under division (D)(1) of section 3301.0712 of the Revised Code.

(C)(1)(a) In the case of a student receiving special education services under Chapter 3323. of the Revised Code, the individualized education program developed for the student under that chapter shall specify the manner in which the student will participate in the assessments administered under this section. The individualized education program may excuse the student from taking any particular assessment required to be administered under this section if it instead specifies an alternate assessment.
method approved by the department of education as conforming to
requirements of federal law for receipt of federal funds for
disadvantaged pupils. To the extent possible, the individualized
education program shall not excuse the student from taking an
assessment unless no reasonable accommodation can be made to
enable the student to take the assessment.

(b) Any alternate assessment approved by the department for a
student under this division shall produce measurable results
comparable to those produced by the assessment it replaces in
order to allow for the student's results to be included in the
data compiled for a school district or building under section
3302.03 of the Revised Code.

(c) Any student enrolled in a chartered nonpublic school who
has been identified, based on an evaluation conducted in
accordance with section 3323.03 of the Revised Code or section 504
794, as amended, as a child with a disability shall be excused
from taking any particular assessment required to be administered
under this section if a plan developed for the student pursuant to
rules adopted by the state board excuses the student from taking
that assessment. In the case of any student so excused from taking
an assessment, the chartered nonpublic school shall not prohibit
the student from taking the assessment.

(2) A district board may, for medical reasons or other good
cause, excuse a student from taking an assessment administered
under this section on the date scheduled, but that assessment
shall be administered to the excused student not later than nine
days following the scheduled date. The district board shall
annually report the number of students who have not taken one or
more of the assessments required by this section to the state
board not later than the thirtieth day of June.

(3) As used in this division, "limited English proficient
"student" has the same meaning as in 20 U.S.C. 7801.

No school district board shall excuse any limited English proficient student from taking any particular assessment required to be administered under this section, except that any limited English proficient student who has been enrolled in United States schools for less than one full school year shall not be required to take any reading, writing, or English language arts assessment. However, no board shall prohibit a limited English proficient student who is not required to take an assessment under this division from taking the assessment. A board may permit any limited English proficient student to take an assessment required to be administered under this section with appropriate accommodations, as determined by the department. For each limited English proficient student, each school district shall annually assess that student's progress in learning English, in accordance with procedures approved by the department.

The governing authority of a chartered nonpublic school may excuse a limited English proficient student from taking any assessment administered under this section. However, no governing authority shall prohibit a limited English proficient student from taking the assessment.

(D)(1) In the school year next succeeding the school year in which the assessments prescribed by division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code or former division (A)(1), (A)(2), or (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, are administered to any student, the board of education of any school district in which the student is enrolled in that year shall provide to the student intervention services commensurate with the student's performance, including any intensive intervention required under section 3313.608 of the Revised Code, in any skill in which the student failed to demonstrate at least a score at the proficient level on
the assessment.

(2) Following any administration of the assessments prescribed by division (D) of section 3301.0710 of the Revised Code to ninth grade students, each school district that has a three-year average graduation rate of not more than seventy-five per cent shall determine for each high school in the district whether the school shall be required to provide intervention services to any students who took the assessments. In determining which high schools shall provide intervention services based on the resources available, the district shall consider each school's graduation rate and scores on the practice assessments. The district also shall consider the scores received by ninth grade students on the English language arts and mathematics assessments prescribed under division (A)(1)(f) of section 3301.0710 of the Revised Code in the eighth grade in determining which high schools shall provide intervention services.

Each high school selected to provide intervention services under this division shall provide intervention services to any student whose results indicate that the student is failing to make satisfactory progress toward being able to attain scores at the proficient level on the Ohio graduation tests. Intervention services shall be provided in any skill in which a student demonstrates unsatisfactory progress and shall be commensurate with the student's performance. Schools shall provide the intervention services prior to the end of the school year, during the summer following the ninth grade, in the next succeeding school year, or at any combination of those times.

(E) Except as provided in section 3313.608 of the Revised Code and division (N) of this section, no school district board of education shall utilize any student's failure to attain a specified score on an assessment administered under this section as a factor in any decision to deny the student promotion to a
higher grade level. However, a district board may choose not to promote to the next grade level any student who does not take an assessment administered under this section or make up an assessment as provided by division (C)(2) of this section and who is not exempt from the requirement to take the assessment under division (C)(3) of this section.

(F) No person shall be charged a fee for taking any assessment administered under this section.

(G)(1) Each school district board shall designate one location for the collection of assessments administered in the spring under division (B)(1) of this section and those administered under divisions (B)(2) to (7) of this section. Each district board shall submit the assessments to the entity with which the department contracts for the scoring of the assessments as follows:

(a) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was less than two thousand five hundred, not later than the Friday after all of the assessments have been administered;

(b) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was two thousand five hundred or more, but less than seven thousand, not later than the Monday after all of the assessments have been administered;

(c) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was seven thousand or more, not later than the Tuesday after all of the assessments have been administered.

However, any assessment that a student takes during the make-up period described in division (C)(2) of this section shall be submitted not later than the Friday following the day the
student takes the assessment.

(2) The department or an entity with which the department contracts for the scoring of the assessment shall send to each school district board a list of the individual scores of all persons taking a state achievement assessment as follows:

(a) Except as provided in division (G)(2)(b) or (c) of this section, within forty-five days after the administration of the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised Code, but in no case shall the scores be returned later than the thirtieth day of June following the administration;

(b) In the case of the third-grade English language arts assessment, within forty-five days after the administration of that assessment, but in no case shall the scores be returned later than the fifteenth day of June following the administration;

(c) In the case of the writing component of an assessment or end-of-course examination in the area of English language arts, except for the third-grade English language arts assessment, the results may be sent after forty-five days of the administration of the writing component, but in no case shall the scores be returned later than the thirtieth day of June following the administration.

(3) For assessments administered under this section by a joint vocational school district, the department or entity shall also send to each city, local, or exempted village school district a list of the individual scores of any students of such city, local, or exempted village school district who are attending school in the joint vocational school district.

(H) Individual scores on any assessments administered under this section shall be released by a district board only in accordance with section 3319.321 of the Revised Code and the rules adopted under division (A) of this section. No district board or its employees shall utilize individual or aggregate results in any
manner that conflicts with rules for the ethical use of assessments adopted pursuant to division (A) of this section.

(I) Except as provided in division (G) of this section, the department or an entity with which the department contracts for the scoring of the assessment shall not release any individual scores on any assessment administered under this section. The state board shall adopt rules to ensure the protection of student confidentiality at all times. The rules may require the use of the data verification codes assigned to students pursuant to division (D)(2) of section 3301.0714 of the Revised Code to protect the confidentiality of student scores.

(J) Notwithstanding division (D) of section 3311.52 of the Revised Code, this section does not apply to the board of education of any cooperative education school district except as provided under rules adopted pursuant to this division.

(1) In accordance with rules that the state board shall adopt, the board of education of any city, exempted village, or local school district with territory in a cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code may enter into an agreement with the board of education of the cooperative education school district for administering any assessment prescribed under this section to students of the city, exempted village, or local school district who are attending school in the cooperative education school district.

(2) In accordance with rules that the state board shall adopt, the board of education of any city, exempted village, or local school district with territory in a cooperative education school district established pursuant to section 3311.521 of the Revised Code shall enter into an agreement with the cooperative district that provides for the administration of any assessment prescribed under this section to both of the following:
(a) Students who are attending school in the cooperative
district and who, if the cooperative district were not
established, would be entitled to attend school in the city,
local, or exempted village school district pursuant to section
3313.64 or 3313.65 of the Revised Code;

(b) Persons described in division (B)(8)(b) of this section.

Any assessment of students pursuant to such an agreement
shall be in lieu of any assessment of such students or persons
pursuant to this section.

(K)(1) Except as otherwise provided in division (K)(1) or (2)
of this section, each chartered nonpublic school for which at
least sixty-five per cent of its total enrollment is made up of
students who are participating in state scholarship programs shall
administer the elementary assessments prescribed by section
3301.0710 of the Revised Code. In accordance with procedures and
deadlines prescribed by the department, the parent or guardian of
a student enrolled in the school who is not participating in a
state scholarship program may submit notice to the chief
administrative officer of the school that the parent or guardian
does not wish to have the student take the elementary assessments
prescribed for the student's grade level under division (A) of
section 3301.0710 of the Revised Code. If a parent or guardian
submits an opt-out notice, the school shall not administer the
assessments to that student. This option does not apply to any
assessment required for a high school diploma under section
3313.612 of the Revised Code.

(2) A chartered nonpublic school may submit to the
superintendent of public instruction a request for a waiver from
administering the elementary assessments prescribed by division
(A) of section 3301.0710 of the Revised Code. The state
superintendent shall approve or disapprove a request for a waiver
submitted under division (K)(1)(c) of this section. No waiver
shall be approved for any school year prior to the 2015-2016 school year.

To be eligible to submit a request for a waiver, a chartered nonpublic school shall meet the following conditions:

(a) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychiatrist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome.

(b) The school has solely served a student population described in division (K)(1)(a) of this section for at least ten years.

(c) The school provides to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including diagnostic assessments and nationally standardized norm-referenced achievement assessments that measure reading and math skills.

(3) Any chartered nonpublic school that is not subject to division (K)(1) of this section may participate in the assessment program by administering any of the assessments prescribed by division (A) of section 3301.0710 of the Revised Code. The chief administrator of the school shall specify which assessments the school will administer. Such specification shall be made in writing to the superintendent of public instruction prior to the first day of August of any school year in which assessments are administered and shall include a pledge that the nonpublic school
will administer the specified assessments in the same manner as public schools are required to do under this section and rules adopted by the department.

(4) The department of education shall furnish the assessments prescribed by section 3301.0710 of the Revised Code to each chartered nonpublic school that is subject to division (K)(1) of this section or participates under division (K)(3) of this section.

(L) If a chartered nonpublic school is educating students in grades nine through twelve, the following shall apply:

(1) For a student who is enrolled in a chartered nonpublic school that is accredited through the independent schools association of the central states and who is attending the school under a state scholarship program, the student shall either take all of the assessments prescribed by division (B) of section 3301.0712 of the Revised Code or take an alternative assessment approved by the department under section 3313.619 of the Revised Code.

(2) For a student who is enrolled in a chartered nonpublic school that is accredited through the independent schools association of the central states, and who is not attending the school under a state scholarship program, the student shall not be required to take any assessment prescribed under section 3301.0712 or 3313.619 of the Revised Code.

(3) For a student who is enrolled in a chartered nonpublic school that is not accredited through the independent schools association of the central states, regardless of whether the student is attending or is not attending the school under a state scholarship program, the student shall do one of the following:

(a) Take all of the assessments prescribed by division (B) of section 3301.0712 of the Revised Code;
(b) Take only the assessment prescribed by division (B)(1) of section 3301.0712 of the Revised Code, provided that the student's school publishes the results of that assessment for each graduating class. The published results of that assessment shall include the overall composite scores, mean scores, twenty-fifth percentile scores, and seventy-fifth percentile scores for each subject area of the assessment.

(c) Take an alternative assessment approved by the department under section 3313.619 of the Revised Code.

(M)(1) The superintendent of the state school for the blind and the superintendent of the state school for the deaf shall administer the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code. Each superintendent shall administer the assessments in the same manner as district boards are required to do under this section and rules adopted by the department of education and in conformity with division (C)(1)(a) of this section.

(2) The department of education shall furnish the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code to each superintendent.

(N) Notwithstanding division (E) of this section, a school district may use a student's failure to attain a score in at least the proficient range on the mathematics assessment described by division (A)(1)(a) of section 3301.0710 of the Revised Code or on an assessment described by division (A)(1)(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised Code as a factor in retaining that student in the current grade level.

(O)(1) In the manner specified in divisions (O)(3), (4), and (6), and (7) of this section, the assessments required by division (A)(1) of section 3301.0710 of the Revised Code shall become public records pursuant to section 149.43 of the Revised Code on
the thirty-first day of July following the school year that the
assessments were administered.

(2) The department may field test proposed questions with
samples of students to determine the validity, reliability, or
appropriateness of questions for possible inclusion in a future
year's assessment. The department also may use anchor questions on
assessments to ensure that different versions of the same
assessment are of comparable difficulty.

Field test questions and anchor questions shall not be
considered in computing scores for individual students. Field test
questions and anchor questions may be included as part of the
administration of any assessment required by division (A)(1) or
(B) of section 3301.0710 and division (B) of section 3301.0712 of
the Revised Code.

(3) Any field test question or anchor question administered
under division (O)(2) of this section shall not be a public
record. Such field test questions and anchor questions shall be
redacted from any assessments which are released as a public
record pursuant to division (O)(1) of this section.

(4) This division applies to the assessments prescribed by
division (A) of section 3301.0710 of the Revised Code.

(a) The first administration of each assessment, as specified
in former section 3301.0712 of the Revised Code, shall be a public
record.

(b) For subsequent administrations of each assessment prior
to the 2011-2012 school year, not less than forty per cent of the
questions on the assessment that are used to compute a student's
score shall be a public record. The department shall determine
which questions will be needed for reuse on a future assessment
and those questions shall not be public records and shall be
redacted from the assessment prior to its release as a public
record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The preceding sentence does not apply to field test questions that are redacted under division (O)(3) of this section.

(c) The administrations of each assessment in the 2011-2012, 2012-2013, and 2013-2014 school years shall not be a public record.

(5) Each assessment prescribed by division (B)(1) of section 3301.0710 of the Revised Code shall not be a public record.

(6) Beginning with the spring administration for (a) Except as provided in division (O)(6)(b) of this section, for the administrations in the 2014-2015, 2015-2016, and 2016-2017 school year years, questions on the assessments prescribed under division (A) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code and the corresponding preferred answers that are used to compute a student's score shall become a public record as follows:

(i) Forty per cent of the questions and preferred answers on the assessments on the thirty-first day of July following the administration of the assessment;

(ii) Twenty per cent of the questions and preferred answers on the assessment on the thirty-first day of July one year after the administration of the assessment;

(iii) The remaining forty per cent of the questions and preferred answers on the assessment on the thirty-first day of July two years after the administration of the assessment.

The entire content of an assessment shall become a public record within three years of its administration.
The department shall make the questions that become a public record under this division readily accessible to the public on the department's web site. Questions on the spring administration of each assessment shall be released on an annual basis, in accordance with this division.

(b) No questions and corresponding preferred answers shall become a public record under division (O)(6) of this section after July 31, 2017.

(7) Division (O)(7) of this section applies to the assessments prescribed by division (A) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code.

Beginning with the assessments administered in the spring of the 2017-2018 school year, not less than forty per cent of the questions on each assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the corresponding statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The department is not required to provide corresponding standards and benchmarks to field test questions that are redacted under division (O)(3) of this section.

(P) As used in this section:

(1) "Three-year average" means the average of the most recent consecutive three school years of data.

(2) "Dropout" means a student who withdraws from school before completing course requirements for graduation and who is
not enrolled in an education program approved by the state board of education or an education program outside the state. "Dropout" does not include a student who has departed the country.

(3) "Graduation rate" means the ratio of students receiving a diploma to the number of students who entered ninth grade four years earlier. Students who transfer into the district are added to the calculation. Students who transfer out of the district for reasons other than dropout are subtracted from the calculation. If a student who was a dropout in any previous year returns to the same school district, that student shall be entered into the calculation as if the student had entered ninth grade four years before the graduation year of the graduating class that the student joins.

(4) "State scholarship programs" means the educational choice scholarship pilot program established under sections 3310.01 to 3310.17 of the Revised Code, the autism scholarship program established under section 3310.41 of the Revised Code, the Jon Peterson special needs scholarship program established under sections 3310.51 to 3310.64 of the Revised Code, and the pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code.

Sec. 3301.0712. (A) The state board of education, the superintendent of public instruction, and the chancellor of higher education shall develop a system of college and work ready assessments as described in division (B) of this section to assess whether each student upon graduating from high school is ready to enter college or the workforce. Beginning with students who enter the ninth grade for the first time on or after July 1, 2014, the system shall replace the Ohio graduation tests prescribed in division (B)(1) of section 3301.0710 of the Revised Code as a measure of student academic performance and one determinant of
eligibility for a high school diploma in the manner prescribed by the rule of the state board adopted under division (D) of this section.

(B) The college and work ready assessment system shall consist of the following:

(1) Nationally standardized assessments that measure college and career readiness and are used for college admission. The assessments shall be selected jointly by the state superintendent and the chancellor, and one of which shall be selected by each school district or school to administer to its students. The assessments prescribed under division (B)(1) of this section shall be administered to all eleventh-grade students in the spring of the school year.

(2) Seven end-of-course examinations, one in each of the areas of English language arts I, English language arts II, science, Algebra I, geometry, American history, and American government. The end-of-course examinations shall be selected jointly by the state superintendent and the chancellor in consultation with faculty in the appropriate subject areas at institutions of higher education of the university system of Ohio. Advanced placement examinations and international baccalaureate examinations, as prescribed under section 3313.6013 of the Revised Code, in the areas of science, American history, and American government may be used as end-of-course examinations in accordance with division (B)(4)(a)(i) of this section. Final course grades for courses taken under any other advanced standing program, as prescribed under section 3313.6013 of the Revised Code, in the areas of science, American history, and American government may be used in lieu of end-of-course examinations in accordance with division (B)(4)(a)(ii) of this section.

(3)(a) Not later than July 1, 2013, each school district
board of education shall adopt interim end-of-course examinations that comply with the requirements of divisions (B)(3)(b)(i) and (ii) of this section to assess mastery of American history and American government standards adopted under division (A)(1)(b) of section 3301.079 of the Revised Code and the topics required under division (M) of section 3313.603 of the Revised Code. Each high school of the district shall use the interim examinations until the state superintendent and chancellor select end-of-course examinations in American history and American government under division (B)(2) of this section.

(b) Not later than July 1, 2014, the state superintendent and the chancellor shall select the end-of-course examinations in American history and American government.

(i) The end-of-course examinations in American history and American government shall require demonstration of mastery of the American history and American government content for social studies standards adopted under division (A)(1)(b) of section 3301.079 of the Revised Code and the topics required under division (M) of section 3313.603 of the Revised Code.

(ii) At least twenty per cent of the end-of-course examination in American government shall address the topics on American history and American government described in division (M) of section 3313.603 of the Revised Code.

(4)(a) Notwithstanding anything to the contrary in this section, beginning with the 2014-2015 school year, both of the following shall apply:

(i) If a student is enrolled in an appropriate advanced placement or international baccalaureate course, that student shall take the advanced placement or international baccalaureate examination in lieu of the science, American history, or American government end-of-course examinations prescribed under division
(B)(2) of this section. The state board shall specify the score levels for each advanced placement examination and international baccalaureate examination for purposes of calculating the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.

(ii) If a student is enrolled in an appropriate course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, that student shall not be required to take the science, American history, or American government end-of-course examination, whichever is applicable, prescribed under division (B)(2) of this section. Instead, that student's final course grade shall be used in lieu of the applicable end-of-course examination prescribed under that section. The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades that demonstrate the level of academic achievement necessary to earn a high school diploma.

Division (B)(4)(a)(ii) of this section shall apply only to courses for which students receive transcripted credit, as defined in division (U) of section 3365.01 of the Revised Code. It shall not apply to remedial or developmental courses.

(b) No student shall take a substitute examination or examination prescribed under division (B)(4)(a) of this section in place of the end-of-course examinations in English language arts I, English language arts II, Algebra I, or geometry prescribed under division (B)(2) of this section.

(c) The state board shall consider additional assessments that may be used, beginning with the 2016-2017 school year, as substitute examinations in lieu of the end-of-course examinations prescribed under division (B)(2) of this section.

(5) The state board shall do all of the following:
(a) Determine and designate at least five ranges of scores on each of the end-of-course examinations prescribed under division (B)(2) of this section, and substitute examinations prescribed under division (B)(4) of this section. Each range of scores shall be considered to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:

(i) An advanced level of skill;

(ii) An accelerated level of skill;

(iii) A proficient level of skill;

(iv) A basic level of skill;

(v) A limited level of skill.

(b) Determine a method by which to calculate a cumulative performance score based on the results of a student's end-of-course examinations or substitute examinations;

(c) Determine the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma;

(d) Develop a table of corresponding score equivalents for the end-of-course examinations and substitute examinations in order to calculate student performance consistently across the different examinations.

A score of two on an advanced placement examination or a score of two or three on an international baccalaureate examination shall be considered equivalent to a proficient level of skill as specified under division (B)(5)(a)(iii) of this section.

(6)(a) A student who meets both of the following conditions shall not be required to take an end-of-course examination:

(i) The student received high school credit prior to July 1,
2015, for a course for which the end-of-course examination is
prescribed.

(ii) The examination was not available for administration
prior to July 1, 2015.

Receipt of credit for the course described in division (B)(6)(a)(i) of this section shall satisfy the requirement to take
the end-of-course examination. A student exempted under division (B)(6)(a) of this section may take the applicable end-of-course
examination at a later date.

(b) For purposes of determining whether a student who is
exempt from taking an end-of-course examination under division (B)(6)(a) of this section has attained the cumulative score
prescribed by division (B)(5)(c) of this section, such student
shall select either of the following:

(i) The student is considered to have attained a proficient
score on the end-of-course examination from which the student is exempt;

(ii) The student's final course grade shall be used in lieu
of a score on the end-of-course examination from which the student is exempt.

The state superintendent, in consultation with the
chancellor, shall adopt guidelines for purposes of calculating the
corresponding final course grades and the minimum cumulative
performance score that demonstrates the level of academic
achievement necessary to earn a high school diploma.

(7)(a) Notwithstanding anything to the contrary in this
section, the state board may replace the algebra I end-of-course
examination prescribed under division (B)(2) of this section with
an algebra II end-of-course examination, beginning with the
2016-2017 school year for students who enter ninth grade on or
after July 1, 2016.
(b) If the state board replaces the algebra I end-of-course examination with an algebra II end-of-course examination as authorized under division (B)(7)(a) of this section, both of the following shall apply:

(i) A student who is enrolled in an advanced placement or international baccalaureate course in algebra II shall take the advanced placement or international baccalaureate examination in lieu of the algebra II end-of-course examination.

(ii) A student who is enrolled in an algebra II course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, shall not be required to take the algebra II end-of-course examination. Instead, that student's final course grade shall be used in lieu of the examination.

(c) If a school district or school utilizes an integrated approach to mathematics instruction, the district or school may do either or both of the following:

(i) Administer an integrated mathematics I end-of-course examination in lieu of the prescribed algebra I end-of-course examination;

(ii) Administer an integrated mathematics II end-of-course examination in lieu of the prescribed geometry end-of-course examination.

(8)(a) For students entering the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, the assessment in the area of science shall be physical science or biology. For students entering the ninth grade for the first time on or after July 1, 2015, the assessment in the area of science shall be biology.

(b) Until July 1, 2019, the department of education shall make available the end-of-course examination in physical science for students who entered the ninth grade for the first time on or
after July 1, 2014, but prior to July 1, 2015, and who wish to retake the examination.

(c) Not later than July 1, 2016, the state board shall adopt rules prescribing the requirements for the end-of-course examination in science for students who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, and who have not met the requirement prescribed by section 3313.618 of the Revised Code by July 1, 2019, due to a student's failure to satisfy division (A)(2) of section 3313.618 of the Revised Code.

(9) Neither the state board nor the department of education shall develop or administer an end-of-course examination in the area of world history.

(C) The state board shall convene a group of national experts, state experts, and local practitioners to provide advice, guidance, and recommendations for the alignment of standards and model curricula to the assessments and in the design of the end-of-course examinations prescribed by this section.

(D) Upon completion of the development of the assessment system, the state board shall adopt rules prescribing all of the following:

(1) A timeline and plan for implementation of the assessment system, including a phased implementation if the state board determines such a phase-in is warranted;

(2) The date after which a person shall meet the requirements of the entire assessment system as a prerequisite for a diploma of adult education under section 3313.611 of the Revised Code;

(3) Whether and the extent to which a person may be excused from an American history end-of-course examination and an American government end-of-course examination under division (H) of section 3313.61 and division (B)(3) of section 3313.612 of the Revised
(4) The date after which a person who has fulfilled the curriculum requirement for a diploma but has not passed one or more of the required assessments at the time the person fulfilled the curriculum requirement shall meet the requirements of the entire assessment system as a prerequisite for a high school diploma under division (B) of section 3313.614 of the Revised Code;

(5) The extent to which the assessment system applies to students enrolled in a dropout recovery and prevention program for purposes of division (F) of section 3313.603 and section 3314.36 of the Revised Code.

(E) Not later than forty-five days prior to the state board's adoption of a resolution directing the department to file the rules prescribed by division (D) of this section in final form under section 119.04 of the Revised Code, the superintendent of public instruction shall present the assessment system developed under this section to the respective committees of the house of representatives and senate that consider education legislation.

(F)(1) Any person enrolled in a nonchartered nonpublic school or any person who has been excused from attendance at school for the purpose of home instruction under section 3321.04 of the Revised Code may choose to participate in the system of assessments administered under divisions (B)(1) and (2) of this section. However, no such person shall be required to participate in the system of assessments.

(2) The department shall adopt rules for the administration and scoring of any assessments under division (F)(1) of this section.

(G) Not later than December 31, 2014, the state board shall select at least one nationally recognized job skills assessment.
Each school district shall administer that assessment to those students who opt to take it. The state shall reimburse a school district for the costs of administering that assessment. The state board shall establish the minimum score a student must attain on the job skills assessment in order to demonstrate a student's workforce readiness and employability. The administration of the job skills assessment to a student under this division shall not exempt a school district from administering the assessments prescribed in division (B) of this section to that student.

Sec. 3302.03. Annually, not later than the fifteenth day of September or the preceding Friday when that day falls on a Saturday or Sunday, the department of education shall assign a letter grade for overall academic performance and for each separate performance measure for each school district, and each school building in a district, in accordance with this section. The state board shall adopt rules pursuant to Chapter 119. of the Revised Code to establish performance criteria for each letter grade and prescribe a method by which the department assigns each letter grade. For a school building to which any of the performance measures do not apply, due to grade levels served by the building, the state board shall designate the performance measures that are applicable to the building and that must be calculated separately and used to calculate the building's overall grade. The department shall issue annual report cards reflecting the performance of each school district, each building within each district, and for the state as a whole using the performance measures and letter grade system described in this section. The department shall include on the report card for each district and each building within each district the most recent two-year trend data in student achievement for each subject and each grade.

(A)(1) For the 2012-2013 school year, the department shall issue grades as described in division (E) of this section for each...
of the following performance measures:

(a) Annual measurable objectives;

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as adopted by the state board. In adopting benchmarks for assigning letter grades under division (A)(1)(b) of this section, the state board of education shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.02 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (A)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates. In adopting benchmarks for assigning letter grades under division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the department shall designate a four-year adjusted cohort graduation rate of ninety-three per cent or higher for an "A" and a five-year cohort graduation rate of ninety-five per cent or higher for an "A."

(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available. The letter grade assigned for this growth measure shall be as follows:

(i) A score that is at least two standard errors of measure above the mean score shall be designated as an "A."
(ii) A score that is at least one standard error of measure but less than two standard errors of measure above the mean score shall be designated as a "B."

(iii) A score that is less than one standard error of measure above the mean score but greater than or equal to one standard error of measure below the mean score shall be designated as a "C."

(iv) A score that is not greater than one standard error of measure below the mean score but is greater than or equal to two standard errors of measure below the mean score shall be designated as a "D."

(v) A score that is not greater than two standard errors of measure below the mean score shall be designated as an "F."

Whenever the value-added progress dimension is used as a graded performance measure, whether as an overall measure or as a measure of separate subgroups, the grades for the measure shall be calculated in the same manner as prescribed in division (A)(1)(e) of this section.

(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.

(2) Not later than April 30, 2013, the state board of education shall adopt a resolution describing the performance measures, benchmarks, and grading system for the 2012-2013 school year and, not later than June 30, 2013, shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter.
grade, including performance benchmarks for each letter grade.

At least forty-five days prior to the state board's adoption of rules to prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks.

(3) There shall not be an overall letter grade for a school district or building for the 2012-2013 school year.

(B)(1) For the 2013-2014 and 2014-2015 school years, the department shall issue grades as described in division (E) of this section for each of the following performance measures:

(a) Annual measurable objectives;

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (B)(1)(b) of this section, the state board shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (B)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates;
(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available.

(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324 of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.

(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the state board. The state board shall adopt rules to prescribe benchmarks and standards for assigning grades to districts and buildings for purposes of division (B)(1)(g) of this section. In adopting benchmarks for assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of this section, the state board shall determine progress made based on the reduction in the total percentage of students scoring below grade level, or below proficient, compared from year to year on the reading and writing diagnostic assessments administered under section 3301.0715 of the Revised Code and the third grade English language arts assessment under section 3301.0710 of the Revised Code, as applicable. The state board shall designate for a "C" grade a value that is not lower than the statewide average value for this measure. No grade shall be issued under divisions (B)(1)(g) and (C)(1)(g) of this section for a district or building in which less than five per cent of students have scored below grade level on the diagnostic assessment administered to students in kindergarten under division (B)(1) of section 3313.608 of the Revised Code.
Revised Code.

(h) For a high mobility school district or building, an additional value-added progress dimension score. For this measure, the department shall use value-added data from the most recent school year available and shall use assessment scores for only those students to whom the district or building has administered the assessments prescribed by section 3301.0710 of the Revised Code for each of the two most recent consecutive school years.

As used in this division, "high mobility school district or building" means a school district or building where at least twenty-five per cent of its total enrollment is made up of students who have attended that school district or building for less than one year.

(2) In addition to the graded measures in division (B)(1) of this section, the department shall include on a school district's or building's report card all of the following without an assigned letter grade:

(a) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;

(b) The number of a district's or building's students who have earned at least three college credits through dual enrollment or advanced standing programs, such as the post-secondary enrollment options program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's transcript or other official document, either of which is issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B)(2)(b) and (C)(2)(c) of this section shall not
include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree.

(c) The percentage of students enrolled in a district or building who have taken a national standardized test used for college admission determinations and the percentage of those students who are determined to be remediation-free in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code;

(d) The percentage of the district's or the building's students who receive industry-recognized credentials as approved under section 3313.6112 of the Revised Code. The state board shall adopt criteria for acceptable industry-recognized credentials.

(e) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations.

(f) The percentage of the district's or building's students who receive an honors diploma under division (B) of section 3313.61 of the Revised Code.

(3) Not later than December 31, 2013, the state board shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed and assigned a letter grade, including performance benchmarks for each grade.

At least forty-five days prior to the state board's adoption of rules to prescribe the methods by which the performance measures under division (B)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of
representatives and the senate that consider education legislation describing such methods, including performance benchmarks.


(C)(1) For the 2014-2015 school year and each school year thereafter, the department shall issue grades as described in division (E) of this section for each of the performance measures prescribed in division (C)(1) of this section. The graded measures are as follows:

(a) Annual measurable objectives;

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (C)(1)(b) of this section, the state board shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (C)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates;

(e) The overall score under the value-added progress dimension, or another measure of student academic progress if adopted by the state board, of a school district or building, for which the department shall use up to three years of value-added.
data as available.

In adopting benchmarks for assigning letter grades for overall score on value-added progress dimension under division (C)(1)(e) of this section, the state board shall prohibit the assigning of a grade of "A" for that measure unless the district's or building's grade assigned for value-added progress dimension for all subgroups under division (C)(1)(f) of this section is a "B" or higher.

For the metric prescribed by division (C)(1)(e) of this section, the state board may adopt a student academic progress measure to be used instead of the value-added progress dimension. If the state board adopts such a measure, it also shall prescribe a method for assigning letter grades for the new measure that is comparable to the method prescribed in division (A)(1)(e) of this section.

(f) The value-added progress dimension score of a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324 of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board. Each subgroup shall be a separate graded measure.

The state board may adopt student academic progress measures to be used instead of the value-added progress dimension. If the state board adopts such measures, it also shall prescribe a method for assigning letter grades for the new measures that is comparable to the method prescribed in division (A)(1)(e) of this section.

(g) Whether a school district or building is making progress
in improving literacy in grades kindergarten through three, as determined using a method prescribed by the state board. The state board shall adopt rules to prescribe benchmarks and standards for assigning grades to a district or building for purposes of division (C)(1)(g) of this section. The state board shall designate for a "C" grade a value that is not lower than the statewide average value for this measure. No grade shall be issued under division (C)(1)(g) of this section for a district or building in which less than five per cent of students have scored below grade level on the kindergarten diagnostic assessment under division (B)(1) of section 3313.608 of the Revised Code.

(h) For a high mobility school district or building, an additional value-added progress dimension score. For this measure, the department shall use value-added data from the most recent school year available and shall use assessment scores for only those students to whom the district or building has administered the assessments prescribed by section 3301.0710 of the Revised Code for each of the two most recent consecutive school years. As used in this division, "high mobility school district or building" means a school district or building where at least twenty-five per cent of its total enrollment is made up of students who have attended that school district or building for less than one year.

(2) In addition to the graded measures in division (C)(1) of this section, the department shall include on a school district's or building's report card all of the following without an assigned letter grade:

(a) The percentage of students enrolled in a district or building who have taken a national standardized test used for college admission determinations and the percentage of those students who are determined to be remediation-free in accordance with the standards adopted under division (F) of section 3345.061.
of the Revised Code;

(b) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;

(c) The percentage of a district's or building's students who have earned at least three college credits through advanced standing programs, such as the college credit plus program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's college transcript issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B)(2)(b) and (C)(2)(c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree.

(d) The percentage of the district's or building's students who receive an honor's diploma under division (B) of section 3313.61 of the Revised Code;

(e) The percentage of the district's or building's students who receive industry-recognized credentials as approved under section 3313.6112 of the Revised Code;

(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations;

(g) The results of the college and career-ready assessments administered under division (B)(1) of section 3301.0712 of the Revised Code.

(3) The state board shall adopt rules pursuant to Chapter
of the Revised Code that establish a method to assign an overall grade for a school district or school building for the 2017-2018 school year and each school year thereafter. The rules shall group the performance measures in divisions (C)(1) and (2) of this section into the following components:

(a) Gap closing, which shall include the performance measure in division (C)(1)(a) of this section;

(b) Achievement, which shall include the performance measures in divisions (C)(1)(b) and (c) of this section;

(c) Progress, which shall include the performance measures in divisions (C)(1)(e) and (f) of this section;

(d) Graduation, which shall include the performance measure in division (C)(1)(d) of this section;

(e) Kindergarten through third-grade literacy, which shall include the performance measure in division (C)(1)(g) of this section;

(f) Prepared for success, which shall include the performance measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of this section. The state board shall develop a method to determine a grade for the component in division (C)(3)(f) of this section using the performance measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of this section. When available, the state board may incorporate the performance measure under division (C)(2)(g) of this section into the component under division (C)(3)(f) of this section. When determining the overall grade for the prepared for success component prescribed by division (C)(3)(f) of this section, no individual student shall be counted in more than one performance measure. However, if a student qualifies for more than one performance measure in the component, the state board may, in its method to determine a grade for the component, specify an additional weight for such a student that is not greater than
equal to 1.0. In determining the overall score under division (C)(3)(f) of this section, the state board shall ensure that the pool of students included in the performance measures aggregated under that division are all of the students included in the four- and five-year adjusted graduation cohort.

In the rules adopted under division (C)(3) of this section, the state board shall adopt a method for determining a grade for each component in divisions (C)(3)(a) to (f) of this section. The state board also shall establish a method to assign an overall grade of "A," "B," "C," "D," or "F" using the grades assigned for each component. The method the state board adopts for assigning an overall grade shall give equal weight to the components in divisions (C)(3)(b) and (c) of this section.

At least forty-five days prior to the state board's adoption of rules to prescribe the methods for calculating the overall grade for the report card, as required by this division, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing the format for the report card, weights that will be assigned to the components of the overall grade, and the method for calculating the overall grade.

(D) On or after than July 1, 2015, the state board may develop a measure of student academic progress for high school students using only data from assessments in English language arts and mathematics. If the state board develops this measure, each school district and applicable school building shall be assigned a separate letter grade for it not sooner than the 2017-2018 school year. The district's or building's grade for that measure shall not be included in determining the district's or building's overall letter grade.

(E) The letter grades assigned to a school district or
building under this section shall be as follows:

(1) "A" for a district or school making excellent progress;

(2) "B" for a district or school making above average progress;

(3) "C" for a district or school making average progress;

(4) "D" for a district or school making below average progress;

(5) "F" for a district or school failing to meet minimum progress.

(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:

(1) Performance of students by grade-level;

(2) Performance of students by race and ethnic group;

(3) Performance of students by gender;

(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;

(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;

(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;

(7) Performance of students grouped by those who are economically disadvantaged;

(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;

(9) Performance of students grouped by those who are
classified as limited English proficient;

(10) Performance of students grouped by those who have disabilities;

(11) Performance of students grouped by those who are classified as migrants;

(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.

(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board.

The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (F)(1) to (13) of this section that it deems relevant.

In reporting data pursuant to division (F) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report student performance data for any group identified in division (F) of this section that contains less than ten students. If the department does not report student performance data for a group because it contains less than
ten students, the department shall indicate on the report card that is why data was not reported.

(G) The department may include with the report cards any additional education and fiscal performance data it deems valuable.

(H) The department shall include on each report card a list of additional information collected by the department that is available regarding the district or building for which the report card is issued. When available, such additional information shall include student mobility data disaggregated by race and socioeconomic status, college enrollment data, and the reports prepared under section 3302.031 of the Revised Code.

The department shall maintain a site on the world wide web. The report card shall include the address of the site and shall specify that such additional information is available to the public at that site. The department shall also provide a copy of each item on the list to the superintendent of each school district. The district superintendent shall provide a copy of any item on the list to anyone who requests it.

(I)(1)(a) Except as provided in division (I)(1)(b) of this section, for any district that sponsors a conversion community school under Chapter 3314. of the Revised Code, the department shall combine data regarding the academic performance of students enrolled in the community school with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the report card issued for the district under this section or section 3302.033 of the Revised Code.

(b) The department shall not combine data from any conversion community school that a district sponsors if a majority of the students enrolled in the conversion community school are enrolled
in a dropout prevention and recovery program that is operated by
the school, as described in division (A)(4)(a) of section 3314.35
of the Revised Code. The department shall include as an addendum
to the district's report card the ratings and performance measures
that are required under section 3314.017 of the Revised Code for
any community school to which division (I)(1)(b) of this section
applies. This addendum shall include, at a minimum, the data
specified in divisions (C)(1)(a), (C)(2), and (C)(3) of section
3314.017 of the Revised Code.

(2) Any district that leases a building to a community school
located in the district or that enters into an agreement with a
community school located in the district whereby the district and
the school endorse each other's programs may elect to have data
regarding the academic performance of students enrolled in the
community school combined with comparable data from the schools of
the district for the purpose of determining the performance of the
district as a whole on the district report card. Any district that
so elects shall annually file a copy of the lease or agreement
with the department.

(3) Any municipal school district, as defined in section
3311.71 of the Revised Code, that sponsors a community school
located within the district's territory, or that enters into an
agreement with a community school located within the district's
territory whereby the district and the community school endorse
each other's programs, may exercise either or both of the
following elections:

(a) To have data regarding the academic performance of
students enrolled in that community school combined with
comparable data from the schools of the district for the purpose
of determining the performance of the district as a whole on the
district's report card;

(b) To have the number of students attending that community
school noted separately on the district's report card.

The election authorized under division (I)(3)(a) of this section is subject to approval by the governing authority of the community school.

Any municipal school district that exercises an election to combine or include data under division (I)(3) of this section, by the first day of October of each year, shall file with the department documentation indicating eligibility for that election, as required by the department.

(J) The department shall include on each report card the percentage of teachers in the district or building who are highly qualified, as defined by the No Child Left Behind Act of 2001, and a comparison of that percentage with the percentages of such teachers in similar districts and buildings.

(K)(1) In calculating English language arts, mathematics, social studies, or science assessment passage rates used to determine school district or building performance under this section, the department shall include all students taking an assessment with accommodation or to whom an alternate assessment is administered pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code.

(2) In calculating performance index scores, rates of achievement on the performance indicators established by the state board under section 3302.02 of the Revised Code, and annual measurable objectives for determining adequate yearly progress for school districts and buildings under this section, the department shall do all of the following:

(a) Include for each district or building only those students who are included in the ADM certified for the first full school week of October and are continuously enrolled in the district or building through the time of the spring administration of any
assessment prescribed by division (A)(1) or (B)(1) of section 3301.0710 or division (B) of section 3301.0712 of the Revised Code that is administered to the student's grade level;

(b) Include cumulative totals from both the fall and spring administrations of the third grade English language arts achievement assessment;

(c) Except as required by the No Child Left Behind Act of 2001, exclude for each district or building any limited English proficient student who has been enrolled in United States schools for less than one full school year.

(L) Beginning with the 2015-2016 school year and at least once every three years thereafter, the state board of education shall review and may adjust the benchmarks for assigning letter grades to the performance measures and components prescribed under divisions (C)(3) and (D) of this section.

Sec. 3304.11. As used in sections 3304.11 to 3304.27 of the Revised Code:

(A) "Person Eligible individual with a disability" means any person with an individual who has a physical or mental impairment that is constitutes or results in a substantial impediment to employment and who can benefit in terms of an employment outcome from the provision of requires vocational rehabilitation services to prepare for, secure, retain, advance in, or regain employment.

(B) "Physical or mental impairment" means a physical or mental condition that materially limits, contributes to limiting or, if not corrected, will probably result in limiting a person's activities or functioning any physiological, mental, or psychological disorder.

(C) "Substantial impediment to employment" means a physical or mental disability that impedes a person's occupational...
performance, by preventing the person's obtaining, retaining, or preparing for a gainful occupation consistent with the person's capacities and impairment that hinders an individual from preparing for, entering into, engaging in, advancing in, or retaining employment consistent with the individual's abilities and capabilities.

D) "Vocational rehabilitation" and "vocational rehabilitation services" means any activity or service calculated to enable a person with a disability or groups of persons with disabilities to engage in gainful occupation and includes, but is not limited to, medical and vocational evaluation, including diagnostic and related services, vocational counseling, guidance and placement, including follow-up services, rehabilitation training, including books and other training materials, physical restoration, recruitment and training services designed to provide persons with disabilities new employment opportunities, maintenance, occupational tools, equipment, supplies, transportation, services to families of persons with disabilities that contribute substantially to the rehabilitation of these persons, and any other goods or service necessary to render a person with a disability employable has the same meaning as defined in section 361.5 of Title 34 of the Code of Federal Regulations, 34 C.F.R. 361.5.

E) "Establishment of a rehabilitation facility" means the expansion, remodeling, or alteration of an existing building that is necessary to adapt or to increase the effectiveness of that building for rehabilitation facility purposes, the acquisition of equipment for these purposes, and the initial staffing.

F) "Construction" means the construction of new buildings, acquisition of land or existing buildings and their expansion, remodeling, alteration and renovation, and the initial staffing and equipment of any new, newly acquired, expanded, remodeled,
altered, or renovated buildings.

(G) "Physical restoration services" means those services that are necessary to correct or substantially modify within a reasonable period of time a physical or mental condition that is stable or slowly progressive.

(H) "Occupational license" means any license, permit, or other written authority required by any governmental unit in order to engage in any occupation or business.

(I) "Maintenance" means money payments to persons with disabilities who need financial assistance for their subsistence during their vocational rehabilitation monetary support provided to an individual for expenses such as food, shelter, and clothing that are in excess of the normal expenses of the individual and that are necessitated by the individual's participation in an assessment for determining eligibility and need for vocational rehabilitation services or the individual's receipt of vocational rehabilitation services under an individualized plan for employment.

Sec. 3304.12. (A) The governor, with the advice and consent of the senate, shall appoint the opportunities for Ohioans with disabilities commission within the opportunities for Ohioans with disabilities agency consisting of seven members, no more than four of whom shall be members of the same political party and who shall include at least three from rehabilitation professions, including at least one member from the field of services to the blind, and at least four individuals with disabilities, no less than two nor more than three of whom have received vocational rehabilitation services offered by a state vocational rehabilitation services agency or the veterans' administration. The members with disabilities shall be representative of several major categories of persons eligible individuals with disabilities served by the
opportunities for Ohioans with disabilities agency.

(B) Terms of office shall be for seven years, commencing on the ninth day of September and ending on the eighth day of September, with no person eligible to serve more than two seven-year terms. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. Any member shall continue in office subsequent to the expiration date of the member's term until a successor takes office, or until a period of sixty days has elapsed, whichever occurs first. Members who fail to perform their duties or who are guilty of misconduct may be removed on written charges preferred by the governor or by a majority of the commission.

(C) Members of the commission shall be reimbursed for travel and necessary expenses incurred in the conduct of their duties, and shall receive an amount fixed pursuant to division (J) of section 124.15 of the Revised Code while actually engaged in attendance at meetings or in the performance of their duties.

Sec. 3304.14. For the purposes of sections 3304.11 to 3304.27 of the Revised Code, the opportunities for Ohioans with disabilities commission shall approve the state vocational rehabilitation services plan, jointly approve the state plan for independent living with the Ohio state independent living council, appoint a consumer advisory committee, and, to the extent feasible, conduct a review and analysis of the effectiveness of and consumer satisfaction with all of the following:

(A) The functions performed by the opportunities for Ohioans with disabilities agency; 

(B) The vocational rehabilitation services provided by state
agencies and other public and private entities responsible for providing vocational rehabilitation services to persons eligible individuals with disabilities under the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 701, as amended;

(C) The employment outcomes achieved by eligible individuals with disabilities receiving vocational rehabilitation services under sections 3304.11 to 3304.27 of the Revised Code, including the availability of health and other employment benefits in connection with those employment outcomes.

Sec. 3304.15. (A) There is hereby created the opportunities for Ohioans with disabilities agency. The agency is the designated state unit authorized under the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 701, as amended, to provide vocational rehabilitation services to eligible persons individuals with disabilities.

(B) The governor shall appoint an executive director of the opportunities for Ohioans with disabilities agency to serve at the pleasure of the governor and shall fix the executive director's compensation. The executive director shall devote the executive director's entire time to the duties of the executive director's office, shall hold no other office or position of trust and profit, and shall engage in no other business during the executive director's term of office. The governor may grant the executive director the authority to appoint, remove, and discipline without regard to sex, race, creed, color, age, or national origin, such other professional, administrative, and clerical staff members as are necessary to carry out the functions and duties of the agency.

The executive director of the opportunities for Ohioans with disabilities agency is the executive and administrative officer of the agency. Whenever the Revised Code imposes a duty on or requires an action of the agency, the executive director shall
perform the duty or action on behalf of the agency. The executive
director may establish procedures for all of the following:

(1) The governance of the agency;
(2) The conduct of agency employees and officers;
(3) The performance of agency business;
(4) The custody, use, and preservation of agency records,
papers, books, documents, and property.

(C) The executive director shall have exclusive authority to
administer the daily operation and provision of vocational
rehabilitation services under this chapter. In exercising that
authority, the executive director may do all of the following:

(1) Adopt rules in accordance with Chapter 119. of the
Revised Code;
(2) Prepare and submit an annual report to the governor;
(3) Certify any disbursement of funds available to the agency
for vocational rehabilitation activities services;
(4) Take appropriate action to guarantee rights of vocational
rehabilitation services to people eligible individuals with
disabilities;
(5) Consult with and advise other state agencies and
coordinate programs for persons eligible individuals with
disabilities;
(6) Comply with the requirements for match as part of budget
submission;
(7) Establish research and demonstration projects;
(8) Accept, hold, invest, reinvest, or otherwise use gifts to
further vocational rehabilitation services;
(9) For the purposes of the business enterprise program
administered under sections 3304.28 to 3304.35 of the Revised
(a) Establish and manage small business entities owned or operated by visually impaired persons individual who are blind;
(b) Purchase insurance;
(c) Accept computers.

(10) Enter into contracts and other agreements for the provision of vocational rehabilitation services.

(D) The executive director shall establish a fee schedule for vocational rehabilitation services in accordance with 34 C.F.R. 361.50.

Sec. 3304.17. The opportunities for Ohioans with disabilities agency shall provide vocational rehabilitation services to all eligible persons individual with disabilities, including any person eligible individual with a disability who is eligible under the terms of an agreement or arrangement with another state or with the federal government. If vocational rehabilitation services cannot be provided to all eligible individuals with disabilities in the state who apply for vocational rehabilitation services, the agency shall implement an order of selection in accordance with 34 C.F.R. 361.36.

Sec. 3304.171. (A) As used in this section, "OhioMeansJobs web site" has the same meaning as in section 6301.01 of the Revised Code.

(B) Beginning January 1, 2016, each recipient of Each eligible individual receiving vocational rehabilitation services provided under section 3304.17 of the Revised Code shall create an account with the OhioMeansJobs web site upon initiation of a job search as a part of receiving those vocational rehabilitation services.
(C) Division (B) of this section does not apply to any eligible individual with a disability who is legally prohibited from using a computer, has a physical or visual impairment that makes the eligible individual with a disability unable to use a computer, or has a limited ability to read, write, speak, or understand a language in which the OhioMeansJobs web site is available.

Sec. 3304.18. The treasurer of state shall be the custodian of all moneys received from the federal government for vocational rehabilitation services programs and shall disburse the money upon the certification of the executive director of the opportunities for Ohioans with disabilities agency. If federal funds are not available to the state for vocational rehabilitation purposes services, the governor shall include as part of the governor's biennial budget request to the general assembly a request for funds sufficient to support the activities of the agency.

Sec. 3304.182. Any agreement between the opportunities for Ohioans with disabilities agency and a private or public entity providing funds under section 3304.181 of the Revised Code may permit the agency to receive a specified percentage of the funds, but the percentage shall be not more than twenty-five per cent of the total funds available under the agreement. The agency may terminate an agreement at any time for just cause. It may terminate an agreement for any other reason by giving at least thirty days' notice to the public or private entity.

Any vocational rehabilitation services provided under an agreement entered into under section 3304.181 of the Revised Code shall be provided by a person or government entity that meets the accreditation standards established in rules adopted by the agency under section 3304.15 of the Revised Code.
Sec. 3304.19. The right of a person with a disability to living. Any maintenance provided under sections 3304.11 to 3304.27 of the Revised Code, is not transferable or assignable at law or in equity, and none of the money paid or payable or rights existing under this chapter are subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

Sec. 3304.20. Any person eligible individual with a disability applying for or receiving vocational rehabilitation services who is dissatisfied with regard to the furnishing or denial of vocational rehabilitation services, may file a request for an administrative review and redetermination of that action in accordance with rules of the opportunities for Ohioans with disabilities agency. When the person eligible individual with a disability is dissatisfied with the finding of this administrative review, the person eligible individual with a disability is entitled, in accordance with agency rules and in accordance with Chapter 119. of the Revised Code, to a fair hearing before the executive director of the agency.

Sec. 3304.21. No person shall, except for the purposes of sections 3304.11 to 3304.27 of the Revised Code, and in accordance with the rules established by the opportunities for Ohioans with disabilities agency, solicit, disclose, receive, make use of, authorize, knowingly permit, participate in, or acquiesce in the use of any list of names or information concerning persons eligible individuals with disabilities applying for or receiving any vocational rehabilitation services from the agency, which information is directly or indirectly derived from the records of the agency or is acquired in the performance of the person's official duties.
Sec. 3304.22. No officer or employee of the opportunities for Ohioans with disabilities commission, the opportunities for Ohioans with disabilities agency, or any person engaged in the administration of a vocational rehabilitation services program sponsored by or affiliated with the state shall use or permit the use of any vocational rehabilitation services program for the purpose of interfering with an election for any partisan political purpose; solicit or receive money for a partisan political purpose; or require any other person to contribute any service or money for a partisan political purpose. Whoever violates this section shall be removed from the officer's or employee's office or employment.

Sec. 3304.27. All vocational rehabilitation services made available under sections 3304.11 to 3304.27 of the Revised Code, are made available subject to amendment or repeal of those sections, and no person eligible individual with a disability shall have any claim by reason of the person's eligible individual's vocational rehabilitation services being affected in any way by such an amendment or repeal.

Sec. 3304.28. As used in sections 3304.28 to 3304.34 of the Revised Code:

(A) "Suitable vending facility" means automatic vending machines, cafeterias, snack bars, cart service shelters, counters, and other appropriate auxiliary food service equipment determined to be necessary by the bureau of services for the visually impaired for the automatic or manual dispensing of foods, beverages, and other such commodities for sale by persons individuals, no fewer than one-half of whom are blind, under the supervision of a licensed blind vendor who is blind or an employee of the opportunities for Ohioans with disabilities agency.
(B) "Blind" means either of the following:

(1) Vision twenty/two hundred or less in the better eye with proper correction;

(2) Field defect in the better eye with proper correction that contracts the peripheral field so that the diameter of the visual field subtends an angle no greater than twenty degrees.

(C) "Governmental property" means any real property, building, or facility owned, leased, or rented by the state or any board, commission, department, division, or other unit or agency thereof, but does not include any institution under the management of the department of rehabilitation and correction pursuant to section 5120.05 of the Revised Code, or under the management of the department of youth services created pursuant to section 5139.01 of the Revised Code.

**Sec. 3304.29.** The bureau of services for the visually impaired shall:

(A) Survey suitable vending facility concession opportunities for individuals who are blind persons on governmental property;

(B) Obtain and make public, information concerning employment opportunities for individuals who are blind persons in suitable vending facilities;

(C) License individuals who are blind persons to operate suitable vending facilities on governmental property;

(D) Adopt rules and do everything necessary and proper to carry out sections 3304.29 to 3304.34 of the Revised Code.

**Sec. 3304.30.** Every person in charge of governmental property to be substantially renovated or who is responsible for the acquisition, lease, or rental of such property shall consult with the director of the bureau of services for the visually impaired.
prior to such renovation, acquisition, lease, or rental to determine if sufficient numbers of persons will be using such property to support a suitable vending facility. If the director determines that such property would be a satisfactory site for a suitable vending facility, provision shall be made for electrical outlets, plumbing fixtures, and other requirements for the installation and operation of a suitable vending facility. In the case of a state university, medical university, technical college, state community college, community college, university branch district, or state-affiliated college or university, the decision to establish a suitable vending facility shall be made jointly by the director of services for the visually impaired and proper administrative authorities of the state or state-affiliated college or university.

The bureau shall provide each suitable vending facility with equipment and an adequate initial stock of suitable articles to be vended. An inventory shall be made of each suitable vending facility at least once every six months. Each blind licensee may make the blind licensee's own inventory on forms prescribed by the bureau, provided that the bureau shall retain the right to make its own inventory at any mutually agreeable time. Each blind licensee may employ and discharge personnel required to operate the blind licensee's suitable vending facility, but employment preference shall be given to individuals who are blind persons and who are capable of discharging the required duties, and at all times at least one-half of the employees shall be blind.

Sec. 3304.31. Licenses issued by the bureau of services for the visually impaired under section 3304.29 of the Revised Code shall be in effect until suspended or revoked. The bureau may deny, revoke, or suspend a license or otherwise discipline a licensee upon proof that the person licensee is guilty of fraud or deceit in procuring or attempting to procure a license, is guilty
of a felony or a crime of moral turpitude, is addicted to the use of habit-forming drugs or alcohol, or is mentally incompetent.

Such license may also be denied, revoked, or suspended on proof of violation by the applicant or licensee of the rules established by the bureau for the operation of suitable vending facilities by the blind or if a licensee fails to maintain a vending facility as a suitable vending facility.

Any individual who is blind and who has had his license suspended or revoked or his application denied by the bureau may reapply for a license and may be reinstated or be granted a license by the bureau upon presentation of satisfactory evidence that there is no longer cause for such suspension, revocation, or denial. Before the bureau may revoke, deny, or suspend a license, or otherwise discipline a licensee, written charges must be filed by the director of the bureau and a hearing shall be held as provided in Chapter 119. of the Revised Code.

Sec. 3304.41. The opportunities for Ohioans with disabilities agency shall establish and administer a program for the use of funds appropriated for that purpose to provide personal care assistance to enable eligible severely physically disabled persons individuals with severe physical disabilities to live independently or and work independently. The agency shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to carry out the purposes of this section, and shall apply to the controlling board for the release of the funds.

Sec. 3309.23. (A) Except as provided in division (B) of this section, the following shall be contributors to the school employees retirement system:

(1) All employees, as defined in division (B) of section
3309.01 of the Revised Code;

(2) The employees of an existing or newly created employer unit as defined in division (A) of section 3309.01 of the Revised Code, supported in whole or in part by the state or any political subdivision thereof and wholly controlled and managed by the state or any subdivision thereof. Such employees shall become contributors on the same terms and conditions as provided by this chapter, provided the board of trustees or other managing body of such school, college, or other institution, if such institution is now in existence or if in existence on such date, shall agree by formal resolution to accept all the requirements and obligations imposed by this chapter upon employers. A certified copy of the resolution shall be filed with the school employees retirement board. When such resolution has been adopted and a copy of it filed with the school employees retirement board, it shall not later be subject to rescission or abrogation. Service in such schools, colleges, or other institutions shall be then considered in every way the same as service in the public schools.

(3) All other individuals who become members.

(B) The following individuals may choose to be exempt from compulsory membership by filing a written application for exemption with the employer within the first month after being employed:

(1) A student who is not a member at the time of employment and who is employed by the school, college, or university in which the student is enrolled and regularly attending classes;

(2) An emergency employee serving on a temporary basis in case of fire, snow, earthquake, flood, or other similar emergency;

seq., or any other federal job training program.

(C) A member may elect to have employment by the school, college, or university at which the member is enrolled and regularly attending classes exempted from contribution to the retirement system by filing a written application with the member's employer within the first month after being so employed.

(D) In all cases of doubt pertaining to contributors on an individual or group basis or the status of existing or newly created employer units, the decision shall be made by the retirement board, and such decision shall be final.

Sec. 3310.16. For (A) Except as provided in division (B) of this section, for the 2013-2014 school year and each school year thereafter, the department of education shall conduct two application periods each year for the educational choice scholarship pilot program under sections 3310.03 and 3310.032 of the Revised Code, as follows:

(A)(1) The first application period shall open not sooner than the first day of February prior to the first day of July of the school year for which a scholarship is sought and run not less than seventy-five days.

(B)(2) The second application period shall open not sooner than the first day of July of the school year for which the scholarship is sought and run not less than thirty days.

(B) If the scholarships awarded under section 3310.032 of the Revised Code in the first application period for any school year use the entirety of the amount appropriated by the general assembly for such scholarships for that school year, the department need not conduct a second application period for scholarships under that section. If, after the first application period, there are funds remaining to award scholarships under
section 3310.032 of the Revised Code, the department shall conduct a second application period in accordance with division (A)(2) of this section.

Sec. 3311.19. (A) The management and control of a joint vocational school district shall be vested in the joint vocational school district board of education which, beginning on September 29, 2013, shall be appointed under division (C) of this section.

All members of a joint vocational school district board serving unexpired terms on September 29, 2013, may continue in office until the expiration of their terms. If a member leaves office for any reason prior to the expiration of that member's term, the vacancy shall be filled only in the manner provided in division (C) of this section.

(B) Except as provided in section 3311.191 of the Revised Code, members of the joint vocational school district board appointed on or after September 29, 2013, shall serve for three-year terms of office.

(C)(1) The manner of appointment and the total number of members appointed to the joint vocational school district board shall be in accordance with the most recent plan for the joint vocational school district on file with the department of education.

(1)(a) Appointments under this section shall be made as the terms of members of each joint vocational school district board who are serving unexpired terms on September 29, 2013, expire or as those offices are otherwise vacated prior to the expiration date.

(2)(b) Members of the joint vocational board shall be appointed by the member school district boards of education. Members of a joint vocational school district board may either be
a current elected board member of a school district board that is
a member of the joint vocational school district or an individual
who has experience or knowledge regarding the labor needs of the
state and region with an understanding of the skills, training,
and education needed for current and future employment
opportunities in the state. The appointing board may give
preference to individuals who have served as members on a joint
vocational school business advisory committee.

(2) In addition to any voting members appointed under
division (C)(1) of this section, beginning January 1, 2018, the
superintendent of the joint vocational school district board shall
appoint three nonvoting, advisory members to the district board of
education who represent local business interests in accordance
with section 3313.011 of the Revised Code.

(D) The vocational schools in the joint vocational school
district shall be available to all youth of school age within the
joint vocational school district subject to the rules adopted by
the joint vocational school district board of education in regard
to the standards requisite to admission. A joint vocational school
district board of education shall have the same powers, duties,
and authority for the management and operation of such joint
vocational school district as is granted by law, except by this
chapter and Chapters 124., 3317., 3323., and 3331. of the Revised
Code, to a board of education of a city school district, and shall
be subject to all the provisions of law that apply to a city
school district, except such provisions in this chapter and
Chapters 124., 3317., 3323., and 3331. of the Revised Code.

(E) The superintendent of schools of a joint vocational
school district shall exercise the duties and authority vested by
law in a superintendent of schools pertaining to the operation of
a school district and the employment and supervision of its
personnel. The joint vocational school district board of education
shall appoint a treasurer of the joint vocational school district who shall be the fiscal officer for such district and who shall have all the powers, duties, and authority vested by law in a treasurer of a board of education.

(F) Each member of a joint vocational school district board of education may be paid such compensation as the board provides by resolution, but it shall not exceed one hundred twenty-five dollars per member for each meeting attended plus mileage, at the rate per mile provided by resolution of the board, to and from meetings of the board.

The board may provide by resolution for the deduction of amounts payable for benefits under section 3313.202 of the Revised Code.

Each member of a joint vocational school district board may be paid such compensation as the board provides by resolution for attendance at an approved training program, provided that such compensation shall not exceed sixty dollars per day for attendance at a training program three hours or fewer in length and one hundred twenty-five dollars a day for attendance at a training program longer than three hours in length. However, no board member shall be compensated for the same training program under this section and section 3313.12 of the Revised Code.

Sec. 3311.27. The board of education of a surviving school district, as that term is defined in section 5748.10 of the Revised Code, shall notify the tax commissioner as and in the manner required by that section.

Sec. 3311.751. Notwithstanding division (F) of section 5705.10 of the Revised Code, if a municipal school district board of education sells real property that it owns in its corporate capacity, moneys received from the sale may be paid into the
general fund of the district, as long as all of the following conditions are satisfied:

(A) The district has owned the real property for at least ten years.

(B) The real property and any improvements to that real property were not acquired with the proceeds of public obligations, as defined in section 133.01 of the Revised Code, of the district that are outstanding at the time of the sale.

(C) The deposit of those moneys in that manner is not prohibited by any agreements the district board has entered into with the Ohio school facilities construction commission.

**Sec. 3313.011.** Beginning January 1, 2018, the superintendent of each local, exempted village, city, and joint vocational school district shall appoint to the district board of education three nonvoting, advisory members who represent local business interests. The advisory members shall serve at the pleasure of the appointing authority and shall advise and provide recommendations to the board on matters specified by the board, including, but not limited to the following:

(A) The delineation of employment skills and the development of curriculum to instill these skills;

(B) Changes in the economy and the job market and the types of employment in which future jobs are most likely to be available;

(C) Suggestions for developing a working relationship among businesses, labor organizations, and educational personnel.

**Sec. 3313.372.** (A) As used in this section, "energy conservation measure" means an installation or modification of an installation in, or remodeling of, a building, to reduce energy
consumption. It includes:

(1) Insulation of the building structure and systems within the building;

(2) Storm windows and doors, multiglazed windows and doors, heat absorbing or heat reflective glazed and coated window and door systems, additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption;

(3) Automatic energy control systems;

(4) Heating, ventilating, or air conditioning system modifications or replacements;

(5) Caulking and weatherstripping;

(6) Replacement or modification of lighting fixtures to increase the energy efficiency of the system without increasing the overall illumination of a facility, unless such increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;

(7) Energy recovery systems;

(8) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;

(9) Any other modification, installation, or remodeling approved by the Ohio school facilities construction commission as an energy conservation measure.

(B) A board of education of a city, exempted village, local, or joint vocational school district may enter into an installment payment contract for the purchase and installation of energy conservation measures. The provisions of such installment payment contracts dealing with interest charges and financing terms shall not be subject to the competitive bidding requirements of section
3313.46 of the Revised Code, and shall be on the following terms:

(1) Not less than one-fifteenth of the costs thereof shall be paid within two years from the date of purchase.

(2) The remaining balance of the costs thereof shall be paid within fifteen years from the date of purchase.

The provisions of any installment payment contract entered into pursuant to this section shall provide that all payments, except payments for repairs and obligations on termination of the contract prior to its expiration, shall not exceed the calculated energy, water, or waste water cost savings, avoided operating costs, and avoided capital costs attributable to the one or more measures over a defined period of time. Those payments shall be made only to the extent that the savings described in this division actually occur. The energy services company shall warrant and guarantee that the energy conservation measures shall realize guaranteed savings and shall be responsible to pay an amount equal to any savings shortfall.

An installment payment contract entered into by a board of education under this section shall require the board to contract in accordance with division (A) of section 3313.46 of the Revised Code for the installation, modification, or remodeling of energy conservation measures unless division (A) of section 3313.46 of the Revised Code does not apply pursuant to division (B)(3) of that section, in which case the contract shall be awarded through a competitive selection process pursuant to rules adopted by the school facilities construction commission.

An installment payment contract entered into by a board of education under this section may include services for measurement and verification of energy savings associated with the guarantee. The annual cost of measurement and verification services shall not exceed ten per cent of the guaranteed savings in any year of the
installment payment contract.

(C) If a board of education determines that a surety bond is necessary to secure energy, water, or waste water cost savings guaranteed in a contract entered into by the board of education under this section, the energy services company shall provide a surety bond that satisfies all of the following requirements:

(1) The penal sum of the surety bond for the first guarantee year shall equal the amount of savings included in the annual guaranteed savings amount that is measured and calculated in accordance with the measurement and verification plan included in the contract, but may not include guaranteed savings that are not measured or that are stipulated in the contract. The annual guaranteed savings amount shall include only the savings guaranteed in the contract for the one-year term that begins on the first day of the first savings guarantee year and may not include amounts from subsequent years.

(2) The surety bond shall have a term of not more than one year unless renewed. At the option of the board of education, the surety bond may be renewed for one or two additional terms, each term not to exceed one year. The surety bond may not be renewed or extended so that it is in effect for more than three consecutive years.

In the event of a renewal, the penal sum of the surety bond for each renewed year shall be revised so that the penal sum equals the annual guaranteed savings amount for such renewal year that is measured and calculated in accordance with the measurement and verification plan included in the contract, but may not include guaranteed savings that are not measured or that are stipulated in the contract. Regardless of the number of renewals of the bond, the aggregate liability under each renewed bond may not exceed the penal sum stated in the renewal certificate for the applicable renewal year.
(3) The surety bond for the first year shall be issued within thirty days of the commencement of the first savings guarantee year under the contract.

In the event of renewal, the surety shall deliver to the board of education a renewal certificate reflecting the revised penal sum within thirty days of the board of education's request. The board of education shall deliver the request for renewal not less than thirty days prior to the expiration date of the surety bond then in existence. A surety bond furnished pursuant to section 153.54 of the Revised Code shall not secure obligations related to energy, water, or waste water cost savings as referenced in division (C) of this section.

(D) The board may issue the notes of the school district signed by the president and the treasurer of the board and specifying the terms of the purchase and securing the deferred payments provided in this section, payable at the times provided and bearing interest at a rate not exceeding the rate determined as provided in section 9.95 of the Revised Code. The notes may contain an option for prepayment and shall not be subject to Chapter 133. of the Revised Code. In the resolution authorizing the notes, the board may provide, without the vote of the electors of the district, for annually levying and collecting taxes in amounts sufficient to pay the interest on and retire the notes, except that the total net indebtedness of the district without a vote of the electors incurred under this and all other sections of the Revised Code, except section 3318.052 of the Revised Code, shall not exceed one per cent of the district's tax valuation. Revenues derived from local taxes or otherwise, for the purpose of conserving energy or for defraying the current operating expenses of the district, may be applied to the payment of interest and the retirement of such notes. The notes may be sold at private sale or given to the energy services company under the installment payment.
contract authorized by division (B) of this section.

(E) Debt incurred under this section shall not be included in the calculation of the net indebtedness of a school district under section 133.06 of the Revised Code.

(F) No school district board shall enter into an installment payment contract under division (B) of this section unless it first obtains a report of the costs of the energy conservation measures and the savings thereof as described under division (G) of section 133.06 of the Revised Code as a requirement for issuing energy securities, makes a finding that the amount spent on such measures is not likely to exceed the amount of money it would save in energy costs and resultant operational and maintenance costs as described in that division, except that that finding shall cover the ensuing fifteen years, and the school facilities construction commission determines that the district board's findings are reasonable and approves the contract as described in that division.

The district board shall monitor the savings and maintain a report of those savings, which shall be submitted to the commission in the same manner as required by division (G) of section 133.06 of the Revised Code in the case of energy securities.

Sec. 3313.603. (A) As used in this section:

(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction.

(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course
(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows:

(1) English language arts, four units;
(2) Health, one-half unit;
(3) Mathematics, three units;
(4) Physical education, one-half unit;
(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:
   (a) Biological sciences, one unit;
   (b) Physical sciences, one unit.
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:
   (a) American history, one-half unit;
   (b) American government, one-half unit.
(7) Social studies, two units.

Beginning with students who enter ninth grade for the first time on or after July 1, 2017, the two units of instruction prescribed by division (B)(7) of this section shall include at least one-half unit of instruction in the study of world history and civilizations.

(8) Elective units, seven units until September 15, 2003, and six units thereafter.
Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language.

(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as follows:

1. English language arts, four units;
2. Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health;
3. Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II. However, students who enter ninth grade for the first time on or after July 1, 2015, and who are pursuing a career-technical instructional track shall not be required to take algebra II, and instead may complete a career-based pathway mathematics course as an alternative.
4. Physical education, one-half unit;
5. Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent:
   (a) Physical sciences, one unit;
   (b) Life sciences, one unit;
   (c) Advanced study in one or more of the following sciences, one unit:
      (i) Chemistry, physics, or other physical science;
(ii) Advanced biology or other life science;

(iii) Astronomy, physical geology, or other earth or space science.

(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:

(a) American history, one-half unit;

(b) American government, one-half unit.

(7) Social studies, two units.

Each school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the state board of education under division (A)(1) of section 3301.079 of the Revised Code and the academic content standards for financial literacy and entrepreneurship adopted under division (A)(2) of that section, into one or more existing social studies credits required under division (C)(7) of this section, or into the content of another class, so that every high school student receives instruction in those concepts. In developing the curriculum required by this paragraph, schools shall use available public-private partnerships and resources and materials that exist in business, industry, and through the centers for economics education at institutions of higher education in the state.

Beginning with students who enter ninth grade for the first time on or after July 1, 2017, the two units of instruction prescribed by division (C)(7) of this section shall include at least one-half unit of instruction in the study of world history and civilizations.

(8) Five units consisting of one or any combination of foreign language, fine arts, business, career-technical education,
family and consumer sciences, technology, agricultural education, a junior reserve officer training corps (JROTC) program approved by the congress of the United States under title 10 of the United States Code, or English language arts, mathematics, science, or social studies courses not otherwise required under division (C) of this section.

Ohioans must be prepared to apply increased knowledge and skills in the workplace and to adapt their knowledge and skills quickly to meet the rapidly changing conditions of the twenty-first century. National studies indicate that all high school graduates need the same academic foundation, regardless of the opportunities they pursue after graduation. The goal of Ohio's system of elementary and secondary education is to prepare all students for and seamlessly connect all students to success in life beyond high school graduation, regardless of whether the next step is entering the workforce, beginning an apprenticeship, engaging in post-secondary training, serving in the military, or pursuing a college degree.

The requirements for graduation prescribed in division (C) of this section are the standard expectation for all students entering ninth grade for the first time at a public or chartered nonpublic high school on or after July 1, 2010. A student may satisfy this expectation through a variety of methods, including, but not limited to, integrated, applied, career-technical, and traditional coursework.

Whereas teacher quality is essential for student success when completing the requirements for graduation, the general assembly shall appropriate funds for strategic initiatives designed to strengthen schools' capacities to hire and retain highly qualified teachers in the subject areas required by the curriculum. Such initiatives are expected to require an investment of $120,000,000 over five years.
Stronger coordination between high schools and institutions of higher education is necessary to prepare students for more challenging academic endeavors and to lessen the need for academic remediation in college, thereby reducing the costs of higher education for Ohio's students, families, and the state. The state board and the chancellor of higher education shall develop policies to ensure that only in rare instances will students who complete the requirements for graduation prescribed in division (C) of this section require academic remediation after high school.

School districts, community schools, and chartered nonpublic schools shall integrate technology into learning experiences across the curriculum in order to maximize efficiency, enhance learning, and prepare students for success in the technology-driven twenty-first century. Districts and schools shall use distance and web-based course delivery as a method of providing or augmenting all instruction required under this division, including laboratory experience in science. Districts and schools shall utilize technology access and electronic learning opportunities provided by the broadcast educational media commission, chancellor, the Ohio learning network, education technology centers, public television stations, and other public and private providers.

(D) Except as provided in division (E) of this section, a student who enters ninth grade on or after July 1, 2010, and before July 1, 2016, may qualify for graduation from a public or chartered nonpublic high school even though the student has not completed the requirements for graduation prescribed in division (C) of this section if all of the following conditions are satisfied:

(1) During the student's third year of attending high school, as determined by the school, the student and the student's parent,
guardian, or custodian sign and file with the school a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the requirements for graduation prescribed in division (C) of this section and acknowledging that one consequence of not completing those requirements is ineligibility to enroll in most state universities in Ohio without further coursework.

(2) The student and parent, guardian, or custodian fulfill any procedural requirements the school stipulates to ensure the student's and parent's, guardian's, or custodian's informed consent and to facilitate orderly filing of statements under division (D)(1) of this section. Annually, each district or school shall notify the department of education of the number of students who choose to qualify for graduation under division (D) of this section and the number of students who complete the student's success plan and graduate from high school.

(3) The student and the student's parent, guardian, or custodian and a representative of the student's high school jointly develop a student success plan for the student in the manner described in division (C)(1) of section 3313.6020 of the Revised Code that specifies the student matriculating to a two-year degree program, acquiring a business and industry-recognized credential, or entering an apprenticeship.

(4) The student's high school provides counseling and support for the student related to the plan developed under division (D)(3) of this section during the remainder of the student's high school experience.

(5)(a) Except as provided in division (D)(5)(b) of this section, the student successfully completes, at a minimum, the curriculum prescribed in division (B) of this section.

(b) Beginning with students who enter ninth grade for the
first time on or after July 1, 2014, a student shall be required to complete successfully, at the minimum, the curriculum prescribed in division (B) of this section, except as follows:

(i) Mathematics, four units, one unit which shall be one of the following:

(I) Probability and statistics;

(II) Computer programming;

(III) Applied mathematics or quantitative reasoning;

(IV) Any other course approved by the department using standards established by the superintendent not later than October 1, 2014.

(ii) Elective units, five units;

(iii) Science, three units as prescribed by division (B) of this section which shall include inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information.

The department, in collaboration with the chancellor, shall analyze student performance data to determine if there are mitigating factors that warrant extending the exception permitted by division (D) of this section to high school classes beyond those entering ninth grade before July 1, 2016. The department shall submit its findings and any recommendations not later than December 1, 2015, to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, the chairpersons and ranking minority members of the standing committees of the house of representatives and the senate that consider education legislation, the state board of education, and the superintendent of public instruction.

(E) Each school district and chartered nonpublic school retains the authority to require an even more challenging minimum
curriculum for high school graduation than specified in division (B) or (C) of this section. A school district board of education, through the adoption of a resolution, or the governing authority of a chartered nonpublic school may stipulate any of the following:

(1) A minimum high school curriculum that requires more than twenty units of academic credit to graduate;

(2) An exception to the district's or school's minimum high school curriculum that is comparable to the exception provided in division (D) of this section but with additional requirements, which may include a requirement that the student successfully complete more than the minimum curriculum prescribed in division (B) of this section;

(3) That no exception comparable to that provided in division (D) of this section is available.

(F) A student enrolled in a dropout prevention and recovery program, which program has received a waiver from the department, may qualify for graduation from high school by successfully completing a competency-based instructional program administered by the dropout prevention and recovery program in lieu of completing the requirements for graduation prescribed in division (C) of this section. The department shall grant a waiver to a dropout prevention and recovery program, within sixty days after the program applies for the waiver, if the program meets all of the following conditions:

(1) The program serves only students not younger than sixteen years of age and not older than twenty-one years of age.

(2) The program enrolls students who, at the time of their initial enrollment, either, or both, are at least one grade level behind their cohort age groups or experience crises that significantly interfere with their academic progress such that
they are prevented from continuing their traditional programs.  

(3) The program requires students to attain at least the applicable score designated for each of the assessments prescribed under division (B)(1) of section 3301.0710 of the Revised Code or, to the extent prescribed by rule of the state board under division (D)(5) of section 3301.0712 of the Revised Code, division (B)(2) of that section.  

(4) The program develops a student success plan for the student in the manner described in division (C)(1) of section 3313.6020 of the Revised Code that specifies the student's matriculating to a two-year degree program, acquiring a business and industry-recognized credential, or entering an apprenticeship.  

(5) The program provides counseling and support for the student related to the plan developed under division (F)(4) of this section during the remainder of the student's high school experience.  

(6) The program requires the student and the student's parent, guardian, or custodian to sign and file, in accordance with procedural requirements stipulated by the program, a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the requirements for graduation prescribed in division (C) of this section and acknowledging that one consequence of not completing those requirements is ineligibility to enroll in most state universities in Ohio without further coursework.  

(7) Prior to receiving the waiver, the program has submitted to the department an instructional plan that demonstrates how the academic content standards adopted by the state board under section 3301.079 of the Revised Code will be taught and assessed.  

(8) Prior to receiving the waiver, the program has submitted to the department a policy on career advising that satisfies the
requirements of section 3313.6020 of the Revised Code, with an emphasis on how every student will receive career advising.

(9) Prior to receiving the waiver, the program has submitted to the department a written agreement outlining the future cooperation between the program and any combination of local job training, postsecondary education, nonprofit, and health and social service organizations to provide services for students in the program and their families.

Divisions (F)(8) and (9) of this section apply only to waivers granted on or after July 1, 2015.

If the department does not act either to grant the waiver or to reject the program application for the waiver within sixty days as required under this section, the waiver shall be considered to be granted.

(G) Every high school may permit students below the ninth grade to take advanced work. If a high school so permits, it shall award high school credit for successful completion of the advanced work and shall count such advanced work toward the graduation requirements of division (B) or (C) of this section if the advanced work was both:

(1) Taught by a person who possesses a license or certificate issued under section 3301.071, 3319.22, or 3319.222 of the Revised Code that is valid for teaching high school;

(2) Designated by the board of education of the city, local, or exempted village school district, the board of the cooperative education school district, or the governing authority of the chartered nonpublic school as meeting the high school curriculum requirements.

Each high school shall record on the student's high school transcript all high school credit awarded under division (G) of this section. In addition, if the student completed a seventh- or
eighth-grade fine arts course described in division (K) of this section and the course qualified for high school credit under that division, the high school shall record that course on the student's high school transcript.

(H) The department shall make its individual academic career plan available through its Ohio career information system web site for districts and schools to use as a tool for communicating with and providing guidance to students and families in selecting high school courses.

(I) A school district or chartered nonpublic school may integrate academic content in a subject area for which the state board has adopted standards under section 3301.079 of the Revised Code into a course in a different subject area, including a career-technical education course, in accordance with guidance for integrated coursework developed by the department. Upon successful completion of an integrated course, a student may receive credit for both subject areas that were integrated into the course. Units earned in English language arts, mathematics, science, and social studies that are for subject area content delivered through integrated academic and career-technical instruction are eligible to meet the graduation requirements of division (B) or (C) of this section.

For purposes of meeting graduation requirements, if an end-of-course examination has been prescribed under section 3301.0712 of the Revised Code for the subject area delivered through integrated instruction, the school district or school may administer the related subject area examinations upon the student's completion of the integrated course.

Nothing in division (I) of this section shall be construed to excuse any school district, chartered nonpublic school, or student from any requirement in the Revised Code related to curriculum, assessments, or the awarding of a high school diploma.
(J)(1) The state board, in consultation with the chancellor, shall adopt a statewide plan implementing methods for students to earn units of high school credit based on a demonstration of subject area competency, instead of or in combination with completing hours of classroom instruction. The state board shall adopt the plan not later than March 31, 2009, and commence phasing in the plan during the 2009-2010 school year. The plan shall include a standard method for recording demonstrated proficiency on high school transcripts. Each school district and community school shall comply with the state board's plan adopted under this division and award units of high school credit in accordance with the plan. The state board may adopt existing methods for earning high school credit based on a demonstration of subject area competency as necessary prior to the 2009-2010 school year.

(2) Not later than December 31, 2015, the state board shall update the statewide plan adopted pursuant to division (J)(1) of this section to also include methods for students enrolled in seventh and eighth grade to meet curriculum requirements based on a demonstration of subject area competency, instead of or in combination with completing hours of classroom instruction. Beginning with the 2017-2018 school year, each school district and community school also shall comply with the updated plan adopted pursuant to this division and permit students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency in accordance with the plan.

(3) Not later than December 31, 2017, the department shall develop a framework for school districts and community schools to use in granting units of high school credit to students who demonstrate subject area competency through work-based learning experiences, internships, or cooperative education. Beginning with the 2018-2019 school year, each district and community school shall comply with the framework. Each district and community school
school also shall review any policy it has adopted regarding the
demonstration of subject area competency to identify ways to
incorporate work-based learning experiences, internships, and
cooperae education into the policy in order to increase student
engagement and opportunities to earn units of high school credit.

(K) This division does not apply to students who qualify for
graduation from high school under division (D) or (F) of this
section, or to students pursuing a career-technical instructional
track as determined by the school district board of education or
the chartered nonpublic school's governing authority.
Nevertheless, the general assembly encourages such students to
consider enrolling in a fine arts course as an elective.

Beginning with students who enter ninth grade for the first
time on or after July 1, 2010, each student enrolled in a public
or chartered nonpublic high school shall complete two semesters or
the equivalent of fine arts to graduate from high school. The
coursework may be completed in any of grades seven to twelve. Each
student who completes a fine arts course in grade seven or eight
may elect to count that course toward the five units of electives
required for graduation under division (C)(8) of this section, if
the course satisfied the requirements of division (G) of this
section. In that case, the high school shall award the student
high school credit for the course and count the course toward the
five units required under division (C)(8) of this section. If the
course in grade seven or eight did not satisfy the requirements of
division (G) of this section, the high school shall not award the
student high school credit for the course but shall count the
course toward the two semesters or the equivalent of fine arts
required by this division.

(L) Notwithstanding anything to the contrary in this section,
the board of education of each school district and the governing
authority of each chartered nonpublic school may adopt a policy to
excuse from the high school physical education requirement each student who, during high school, has participated in interscholastic athletics, marching band, or cheerleading for at least two full seasons or in the junior reserve officer training corps for at least two full school years. If the board or authority adopts such a policy, the board or authority shall not require the student to complete any physical education course as a condition to graduate. However, the student shall be required to complete one-half unit, consisting of at least sixty hours of instruction, in another course of study. In the case of a student who has participated in the junior reserve officer training corps for at least two full school years, credit received for that participation may be used to satisfy the requirement to complete one-half unit in another course of study.

(M) It is important that high school students learn and understand United States history and the governments of both the United States and the state of Ohio. Therefore, beginning with students who enter ninth grade for the first time on or after July 1, 2012, the study of American history and American government required by divisions (B)(6) and (C)(6) of this section shall include the study of all of the following documents:

(1) The Declaration of Independence;
(2) The Northwest Ordinance;
(3) The Constitution of the United States with emphasis on the Bill of Rights;
(4) The Ohio Constitution.

The study of each of the documents prescribed in divisions (M)(1) to (4) of this section shall include study of that document in its original context.

The study of American history and government required by divisions (B)(6) and (C)(6) of this section shall include the
historical evidence of the role of documents such as the Federalist Papers and the Anti-Federalist Papers to firmly establish the historical background leading to the establishment of the provisions of the Constitution and Bill of Rights.

Sec. 3313.608. (A)(1) Beginning with students who enter third grade in the school year that starts July 1, 2009, and until June 30, 2013, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, for any student who does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, each school district, in accordance with the policy adopted under section 3313.609 of the Revised Code, shall do one of the following:

(a) Promote the student to fourth grade if the student's principal and reading teacher agree that other evaluations of the student's skill in reading demonstrate that the student is academically prepared to be promoted to fourth grade;

(b) Promote the student to fourth grade but provide the student with intensive intervention services in fourth grade;

(c) Retain the student in third grade.

(2) Beginning with students who enter third grade in the 2013-2014 school year, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, no school district shall promote to fourth grade any student who does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts.
arts expected at the end of third grade, unless one of the following applies:

(a) The student is a limited English proficient student who has been enrolled in United States schools for less than three full school years and has had less than three years of instruction in an English as a second language program.

(b) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code and the student's individualized education program exempts the student from retention under this division.

(c) The student demonstrates an acceptable level of performance on an alternative standardized reading assessment as determined by the department of education.

(d) All of the following apply:

(i) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code.

(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code.

(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading.

(iv) The student previously was retained in any of grades kindergarten to three.

(e)(i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten
to three.

(ii) A student who is promoted under division (A)(2)(e)(i) of this section shall continue to receive intensive reading instruction in grade four. The instruction shall include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies for the student that have been successful in improving reading among low-performing readers.

(B)(1) Beginning in the 2012-2013 school year, to assist students in meeting the third grade guarantee established by this section, each school district board of education shall adopt policies and procedures with which it annually shall assess the reading skills of each student, except those students with significant cognitive disabilities or other disabilities as authorized by the department on a case-by-case basis, enrolled in kindergarten to third grade and shall identify students who are reading below their grade level. The reading skills assessment shall be completed by the thirtieth day of September for students in grades one to three, and by the first day of November for students in kindergarten. Each district shall use the diagnostic assessment to measure reading ability for the appropriate grade level adopted under section 3301.079 of the Revised Code, or a comparable tool approved by the department of education, to identify such students. The policies and procedures shall require the students' classroom teachers to be involved in the assessment and the identification of students reading below grade level. The assessment may be administered electronically using live, two-way video and audio connections whereby the teacher administering the assessment may be in a separate location from the student.

(2) For each student identified by the diagnostic assessment prescribed under this section as having reading skills below grade level, the district shall do both of the following:
(a) Provide to the student's parent or guardian, in writing, all of the following:

(i) Notification that the student has been identified as having a substantial deficiency in reading;

(ii) A description of the current services that are provided to the student;

(iii) A description of the proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified areas of reading deficiency;

(iv) Notification that if the student attains a score in the range designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, the student shall be retained unless the student is exempt under division (A) of this section. The notification shall specify that the assessment under section 3301.0710 of the Revised Code is not the sole determinant of promotion and that additional evaluations and assessments are available to the student to assist parents and the district in knowing when a student is reading at or above grade level and ready for promotion.

(b) Provide intensive reading instruction services and regular diagnostic assessments to the student immediately following identification of a reading deficiency until the development of the reading improvement and monitoring plan required by division (C) of this section. These intervention services shall include research-based reading strategies that have been shown to be successful in improving reading among low-performing readers and instruction targeted at the student's identified reading deficiencies.

(3) For each student retained under division (A) of this
section, the district shall do all of the following:

(a) Provide intense remediation services until the student is able to read at grade level. The remediation services shall include intensive interventions in reading that address the areas of deficiencies identified under this section including, but not limited to, not less than ninety minutes of reading instruction per day, and may include any of the following:

(i) Small group instruction;

(ii) Reduced teacher-student ratios;

(iii) More frequent progress monitoring;

(iv) Tutoring or mentoring;

(v) Transition classes containing third and fourth grade students;

(vi) Extended school day, week, or year;

(vii) Summer reading camps.

(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;

(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.

The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.

(4) For each student retained under division (A) of this
section who has demonstrated proficiency in a specific academic
ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.

As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code.

(C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment or comparable tool administered under division (B)(1) of this section. The district shall involve the student's parent or guardian and classroom teacher in developing the plan. The plan shall include all of the following:

(1) Identification of the student's specific reading deficiencies;

(2) A description of the additional instructional services and support that will be provided to the student to remediate the identified reading deficiencies;

(3) Opportunities for the student's parent or guardian to be involved in the instructional services and support described in division (C)(2) of this section;

(4) A process for monitoring the extent to which the student receives the instructional services and support described in division (C)(2) of this section;

(5) A reading curriculum during regular school hours that does all of the following:

(a) Assists students to read at grade level;

(b) Provides scientifically based and reliable assessment;

(c) Provides initial and ongoing analysis of each student's
reading progress.

(6) A statement that if the student does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade.

Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who satisfies one or more of the criteria set forth in division (H) of this section.

The district shall report any information requested by the department about the reading improvement monitoring plans developed under this division in the manner required by the department.

(D) Each school district shall report annually to the department on its implementation and compliance with this section using guidelines prescribed by the superintendent of public instruction. The superintendent of public instruction annually shall report to the governor and general assembly the number and percentage of students in grades kindergarten through four reading below grade level based on the diagnostic assessments administered under division (B) of this section and the achievement assessments administered under divisions (A)(1)(a) and (b) of section 3301.0710 of the Revised Code in English language arts, aggregated by school district and building; the types of intervention services provided to students; and, if available, an evaluation of the efficacy of the intervention services provided.

(E) Any summer remediation services funded in whole or in part by the state and offered by school districts to students under this section shall meet the following conditions:
(1) The remediation methods are based on reliable educational research.

(2) The school districts conduct assessment before and after students participate in the program to facilitate monitoring results of the remediation services.

(3) The parents of participating students are involved in programming decisions.

(F) Any intervention or remediation services required by this section shall include intensive, explicit, and systematic instruction.

(G) This section does not create a new cause of action or a substantive legal right for any person.

(H)(1) Except as provided under divisions (H)(2), (3), and (4) of this section, each student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, shall be assigned a teacher who has at least one year of teaching experience and who satisfies one or more of the following criteria:

(a) The teacher holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding assessment for that endorsement, as applicable.

(b) The teacher has completed a master's degree program with a major in reading.

(c) The teacher was rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by the state board under division (B)(2) of section 3319.112 of the Revised Code.

(d) The teacher was rated "above expected value added," in
reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years.

(e) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the state board.

(f) The teacher holds an educator license for teaching grades pre-kindergarten through three or four through nine issued on or after July 1, 2017.

(2) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may be assigned to a teacher with less than one year of teaching experience provided that the teacher meets one or more of the criteria described in divisions (H)(1)(a) to (f) of this section and that teacher is assigned a teacher mentor who meets the qualifications of division (H)(1) of this section.

(3) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, but prior to July 1, 2016, may be assigned to a teacher who holds an alternative credential approved by the department or who has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in division (H)(3) of this section shall be aligned with the reading competencies adopted by the state board of education under section 3301.077 of the Revised Code.

(4) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013,
may receive reading intervention or remediation services under this section from an individual employed as a speech-language pathologist who holds a license issued by the state vision and hearing professionals board of speech-language pathology and audiology under Chapter 4753. of the Revised Code and a professional pupil services license as a school speech-language pathologist issued by the state board of education.

(5) A teacher, other than a student's teacher of record, may provide any services required under this section, so long as that other teacher meets the requirements of division (H) of this section and the teacher of record and the school principal agree to the assignment. Any such assignment shall be documented in the student's reading improvement and monitoring plan.

As used in this division, "teacher of record" means the classroom teacher to whom a student is assigned.

(I) Notwithstanding division (H) of this section, a teacher may teach reading to any student who is an English language learner, and has been in the United States for three years or less, or to a student who has an individualized education program developed under Chapter 3323. of the Revised Code if that teacher holds an alternative credential approved by the department or has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in this division shall be aligned with the reading competencies adopted by the state board of education under section 3301.077 of the Revised Code.

(J) If, on or after June 4, 2013, a school district or community school cannot furnish the number of teachers needed who satisfy one or more of the criteria set forth in division (H) of this section for the 2013-2014 school year, the school district or
community school shall develop and submit a staffing plan by June 30, 2013. The staffing plan shall include criteria that will be used to assign a student described in division (B)(3) or (C) of this section to a teacher, credentials or training held by teachers currently teaching at the school, and how the school district or community school will meet the requirements of this section. The school district or community school shall post the staffing plan on its web site for the applicable school year.

Not later than March 1, 2014, and on the first day of March in each year thereafter, a school district or community school that has submitted a plan under this division shall submit to the department a detailed report of the progress the district or school has made in meeting the requirements under this section.

A school district or community school may request an extension of a staffing plan beyond the 2013-2014 school year. Extension requests must be submitted to the department not later than the thirtieth day of April prior to the start of the applicable school year. The department may grant extensions valid through the 2015-2016 school year.

Until June 30, 2015, the department annually shall review all staffing plans and report to the state board not later than the thirtieth day of June of each year the progress of school districts and community schools in meeting the requirements of this section.

(K) The department of education shall designate one or more staff members to provide guidance and assistance to school districts and community schools in implementing the third grade guarantee established by this section, including any standards or requirements adopted to implement the guarantee and to provide information and support for reading instruction and achievement.

**Sec. 3313.618.** (A) In addition to the applicable curriculum
requirements, each student entering ninth grade for the first time on or after July 1, 2014, shall satisfy at least one of the following conditions in order to qualify for a high school diploma:

(1) Be remediation-free, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on each of the nationally standardized assessments in English, mathematics, and reading;

(2) Attain a score specified under division (B)(5)(c) of section 3301.0712 of the Revised Code on the end-of-course examinations prescribed under division (B) of section 3301.0712 of the Revised Code.

(3) Attain a score that demonstrates workforce readiness and employability on a nationally recognized job skills assessment selected by the state board of education under division (G) of section 3301.0712 of the Revised Code and obtain either an industry-recognized credential, as described under division (B)(2)(d) of section 3302.03 of the Revised Code, or a license issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license.

The state board shall approve the industry-recognized credentials and licenses that may qualify a student for a high school diploma under division (A)(3) of this section. The industry-recognized credentials and licenses shall be as approved under section 3313.6113 of the Revised Code.

A student may choose to qualify for a high school diploma by satisfying any of the separate requirements prescribed by divisions (A)(1) to (3) of this section. If the student's school district or school does not administer the examination prescribed by one of those divisions that the student chooses to take to satisfy the requirements of this section, the school district or
school may require that student to arrange for the applicable scores to be sent directly to the district or school by the company or organization that administers the examination.

(B) The state board of education shall not create or require any additional assessment for the granting of any type of high school diploma other than as prescribed by this section. Except as provided in sections 3313.6111 and 3313.6112 of the Revised Code, the state board or the superintendent of public instruction shall not create any endorsement or designation that may be affiliated with a high school diploma.

Sec. 3313.6110. (A) A person who has completed the final year of instruction at home, as authorized under section 3321.04 of the Revised Code, and has successfully fulfilled the high school curriculum applicable to that person may be granted a high school diploma by the person's parent, guardian, or other person having charge or care of a child, as defined in division (A)(1) of section 3321.01 of the Revised Code.

(B) Beginning with diplomas issued on or after July 1, 2015, each diploma granted under division (A) of this section shall be accompanied by the official letter of excuse issued by the district superintendent for the student's final year of home education.

(C) A person who has graduated from a nonchartered nonpublic school in Ohio and who has successfully fulfilled that school's high school curriculum may be granted a high school diploma by the governing authority of that school.

(D) Notwithstanding anything in the Revised Code to the contrary, a diploma granted under this section shall serve as proof of the successful completion of that person's applicable high school curriculum and satisfactory to fulfill any legal requirement to show such proof.
(E) For the purposes of an application for employment, a diploma granted under this section shall be considered proof of completion of a high school education, regardless of whether the person to which the diploma was granted participated in the assessments prescribed by division (A)(1) or (B)(1) or (2) of section 3301.0710 and section 3301.0712 of the Revised Code.

(F) A diploma granted under division (A) of this section may include a state seal of biliteracy or an OhioMeansJobs-readiness seal that may be assigned to the student's diploma, by the parent, guardian, or other person having charge or care of the student, in the same manner as prescribed for transcripts issued by school districts and chartered nonpublic schools under sections 3313.6111 and 3313.6112 of the Revised Code.

Sec. 3313.6112. (A) The superintendent of public instruction, in consultation with the chancellor of higher education and the governor's office of workforce transformation, shall establish the OhioMeansJobs-readiness seal, which may be attached or affixed to the high school diploma and transcript of a student enrolled in a public or chartered nonpublic school.

(B) A school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, college-preparatory boarding school established under Chapter 3328. of the Revised Code, or chartered nonpublic school shall attach or affix the OhioMeansJobs-readiness seal to the diploma and transcript of a student enrolled in the school who meets the requirements prescribed under division (C)(1) of this section.

(C) The state superintendent, in consultation with the chancellor and the governor's office of workforce transformation, shall do the following:

(1) Establish the requirements and criteria for earning an
OhioMeansJobs-readiness seal, including demonstration of work-readiness and work ethic competencies such as teamwork, problem-solving, reliability, punctuality, and computer technology competency:

(2) Develop a standardized form for students to complete and have validated prior to graduation by at least three individuals, each of whom must be an employer, teacher, business mentor, community leader, faith-based leader, school leader, or coach of the student;

(3) Prepare and deliver to all school districts, community schools, STEM schools, college-preparatory boarding schools, and chartered nonpublic schools an appropriate mechanism for assigning an OhioMeansJobs-readiness seal on a student's diploma and transcript indicating that the student has been assigned the seal;

(4) Provide any other information the state superintendent considers necessary for school districts, community schools, STEM schools, college-preparatory boarding schools, and chartered nonpublic schools to assign an OhioMeansJobs-readiness seal.

(D) A student shall not be charged a fee to be assigned an OhioMeansJobs-readiness seal on the student's diploma and transcript.

Sec. 3313.6113. (A) The superintendent of public instruction, in collaboration with the governor's office of workforce transformation and representatives of business organizations, shall establish a committee to develop a list of industry-recognized credentials and licenses that may be used to qualify for a high school diploma under division (A)(3) of section 3313.618 of the Revised Code and shall be used for state report card purposes under section 3302.03 of the Revised Code. The state superintendent shall appoint the members of the committee not later than January 1, 2018.
(B) The committee shall do the following:

(1) Establish criteria for acceptable industry-recognized credentials and licenses aligned with the in-demand jobs list published by the department of job and family services;

(2) Review the list of industry-recognized credentials and licenses that was in existence on January 1, 2018, and update the list as it considers necessary;

(3) Review and update the list of industry-recognized credentials and licenses biannually.

Sec. 3313.89. Beginning with the 2014-2015 school year, each public high school shall publish or provide, not later than the first day of April of each year, in its newsletter, high school planning guide, regular publication provided to parents and students, or in a prominent location on the school web site, information regarding the online education and career planning tool developed under section 6301.15 of the Revised Code. The information shall include the internet web site address for the planning tool and a link to that web site. The information also shall include a link to the OhioMeansJobs web site.

As used in this section, "OhioMeansJobs web site" has the same meaning as in section 6301.01 of the Revised Code.

Sec. 3313.902. (A) As used in this section:

(1) "Approved industry credential or certificate" means a credential or certificate that is approved by the chancellor of higher education.

(2) "Approved institution" means an eligible institution that has been approved to participate in the adult diploma pilot program under this section.

(3) "Approved program of study" means a program of study
offered by an approved institution that satisfies the requirements of division (B) of this section.

(4) An eligible student's "career pathway training program amount" means the following:

(a) If the student is enrolled in a tier one career pathway training program, $4,800;

(b) If the student is enrolled in a tier two career pathway training program, $3,200;

(c) If the student is enrolled in a tier three career pathway training program, $1,600.

(5) "Eligible institution" means any of the following:

(a) A community college established under Chapter 3354. of the Revised Code;

(b) A technical college established under Chapter 3357. of the Revised Code;

(c) A state community college established under Chapter 3358. of the Revised Code;

(d) An Ohio technical center recognized by the chancellor that provides post-secondary workforce education.

(6) "Eligible student" means an individual who is at least twenty-two years of age and has not received a high school diploma or a certificate of high school equivalence, as defined in section 4109.06 of the Revised Code.

(7) A "tier one career pathway training program" is a career pathway training program that requires more than six hundred hours of technical training, as determined by the department of education.

(8) A "tier two career pathway training program" is a career pathway training program that requires more than three hundred
hours of technical training but less than six hundred hours of technical training, as determined by the department.

(9) A "tier three career pathway training program" is a career pathway training program that requires three hundred hours or less of technical training, as determined by the department.

(10) An eligible student's "work readiness training amount" means the following:

(a) If the student's grade level upon initial enrollment in an approved program of study at an approved institution is below the ninth grade, as determined in accordance with rules adopted under division (E) of this section, $1,500.

(b) If the student's grade level upon initial enrollment in an approved program of study at an approved institution is at or above the ninth grade, as determined in accordance with rules adopted under division (E) of this section, $750.

(B) The adult diploma pilot program is hereby established to permit an eligible institution to obtain approval from the superintendent of public instruction and the chancellor to develop and offer a program of study that allows an eligible student to obtain a high school diploma. A program shall be eligible for this approval if it satisfies all of the following requirements:

(1) The program allows an eligible student to complete the requirements for obtaining a high school diploma that are specified in rules adopted by the superintendent under division (E) of this section while also completing requirements for an approved industry credential or certificate.

(2) The program includes career advising and outreach.

(3) The program includes opportunities for students to receive a competency-based education.

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613,
3313.614, 3313.618, and 3313.319 of the Revised Code, the state board of education shall grant a high school diploma to each eligible student who enrolls in an approved program of study at an approved institution and completes the requirements for obtaining a high school diploma that are specified in rules adopted by the superintendent under division (E) of this section.

(D)(1) The department shall calculate the following amount for each eligible student enrolled in each approved institution's approved program of study:

(The student's career pathway training program amount + the student's work readiness training amount) X 1.2

(2) Except as provided in division (D)(4) of this section, the department shall pay the amount calculated for an eligible student under division (D)(1) of this section to the approved institution in which the student is enrolled in the following manner:

(a) Twenty-five per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the first third of the approved program of study, as determined by the department;

(b) Twenty-five per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the second third of the approved program of study, as determined by the department;

(c) Fifty per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the final third of the approved program of study, as determined by the department.

(3) Of the amount paid to an approved institution under

(4)
division (D)(2) of this section, the institution may use the
amount that is in addition to the student's career pathway
training amount and the student's work readiness training amount
for the associated services of the approved program of study.
These services include counseling, advising, assessment, and other
services as determined or required by the department.

(4) If the superintendent and the chancellor determine that
is it appropriate for an entity other than the department to make
full or partial payments for an eligible student under division
(D)(2) of this section, that entity shall make those payments and
the department shall not make those payments.

(E) The superintendent, in consultation with the chancellor,
shall adopt rules for the implementation of the adult diploma
pilot program, including all of the following:

(1) The requirements for applying for program approval;

(2) The requirements for obtaining a high school diploma
through the program, including the requirement to obtain a passing
score on an assessment that is appropriate for the career pathway
training program that is being completed by the eligible student,
and the date on which these requirements take effect;

(3) The assessment or assessments that may be used to
complete the assessment requirement for each career pathway
training program under division (E)(2) of this section and the
score that must be obtained on each assessment in order to pass
the assessment;

(4) Guidelines regarding the funding of the program under
division (D) of this section, including a method of funding for
students who transfer from one approved institution to another
approved institution prior to completing an approved program of
study;

(5) Circumstances under which an eligible student may be
charged for tuition, supplies, or associated fees while enrolled in an approved institution's approved program of study;

(6) A requirement that an eligible student may not be charged for tuition, supplies, or associated fees while enrolled in an approved institution's approved program of study except in the circumstances described under division (E)(5) of this section;

(7) The payment of federal funds that are to be used by approved programs of study at approved institutions.

Sec. 3313.904. The department of education and the department of job and family services, in consultation with the governor's office of workforce transformation, shall establish an option for career-technical education students to participate in pre-apprenticeship training programs that impart the skills and knowledge needed for successful participation in a registered apprenticeship occupation course.

Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed with the superintendent under this section.

(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:

(1) That the school shall be established as either of the following:

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;

(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;

(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;

(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;

(6) (a) Dismissal procedures;

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;

(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.

(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:
(a) A detailed description of each facility used for instructional purposes;

(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;

(c) The annual mortgage principal and interest payments that are paid by the school;

(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.

(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code.

(11) That the school will comply with the following requirements:

(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.

(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.

(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50,
(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code.

(f) The school will comply with sections 3313.61, 3313.611, and 3313.614 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the state board of education. Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for
 awarding high school credit based on demonstration of subject area competency, and beginning with the 2017-2018 school year, with the updated plan that permits students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency adopted by the state board of education under divisions (J)(1) and (2) of section 3313.603 of the Revised Code. Beginning with the 2018-2019 school year, the school shall comply with the framework for granting units of high school credit to students who demonstrate subject area competency through work-based learning experiences, internships, or cooperative education developed by the department under division (J)(3) of section 3313.603 of the Revised Code.

(g) The school governing authority will submit within four months after the end of each school year a report of its activities and progress in meeting the goals and standards of divisions (A)(3) and (4) of this section and its financial status to the sponsor and the parents of all students enrolled in the school.

(h) The school, unless it is an internet- or computer-based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.

(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district.

(j) If the school operates a preschool program that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards...
for preschool programs prescribed in rules adopted by the state board under section 3301.53 of the Revised Code.

(k) The school will comply with sections 3313.6021 and 3313.6023 of the Revised Code as if it were a school district unless it is either of the following:

(i) An internet- or computer-based community school;

(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A)(4)(b) of section 3314.35 of the Revised Code.

(12) Arrangements for providing health and other benefits to employees;

(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.

(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;

(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.

(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;

(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the
governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;

(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;

(c) Permit the enrollment of students who reside in any other district in the state.

(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;

(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;

(22) A provision recognizing both of the following:

(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in
compliance with health and safety laws and regulations;

(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action.

(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H)(2) of section 3314.08 of the Revised Code;

(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the sponsor of the school. However, the sponsor shall not be required to take any action described in division (F) of section 3302.04 of the Revised Code.

(25) Beginning in the 2006-2007 school year, the school will open for operation not later than the thirtieth day of September each school year, unless the mission of the school as specified under division (A)(2) of this section is solely to serve dropouts. In its initial year of operation, if the school fails to open by the thirtieth day of September, or within one year after the adoption of the contract pursuant to division (D) of section 3314.02 of the Revised Code if the mission of the school is solely to serve dropouts, the contract shall be void.

(26) Whether the school's governing authority is planning to seek designation for the school as a STEM school equivalent under
section 3326.032 of the Revised Code;

(27) That the school's attendance and participation policies will be available for public inspection;

(28) That the school's attendance and participation records shall be made available to the department of education, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code;

(29) If a school operates using the blended learning model, as defined in section 3301.079 of the Revised Code, all of the following information:

(a) An indication of what blended learning model or models will be used;

(b) A description of how student instructional needs will be determined and documented;

(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;

(d) The school's attendance requirements, including how the school will document participation in learning opportunities;

(e) A statement describing how student progress will be monitored;

(f) A statement describing how private student data will be protected;

(g) A description of the professional development activities that will be offered to teachers.

(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear
interest at a fair market rate;

(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical
assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;

(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;

(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;

(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;

(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.
(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code.

Sec. 3314.08. (A) As used in this section:

(1)(a) "Category one career-technical education student" means a student who is receiving the career-technical education services described in division (A) of section 3317.014 of the Revised Code.

(b) "Category two career-technical student" means a student who is receiving the career-technical education services described in division (B) of section 3317.014 of the Revised Code.

(c) "Category three career-technical student" means a student who is receiving the career-technical education services described in division (C) of section 3317.014 of the Revised Code.
(d) "Category four career-technical student" means a student who is receiving the career-technical education services described in division (D) of section 3317.014 of the Revised Code.

(e) "Category five career-technical education student" means a student who is receiving the career-technical education services described in division (E) of section 3317.014 of the Revised Code.

(2) (a) "Category one limited English proficient student" means a limited English proficient student described in division (A) of section 3317.016 of the Revised Code.

(b) "Category two limited English proficient student" means a limited English proficient student described in division (B) of section 3317.016 of the Revised Code.

(c) "Category three limited English proficient student" means a limited English proficient student described in division (C) of section 3317.016 of the Revised Code.

(3) (a) "Category one special education student" means a student who is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code.

(b) "Category two special education student" means a student who is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code.

(c) "Category three special education student" means a student who is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code.

(d) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code.

(e) "Category five special education student" means a student
who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code.

(f) "Category six special education student" means a student who is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code.

(4) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.

(5) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

(6) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(7) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.

(B) The state board of education shall adopt rules requiring both of the following:

(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in each grade kindergarten through twelve in a community school established under this chapter, and for each child, the community school in which the child is enrolled.

(2) The governing authority of each community school established under this chapter to annually report all of the following:

(a) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;

(b) The number of enrolled students in grades one through
twelve and the full-time equivalent number of enrolled students in
kindergarten, who are receiving special education and related
services pursuant to an IEP;

   (c) The number of students reported under division (B)(2)(b) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;

   (d) The full-time equivalent number of students reported under divisions (B)(2)(a) and (b) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A) to (E) of section 3317.014 of the Revised Code that are provided by the community school;

   (e) The number of students reported under divisions (B)(2)(a) and (b) of this section who are not reported under division (B)(2)(d) of this section but who are enrolled in career-technical education programs or classes described in each of divisions (A) to (E) of section 3317.014 of the Revised Code at a joint vocational school district or another district in the career-technical planning district to which the school is assigned;

   (f) The number of students reported under divisions (B)(2)(a) and (b) of this section who are category one to three limited English proficient students described in each of divisions (A) to (C) of section 3317.016 of the Revised Code;

   (g) The number of students reported under divisions (B)(2)(a) and (b) of this section who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (B)(2)(g) of this section based on anything other than family income.

   (h) For each student, the city, exempted village, or local school district in which the student is entitled to attend school
under section 3313.64 or 3313.65 of the Revised Code.

(i) The number of students enrolled in a preschool program operated by the school that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code who are not receiving special education and related services pursuant to an IEP.

A school district board and a community school governing authority shall include in their respective reports under division (B) of this section any child admitted in accordance with division (A)(2) of section 3321.01 of the Revised Code.

A governing authority of a community school shall not include in its report under divisions (B)(2)(a) to (h) of this section any student for whom tuition is charged under division (F) of this section.

(C)(1) Except as provided in division (C)(2) of this section, and subject to divisions (C)(3), (4), (5), (6), and (7) of this section, on a full-time equivalency basis, for each student enrolled in a community school established under this chapter, the department of education annually shall deduct from the state education aid of a student's resident district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code and pay to the community school the sum of the following:

(a) An opportunity grant in an amount equal to the formula amount;

(b) The per pupil amount of targeted assistance funds calculated under division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, X 0.25;

(c) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as


follows:

(i) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;

(ii) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;

(iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;

(iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;

(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;

(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.

(d) If the student is in kindergarten through third grade, an additional amount of $305, in fiscal year 2016, and $320, in fiscal year 2017;

(e) If the student is economically disadvantaged, an additional amount equal to the following:

$272 X the resident district's economically disadvantaged index

(f) Limited English proficiency funds as follows:

(i) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;
(ii) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;

(iii) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.

(g) If the student is reported under division (B)(2)(d) of this section, career-technical education funds as follows:

(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;

(ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;

(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;

(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;

(v) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.

Deduction and payment of funds under division (C)(1)(g) of this section is subject to approval by the lead district of a career-technical planning district or the department of education under section 3317.161 of the Revised Code.

(2) When deducting from the state education aid of a student's resident district for students enrolled in an internet- or computer-based community school and making payments to such
school under this section, the department shall make the deductions and payments described in only divisions (C)(1)(a), (c), and (g) of this section.

No deductions or payments shall be made for a student enrolled in such school under division (C)(1)(b), (d), (e), or (f) of this section.

(3)(a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold catastrophic costs.

(b) The community school shall report under division (C)(3)(a) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

(4) In any fiscal year, a community school receiving funds under division (C)(1)(g) of this section shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical education expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the
school to report data annually so that the department may monitor the school's compliance with the requirements regarding the manner in which funding received under division (C)(1)(g) of this section may be spent.

(5) Notwithstanding anything to the contrary in section 3313.90 of the Revised Code, except as provided in division (C)(9) of this section, all funds received under division (C)(1)(g) of this section shall be spent in the following manner:

(a) At least seventy-five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry-based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career-technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional development; and other costs directly associated with career-technical education programs including development of new programs.

(b) Not more than twenty-five per cent of the funds shall be used for personnel expenditures.

(6) A community school shall spend the funds it receives under division (C)(1)(e) of this section in accordance with section 3317.25 of the Revised Code.

(7) If the sum of the payments computed under divisions (C)(1) and (8)(a) of this section for the students entitled to attend school in a particular school district under sections 3313.64 and 3313.65 of the Revised Code exceeds the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code, the department shall calculate and apply a proration factor to the payments to all community schools under that division for the students entitled to...
attend school in that district.

(8)(a) Subject to division (C)(7) of this section, the department annually shall pay to each community school, including each internet- or computer-based community school, an amount equal to the following:

(The number of students reported by the community school under division (B)(2)(e) of this section X the formula amount X .20)

(b) For each payment made to a community school under division (C)(8)(a) of this section, the department shall deduct from the state education aid of each city, local, and exempted village school district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code an amount equal to the following:

(The number of the district's students reported by the community school under division (B)(2)(e) of this section X the formula amount X .20)

(9) The department may waive the requirement in division (C)(5) of this section for any community school that exclusively provides one or more career-technical workforce development programs in arts and communications that are not equipment-intensive, as determined by the department.

(D) A board of education sponsoring a community school may utilize local funds to make enhancement grants to the school or may agree, either as part of the contract or separately, to provide any specific services to the community school at no cost to the school.

(E) A community school may not levy taxes or issue bonds secured by tax revenues.

(F) No community school shall charge tuition for the
enrollment of any student who is a resident of this state. A community school may charge tuition for the enrollment of any student who is not a resident of this state.

(G)(1)(a) A community school may borrow money to pay any necessary and actual expenses of the school in anticipation of the receipt of any portion of the payments to be received by the school pursuant to division (C) of this section. The school may issue notes to evidence such borrowing. The proceeds of the notes shall be used only for the purposes for which the anticipated receipts may be lawfully expended by the school.

(b) A school may also borrow money for a term not to exceed fifteen years for the purpose of acquiring facilities.

(2) Except for any amount guaranteed under section 3318.50 of the Revised Code, the state is not liable for debt incurred by the governing authority of a community school.

(H) The department of education shall adjust the amounts subtracted and paid under division (C) of this section to reflect any enrollment of students in community schools for less than the equivalent of a full school year. The state board of education within ninety days after April 8, 2003, shall adopt in accordance with Chapter 119. of the Revised Code rules governing the payments to community schools under this section including initial payments in a school year and adjustments and reductions made in subsequent periodic payments to community schools and corresponding deductions from school district accounts as provided under division (C) of this section. For purposes of this section:

(1) A student shall be considered enrolled in the community school for any portion of the school year the student is participating at a college under Chapter 3365. of the Revised Code.

(2) A student shall be considered to be enrolled in a
Community school for the period of time beginning on the later of
the date on which the school both has received documentation of
the student's enrollment from a parent and the student has
commenced participation in learning opportunities as defined in
the contract with the sponsor, or thirty days prior to the date on
which the student is entered into the education management
information system established under section 3301.0714 of the
Revised Code. For purposes of applying this division and divisions
(H)(3) and (4) of this section to a community school student,
"learning opportunities" shall be defined in the contract, which
shall describe both classroom-based and non-classroom-based
learning opportunities and shall be in compliance with criteria
and documentation requirements for student participation which
shall be established by the department. Any student's instruction
time in non-classroom-based learning opportunities shall be
certified by an employee of the community school. A student's
enrollment shall be considered to cease on the date on which any
of the following occur:

(a) The community school receives documentation from a parent
terminating enrollment of the student.

(b) The community school is provided documentation of a
student's enrollment in another public or private school.

(c) The community school ceases to offer learning
opportunities to the student pursuant to the terms of the contract
with the sponsor or the operation of any provision of this
chapter.

Except as otherwise specified in this paragraph, beginning in
the 2011-2012 school year, any student who completed the prior
school year in an internet- or computer-based community school
shall be considered to be enrolled in the same school in the
subsequent school year until the student's enrollment has ceased
as specified in division (H)(2) of this section. The department
shall continue subtracting and paying amounts for the student under division (C) of this section without interruption at the start of the subsequent school year. However, if the student without a legitimate excuse fails to participate in the first one hundred five consecutive hours of learning opportunities offered to the student in that subsequent school year, the student shall be considered not to have re-enrolled in the school for that school year and the department shall recalculate the payments to the school for that school year to account for the fact that the student is not enrolled.

(3) The department shall determine each community school student's percentage of full-time equivalency based on the percentage of learning opportunities offered by the community school to that student, reported either as number of hours or number of days, is of the total learning opportunities offered by the community school to a student who attends for the school's entire school year. However, no internet- or computer-based community school shall be credited for any time a student spends participating in learning opportunities beyond ten hours within any period of twenty-four consecutive hours. Whether it reports hours or days of learning opportunities, each community school shall offer not less than nine hundred twenty hours of learning opportunities during the school year.

(4) With respect to the calculation of full-time equivalency under division (H)(3) of this section, the department shall waive the number of hours or days of learning opportunities not offered to a student because the community school was closed during the school year due to disease epidemic, hazardous weather conditions, law enforcement emergencies, inoperability of school buses or other equipment necessary to the school's operation, damage to a school building, or other temporary circumstances due to utility failure rendering the school building unfit for school use, so
long as the school was actually open for instruction with students in attendance during that school year for not less than the minimum number of hours required by this chapter. The department shall treat the school as if it were open for instruction with students in attendance during the hours or days waived under this division.

(I) The department of education shall reduce the amounts paid under this section to reflect payments made to colleges under section 3365.07 of the Revised Code.

(J)(1) No student shall be considered enrolled in any internet- or computer-based community school or, if applicable to the student, in any community school that is required to provide the student with a computer pursuant to division (C) of section 3314.22 of the Revised Code, unless both of the following conditions are satisfied:

(a) The student possesses or has been provided with all required hardware and software materials and all such materials are operational so that the student is capable of fully participating in the learning opportunities specified in the contract between the school and the school's sponsor as required by division (A)(23) of section 3314.03 of the Revised Code;

(b) The school is in compliance with division (A) of section 3314.22 of the Revised Code, relative to such student.

(2) In accordance with policies adopted jointly by the superintendent of public instruction and the auditor of state, the department shall reduce the amounts otherwise payable under division (C) of this section to any community school that includes in its program the provision of computer hardware and software materials to any student, if such hardware and software materials have not been delivered, installed, and activated for each such student in a timely manner or other educational materials or
services have not been provided according to the contract between the individual community school and its sponsor.

The superintendent of public instruction and the auditor of state shall jointly establish a method for auditing any community school to which this division pertains to ensure compliance with this section.

The superintendent, auditor of state, and the governor shall jointly make recommendations to the general assembly for legislative changes that may be required to assure fiscal and academic accountability for such schools.

(K)(1) If the department determines that a review of a community school's enrollment is necessary, such review shall be completed and written notice of the findings shall be provided to the governing authority of the community school and its sponsor within ninety days of the end of the community school's fiscal year, unless extended for a period not to exceed thirty additional days for one of the following reasons:

(a) The department and the community school mutually agree to the extension.

(b) Delays in data submission caused by either a community school or its sponsor.

(2) If the review results in a finding that additional funding is owed to the school, such payment shall be made within thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply:

(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee.

(b) The board or its designee shall conduct an informal
hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(L) The department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.
(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for enrollment in a community school not later than four years after termination of war or their honorable discharge. If, however, any such veteran elects to enroll in special courses organized for veterans for whom tuition is paid under federal law, or otherwise, the department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for that veteran.

Sec. 3316.20. (A)(1) The school district solvency assistance fund is hereby created in the state treasury, to consist of such amounts designated for the purposes of the fund by the general assembly. The fund shall be used to provide assistance and grants to school districts to enable them to remain solvent and to pay unforeseeable expenses of a temporary or emergency nature that they are unable to pay from existing resources.

(2) There is hereby created within the fund an account known as the school district shared resource account, which shall consist of money appropriated to it by the general assembly. The money in the account shall be used solely for solvency assistance to school districts that have been declared under division (B) of section 3316.03 of the Revised Code to be in a state of fiscal emergency.

(3) There is hereby created within the fund an account known as the catastrophic expenditures account, which shall consist of money appropriated to the account by the general assembly plus all investment earnings of the fund. Money in the account shall be used solely for the following:
(a) Solvency assistance to school districts that have been declared under division (B) of section 3316.03 of the Revised Code to be in a state of fiscal emergency, in the event that all money in the shared resource account is utilized for solvency assistance;

(b) Grants to school districts under division (C) of this section.

(B) Solvency assistance payments under division (A)(2) or (3)(a) of this section shall be made from the fund by the superintendent of public instruction in accordance with rules adopted by the director of budget and management, after consulting with the superintendent, specifying approval criteria and procedures necessary for administering the fund.

The fund shall be reimbursed for any solvency assistance amounts paid under division (A)(2) or (3)(a) of this section not later than the end of the second fiscal year following the fiscal year in which the solvency assistance payment was made, except that, upon the approval of the director of budget and management and the superintendent of public instruction, the fund may be reimbursed in another fiscal year designated by the director and superintendent that is not later than the end of the tenth fiscal year following the fiscal year in which the solvency assistance payment was made. If not made directly by the school district, such reimbursement shall be made by the director of budget and management from the amounts the school district would otherwise receive pursuant to Chapter 3317. of the Revised Code, or from any other funds appropriated for the district by the general assembly. Reimbursements shall be credited to the respective account from which the solvency assistance paid to the district was deducted.

(C) The superintendent of public instruction may make recommendations, and the controlling board may grant money from the catastrophic expenditures account to any school district that
suffers an unforeseen catastrophic event that severely depletes the district's financial resources. The superintendent shall make recommendations for the grants in accordance with rules adopted by the director of budget and management, after consulting with the superintendent. A school district shall not be required to repay any grant awarded to the district under this division, unless the district receives money from this state or a third party, including an agency of the government of the United States, specifically for the purpose of compensating the district for revenue lost or expenses incurred as a result of the unforeseen catastrophic event. If a school district receives a grant from the catastrophic expenditures account on the basis of the same circumstances for which an adjustment or recomputation is authorized under section 3317.025, 3317.026, 3317.028, 3317.0210, or 3317.0211 of the Revised Code, the department of education shall reduce the adjustment or recomputation by an amount not to exceed the total amount of the grant, and an amount equal to the reduction shall be transferred, from the funding source from which the adjustment or recomputation would be paid, to the catastrophic expenditures account. Any adjustment or recomputation under such sections that is in excess of the total amount of the grant shall be paid to the school district.

Sec. 3317.01. As used in this section, "school district," unless otherwise specified, means any city, local, exempted village, joint vocational, or cooperative education school district and any educational service center.

This chapter shall be administered by the state board of education. The superintendent of public instruction shall calculate the amounts payable to each school district and shall certify the amounts payable to each eligible district to the treasurer of the district as provided by this chapter. As soon as possible after such amounts are calculated, the superintendent...
shall certify to the treasurer of each school district the
district's adjusted charge-off increase, as defined in section
5705.211 of the Revised Code. Certification of moneys pursuant to
this section shall include the amounts payable to each school
building, at a frequency determined by the superintendent, for
each subgroup of students, as defined in section 3317.40 of the
Revised Code, receiving services, provided for by state funding,
from the district or school. No moneys shall be distributed
pursuant to this chapter without the approval of the controlling
board.

The state board of education shall, in accordance with
appropriations made by the general assembly, meet the financial
obligations of this chapter.

Moneys distributed to school districts pursuant to this
chapter shall be calculated based on the annual enrollment
calculated from the three reports required under sections 3317.03
and 3317.036 of the Revised Code and paid on a fiscal year basis,
beginning with the first day of July and extending through the
thirtieth day of June. In any given fiscal year, prior to school
districts submitting the first report required under section
3317.03 of the Revised Code, enrollment for the districts shall be
calculated based on the third report submitted by the districts
for the previous fiscal year. The moneys appropriated for each
fiscal year shall be distributed periodically to each school
district unless otherwise provided for. The state board, in June
of each year, shall submit to the controlling board the state
board's year-end distributions pursuant to this chapter.

Except as otherwise provided, payments under this chapter
shall be made only to those school districts in which:

(A) The school district, except for any educational service
center and any joint vocational or cooperative education school
district, levies for current operating expenses at least twenty
mills. Levies for joint vocational or cooperative education school
districts or county school financing districts, limited to or to
the extent apportioned to current expenses, shall be included in
this qualification requirement. School district income tax levies
under Chapter 5748. of the Revised Code, limited to or to the
extent apportioned to current operating expenses, shall be
included in this qualification requirement to the extent
determined by the tax commissioner under division (D)(C) of
section 3317.021 of the Revised Code.

(B) The school year next preceding the fiscal year for which
such payments are authorized meets the requirement of section
3313.48 of the Revised Code, with regard to the minimum number of
hours school must be open for instruction with pupils in
attendance, for individualized parent-teacher conference and
reporting periods, and for professional meetings of teachers.

A school district shall not be considered to have failed to
comply with this division because schools were open for
instruction but either twelfth grade students were excused from
attendance for up to the equivalent of three school days or only a
portion of the kindergarten students were in attendance for up to
the equivalent of three school days in order to allow for the
gradual orientation to school of such students.

A board of education or governing board of an educational
service center which has not conformed with other law and the
rules pursuant thereto, shall not participate in the distribution
of funds authorized by this chapter, except for good and
sufficient reason established to the satisfaction of the state
board of education and the state controlling board.

All funds allocated to school districts under this chapter,
except those specifically allocated for other purposes, shall be
used to pay current operating expenses only.
Sec. 3317.013. The amounts for the following categories of special education programs, as these programs are defined for purposes of Chapter 3323. of the Revised Code, are as follows:

(A) An amount of $1,547, in fiscal year 2016, or $1,578, in fiscal year 2017, for each student whose primary or only identified disability is a speech and language disability, as this term is defined pursuant to Chapter 3323. of the Revised Code;

(B) An amount of $3,926, in fiscal year 2016, or $4,005, in fiscal year 2017, for each student identified as specific learning disabled or developmentally disabled, as these terms are defined pursuant to Chapter 3323. of the Revised Code, identified as having an other health impairment-minor, or identified as a preschool child who is developmentally delayed;

(C) An amount of $9,433, in fiscal year 2016, or $9,622, in fiscal year 2017, for each student identified as hearing disabled or severe behavior disabled, as these terms are defined pursuant to Chapter 3323. of the Revised Code;

(D) An amount of $12,589, in fiscal year 2016, or $12,841, in fiscal year 2017, for each student identified as vision impaired, as this term is defined pursuant to Chapter 3323. of the Revised Code, or as having an other health impairment-major;

(E) An amount of $17,049, in fiscal year 2016, or $17,390, in fiscal year 2017, for each student identified as orthopedically disabled or as having multiple disabilities, as these terms are defined pursuant to Chapter 3323. of the Revised Code;

(F) An amount of $25,134, in fiscal year 2016, or $25,637, in fiscal year 2017, for each student identified as autistic, having traumatic brain injuries, or as both visually and hearing impaired, as these terms are defined pursuant to Chapter 3323. of the Revised Code.
Sec. 3317.014. The career-technical education additional amount per pupil for each student enrolled in career-technical education programs approved by the department of education under section 3317.161 of the Revised Code shall be as follows:

(A) An amount of $4,992, in fiscal year 2016, or $5,192, in fiscal year 2017, for each student enrolled in career-technical education workforce development programs in agricultural and environmental systems, construction technologies, engineering and science technologies, finance, health science, information technology, and manufacturing technologies, each of which shall be defined by the department in consultation with the governor's office of workforce transformation;

(B) An amount of $4,732, in fiscal year 2016, or $4,921, in fiscal year 2017, for each student enrolled in workforce development programs in business and administration, hospitality and tourism, human services, law and public safety, transportation systems, and arts and communications, each of which shall be defined by the department in consultation with the governor's office of workforce transformation;

(C) An amount of $1,726, in fiscal year 2016, or $1,795, in fiscal year 2017, for students enrolled in career-based intervention programs, which shall be defined by the department in consultation with the governor's office of workforce transformation;

(D) An amount of $1,466, in fiscal year 2016, or $1,525, in fiscal year 2017, for students enrolled in workforce development programs in education and training, marketing, workforce development academics, public administration, and career development, each of which shall be defined by the department of education in consultation with the governor's office of workforce transformation;
(E) An amount of $1,258, in fiscal year 2016, or $1,308, in fiscal year 2017, for students enrolled in family and consumer science programs, which shall be defined by the department of education in consultation with the governor's office of workforce transformation.

The amount for career-technical education associated services, as defined by the department, shall be $236, in fiscal year 2016, or $245, in fiscal year 2017.

Sec. 3317.017. The department of education shall compute a school district's state share index as follows:

(A) Calculate the district's valuation index, which equals the following quotient:

(The district's three-year average valuation / the district's total ADM) / (the statewide three-year average valuation for school districts with a total ADM greater than zero / the statewide total ADM)

(B)(1) Calculate the district's median income index, which equals the following quotient:

(The district's median Ohio adjusted gross income / the median of the median Ohio adjusted gross income of all districts statewide with a total ADM greater than zero)

(2) Calculate the district's income index, which equals the following sum:

(The district's median income index X 0.5) + {

((the three-year average federal adjusted gross income of the school district's residents / the district's formula ADM for fiscal year 2017) / (the three-year average federal adjusted gross income of all districts statewide with a formula ADM for fiscal year 2017 greater than zero / the statewide formula ADM for fiscal year 2017)) X 0.5}
(C) Determine the district's wealth index as follows:

(1) If the district's income index is less than the
district's valuation index and the district's median income index
is less than or equal to 1.5, then the district's wealth index
shall be equal to [( 0.4 X the district's income index) + ( 0.6 X
the district's valuation index)].

(2) If the district's income index does not meet both of the
conditions described in division (C)(1) of this section, then the
district's wealth index shall be equal to the district's valuation
index.

(D) Determine the district's state share index as follows:

(1) If the district's wealth index is less than or equal to
0.35, then the district's state share index shall be equal to
0.90.

(2) If the district's wealth index is greater than 0.35 but
less than or equal to 0.90, then the district's state share index
shall be equal to {0.40 X [(0.90 − the district's wealth index) /
0.55]} + 0.50.

(3) If the district's wealth index is greater than 0.90 but
less than 1.8, then the district's state share index shall be
equal to {0.45 X [(1.8 − the district's wealth index) / 0.9]} +
0.05.

(4) If the district's wealth index is greater than or equal
to 1.8, then the district's state share index shall be equal to
0.05.

(E)(1) For each school district for which the tax-exempt
value of the district, as certified under division (A)(4) of
section 3317.021 of the Revised Code, equals or exceeds thirty per
cent of the potential value of the district, the department shall
calculate the difference between the district's tax-exempt value
and thirty per cent of the district's potential value. For this purpose, the "potential value" of a school district is the three-year average valuation of the district plus the tax-exempt value of the district.

(2) For each school district to which division (E)(1) of this section applies, the department shall adjust the district's three-year average valuation used in the calculation under division (A) of this section by subtracting from it the amount calculated under division (E)(1) of this section. The department shall not, however, make any adjustments to the statewide three-year average valuation used in the calculation under division (A) of this section.

(F) When performing the calculations required under this section, the department shall not round to fewer than four decimal places.

For purposes of these calculations for fiscal years 2016, 2018, 2017, and 2019, "total ADM" means the total ADM for fiscal year 2017; "median Ohio adjusted gross income" means the median Ohio adjusted gross income, as that term is defined in section 5747.01 of the Revised Code, for tax year 2015; "three-year average federal adjusted gross income" means the average of the federal adjusted gross income for tax years 2011, 2013, 2012, and 2013 as reported under section 3317.021 of the Revised Code; and "tax-exempt value" means the tax-exempt value for tax year 2014.

Sec. 3317.02. As used in this chapter:

(A)(1) "Category one career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A) of section 3317.014 of the Revised Code and certified under division (B)(11) or (D)(2)(h) of section 3317.03.
of the Revised Code.

(2) "Category two career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (B) of section 3317.014 of the Revised Code and certified under division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised Code.

(3) "Category three career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (C) of section 3317.014 of the Revised Code and certified under division (B)(13) or (D)(2)(j) of section 3317.03 of the Revised Code.

(4) "Category four career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (D) of section 3317.014 of the Revised Code and certified under division (B)(14) or (D)(2)(k) of section 3317.03 of the Revised Code.

(5) "Category five career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (E) of section 3317.014 of the Revised Code and certified under division (B)(15) or (D)(2)(l) of section 3317.03 of the Revised Code.

(B)(1) "Category one limited English proficient ADM" means the full-time equivalent number of limited English proficient students described in division (A) of section 3317.016 of the Revised Code and certified under division (B)(16) or (D)(2)(m) of section 3317.03 of the Revised Code.

(2) "Category two limited English proficient ADM" means the
(3) "Category three limited English proficient ADM" means the full-time equivalent number of limited English proficient students described in division (C) of section 3317.016 of the Revised Code and certified under division (B)(18) or (D)(2)(o) of section 3317.03 of the Revised Code.

(C)(1) "Category one special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for the disability specified in division (A) of section 3317.013 of the Revised Code and certified under division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code.

(2) "Category two special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for those disabilities specified in division (B) of section 3317.013 of the Revised Code and certified under division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised Code.

(3) "Category three special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (C) of section 3317.013 of the Revised Code, and certified under division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code.

(4) "Category four special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (D) of section 3317.013 of the Revised Code and certified under division (B)(8)
(D) "Economically disadvantaged index for a school district" means the square of the quotient of that district's percentage of students in its total ADM who are identified as economically disadvantaged as defined by the department of education, divided by the percentage of students in the statewide total ADM identified as economically disadvantaged. For purposes of this calculation:

(1) For a city, local, or exempted village school district, the "statewide total ADM" equals the sum of the total ADM for all city, local, and exempted village school districts combined.

(2) For a joint vocational school district, the "statewide total ADM" equals the sum of the formula ADM for all joint vocational school districts combined.

(E)(1) "Formula ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section, and as further adjusted by the department of education, as follows:

(a) Count only twenty per cent of the number of joint
vocational school district students counted under division (A)(3) of section 3317.03 of the Revised Code;

(b) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical education compact.

(2) "Formula ADM" means, for a joint vocational school district, the final number verified by the superintendent of public instruction, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section.

(F) "Formula amount" means $5,900, for fiscal year 2016, and $6,000, for fiscal year 2017.

(G) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one, two, three, four, or five career-technical education ADM in the same proportion the student is counted in formula ADM.

(H) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

(I) "Medically fragile child" means a child to whom all of the following apply:

(1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition.

(2) The child requires the services of a registered nurse on a daily basis.
(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.

(J)(1) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education and if either of the following apply:

(a) The child is identified as having a medical condition that is among those listed by the superintendent of public instruction as conditions where a substantial majority of cases fall within the definition of "medically fragile child."

(b) The child is determined by the superintendent of public instruction to be a medically fragile child. A school district superintendent may petition the superintendent of public instruction for a determination that a child is a medically fragile child.

(2) A child may be identified as having an "other health impairment-minor" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education but the child's condition does not meet either of the conditions specified in division (J)(1)(a) or (b) of this section.

(K) "Preschool child with a disability" means a child with a disability, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(L) "Preschool scholarship ADM" means the number of preschool children with disabilities certified under division (B)(3)(h) of section 3317.03 of the Revised Code.

(M) "Related services" includes:
(1) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistsants for children with disabilities whose disabilities are described in division (B) of section 3317.013 or division (B)(3) of this section, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;

(2) Speech and language services provided to any student with a disability, including any student whose primary or only disability is a speech and language disability;

(3) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;

(4) Any service included in units funded under former division (O)(1) of section 3317.024 of the Revised Code;

(5) Any other related service needed by children with disabilities in accordance with their individualized education programs.

(N) "School district," unless otherwise specified, means city, local, and exempted village school districts.

(O) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.

(P) "State share index" means the state share index calculated for a district under section 3317.017 of the Revised Code.

(Q) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.

(2) For purposes of section 3317.018 of the Revised Code, "three-year average valuation" means the following:

(a) For fiscal year 2016, the average of total taxable value for tax years 2013, 2014, and 2015;

(b) For fiscal year 2017, the average of total taxable value for tax years 2014, 2015, and 2016.

(3) For purposes of sections 3317.0217, 3317.0218, and 3317.16 of the Revised Code, "three-year average valuation" means the following:


(S) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section.

(T) "Total special education ADM" means the sum of categories one through six special education ADM.

(U) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

Sec. 3317.021. (A) On or before the first day of June of each year, the tax commissioner shall certify to the department of
education and the office of budget and management the information described in divisions (A)(1) to (5) of this section for each city, exempted village, and local school district, and the information required by divisions (A)(1) and (2) of this section for each joint vocational school district, and it shall be used, along with the information certified under division (B) of this section, in making the computations for the district under this chapter.

(1) The taxable value of real and public utility real property in the school district subject to taxation in the preceding tax year, by class and by county of location.

(2) The taxable value of tangible personal property, including public utility personal property, subject to taxation by the district for the preceding tax year.

(3)(a) The total property tax rate and total taxes charged and payable for the current expenses for the preceding tax year and the total property tax rate and the total taxes charged and payable to a joint vocational district for the preceding tax year that are limited to or to the extent apportioned to current expenses.

(b) The portion of the amount of taxes charged and payable reported for each city, local, and exempted village school district under division (A)(3)(a) of this section attributable to a joint vocational school district.

(4) The value of all real and public utility real property in the school district exempted from taxation minus both of the following:

(a) The value of real and public utility real property in the district owned by the United States government and used exclusively for a public purpose;

(b) The value of real and public utility real property in the
district exempted from taxation under Chapter 725. or 1728. or section 3735.67, 5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code.

(5) The total federal adjusted gross income of the residents of the school district, based on tax returns filed by the residents of the district, for the most recent year for which this information is available, and the median Ohio adjusted gross income of the residents of the school district determined on the basis of tax returns filed for the second preceding tax year by the residents of the district.

(B) On or before the first day of May each year, the tax commissioner shall certify to the department of education and the office of budget and management the total taxable real property value of railroads and, separately, the total taxable tangible personal property value of all public utilities for the preceding tax year, by school district and by county of location.

(C) If a public utility has properly and timely filed a petition for reassessment under section 5727.47 of the Revised Code with respect to an assessment issued under section 5727.23 of the Revised Code affecting taxable property apportioned by the tax commissioner to a school district, the taxable value of public utility tangible personal property included in the certification under divisions (A)(2) and (B) of this section for the school district shall include only the amount of taxable value on the basis of which the public utility paid tax for the preceding year as provided in division (B)(1) or (2) of section 5727.47 of the Revised Code.

(D) If on the basis of the information certified under division (A) of this section, the department determines that any district fails in any year to meet the qualification requirement specified in division (A) of section 3317.01 of the Revised Code, the department shall immediately request the tax commissioner to
determine the extent to which any school district income tax
levied by the district under Chapter 5748. of the Revised Code
shall be included in meeting that requirement. Within five days of
receiving such a request from the department, the tax commissioner
shall make the determination required by this division and report
the quotient obtained under division (D)(C)(3) of this section to
the department and the office of budget and management. This
quotient represents the number of mills that the department shall
include in determining whether the district meets the
qualification requirement of division (A) of section 3317.01 of
the Revised Code.

The tax commissioner shall make the determination required by
this division as follows:

(1) Multiply one mill times the total taxable value of the
district as determined in divisions (A)(1) and (2) of this
section;

(2) Estimate the total amount of tax liability for the
current tax year under taxes levied by Chapter 5748. of the
Revised Code that are apportioned to current operating expenses of
the district, excluding any income tax receipts allocated for the
project cost, debt service, or maintenance set-aside associated
with a state-assisted classroom facilities project as authorized
by section 3318.052 of the Revised Code;

(3) Divide the amount estimated under division (D)(C)(2) of
this section by the product obtained under division (D)(C)(1) of
this section.

Sec. 3317.022. (A) The department of education shall compute
and distribute state core foundation funding to each eligible
school district for the fiscal year, using the information
obtained under section 3317.021 of the Revised Code in the
calendar year in which the fiscal year begins, as prescribed in
the following divisions:

(1) An opportunity grant calculated according to the following formula:

The formula amount X (formula ADM + preschool scholarship ADM) X the district's state share index

(2) Targeted assistance funds calculated under divisions (A) and (B) of section 3317.0217 of the Revised Code;

(3) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as the sum of the following:

(a) The district's category one special education ADM X the amount specified in division (A) of section 3317.013 of the Revised Code X the district's state share index;

(b) The district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share index;

(c) The district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share index;

(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share index;

(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share index;

(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share index.

(4) Kindergarten through third grade literacy funds
calculated according to the following formula:

\[ (\text{key} \times \text{fiscal year 2016, or key } \times \text{fiscal year 2017}) \times \text{formula ADM for grades kindergarten through three} \times \text{the district's state share index} + (\text{key} \times \text{fiscal year 2016, or key } \times \text{fiscal year 2017}) \times \text{formula ADM for grades kindergarten through three} \]

For purposes of this calculation, the department shall subtract from a district's formula ADM for grades kindergarten through three the number of students reported under division (B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an internet- or computer-based community school who are in grades kindergarten through three.

(5) Economically disadvantaged funds calculated according to the following formula:

\[ \text{key} \times \text{(the district's economically disadvantaged index)} \times \text{the number of students who are economically disadvantaged as certified under division (B)(21) of section 3317.03 of the Revised Code} \]

(6) Limited English proficiency funds calculated as the sum of the following:

(a) The district's category one limited English proficient ADM X the amount specified in division (A) of section 3317.016 of the Revised Code X the district's state share index;

(b) The district's category two limited English proficient ADM X the amount specified in division (B) of section 3317.016 of the Revised Code X the district's state share index;

(c) The district's category three limited English proficient ADM X the amount specified in division (C) of section 3317.016 of the Revised Code X the district's state share index.

(7)(a) Gifted identification funds calculated according to
the following formula:

\[ 5.05 \times \text{the district's formula ADM} \]

(b) Gifted unit funding calculated under section 3317.051 of the Revised Code.

(8) Career-technical education funds calculated as the sum of the following:

(a) The district's category one career-technical education ADM \( \times \) the amount specified in division (A) of section 3317.014 of the Revised Code \( \times \) the district's state share index;

(b) The district's category two career-technical education ADM \( \times \) the amount specified in division (B) of section 3317.014 of the Revised Code \( \times \) the district's state share index;

(c) The district's category three career-technical education ADM \( \times \) the amount specified in division (C) of section 3317.014 of the Revised Code \( \times \) the district's state share index;

(d) The district's category four career-technical education ADM \( \times \) the amount specified in division (D) of section 3317.014 of the Revised Code \( \times \) the district's state share index;

(e) The district's category five career-technical education ADM \( \times \) the amount specified in division (E) of section 3317.014 of the Revised Code \( \times \) the district's state share index.

Payment of funds under division (A)(8) of this section is subject to approval under section 3317.161 of the Revised Code.

(9) Career-technical education associated services funds calculated according to the following formula:

The district's state share index \( \times \) the amount for career-technical education associated services specified in section 3317.014 of the Revised Code \( \times \) the sum of categories one through five career-technical education ADM.

(10) Capacity aid funds calculated under section 3317.0218 of
(11) A graduation bonus calculated under section 3317.0215 of the Revised Code;

(12) A third-grade reading bonus calculated under section 3317.0216 of the Revised Code.

(B) In any fiscal year, a school district shall spend for purposes that the department designates as approved for special education and related services expenses at least the amount calculated as follows:

(The formula amount X the total special education ADM) + (the district's category one special education ADM X the amount specified in division (A) of section 3317.013 of the Revised Code) + (the district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code) + (the district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code) + (the district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code) + (the district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code) + (the district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code)

The purposes approved by the department for special education expenses shall include, but shall not be limited to, identification of children with disabilities, compliance with state rules governing the education of children with disabilities and prescribing the continuum of program options for children with disabilities, provision of speech language pathology services, and the portion of the school district's overall administrative and overhead costs that are attributable to the district's special education student population.
The scholarships deducted from the school district's account under sections 3310.41 and 3310.55 of the Revised Code shall be considered to be an approved special education and related services expense for the purpose of the school district's compliance with this division.

(C) In any fiscal year, a school district receiving funds under division (A)(8) of this section shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical education expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school district to report data annually so that the department may monitor the district's compliance with the requirements regarding the manner in which funding received under division (A)(8) of this section may be spent.

(D) In any fiscal year, a school district receiving funds under division (A)(9) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for career-technical education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other career-technical education services, career-technical evaluation, and other purposes designated by the department. The department may deny payment under division (A)(9) of this section to any district that the department determines is not operating those services or is using funds paid under division (A)(9) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, for other purposes.

(E) All funds received under division (A)(8) of this section shall be spent in the following manner:
(1) At least seventy-five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry-based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career-technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional development; and other costs directly associated with career-technical education programs including development of new programs.

(2) Not more than twenty-five per cent of the funds shall be used for personnel expenditures.

(F) A school district shall spend the funds it receives under division (A)(5) of this section in accordance with section 3317.25 of the Revised Code.

Sec. 3317.025. On or before the first day of June of each year, the tax commissioner shall certify the following information to the department of education and the office of budget and management, for each school district in which the value of the property described under division (A) of this section exceeds one per cent of the taxable value of all real and tangible personal property in the district or in which is located tangible personal property designed for use or used in strip mining operations, whose taxable value exceeds five million dollars, and the taxes upon which the district is precluded from collecting by virtue of legal proceedings to determine the value of such property:

(A) The total taxable value of all property in the district owned by a public utility or railroad that has filed a petition for reorganization under the "Bankruptcy Act," 47 Stat. 1474 (1898), 11 U.S.C. 205, as amended, and all tangible personal property in the district designed for use or used in strip mining
operations whose taxable value exceeds five million dollars upon which have not been paid in full on or before the first day of April of that calendar year all real and tangible personal property taxes levied for the preceding calendar year and which the district was precluded from collecting by virtue of proceedings under section 205 of said act or by virtue of legal proceedings to determine the tax liability of such strip mining equipment;

(B) The percentage of the total operating taxes charged and payable for school district purposes levied against such valuation for the preceding calendar year that have not been paid by such date;

(C) The product obtained by multiplying the value certified under division (A) of this section by the percentage certified under division (B) of this section. If the value certified under division (A) of this section includes taxable property owned by a public utility or railroad that has filed a petition for reorganization under the bankruptcy act, the amount used in making the calculation under this division shall be reduced by one per cent of the total value of all real and tangible personal property in the district or the value of the utility's or railroad's property, whichever is less.

Upon receipt of the certification, the department shall recompute the payments required under this chapter in the manner the payments would have been computed if:

(1) The amount certified under division (C) of this section was not subject to taxation by the district and was not included in the certification made under division (A)(1), (A)(2), or (D)(C) of section 3317.021 of the Revised Code.

(2) The amount of taxes charged and payable and unpaid and used to make the computation under division (B) of this section
had not been levied and had not been used in the computation required by division (B) of section 3317.021 of the Revised Code. The department shall pay the district that amount in the ensuing fiscal year in lieu of the amounts computed under this chapter.

If a school district received a grant from the catastrophic expenditures account pursuant to division (C) of section 3316.20 of the Revised Code on the basis of the same circumstances for which a recomputation is made under this section, the amount of the recomputation shall be reduced and transferred in accordance with division (C) of section 3316.20 of the Revised Code.

Sec. 3317.0212. (A) As used in this section:

(1) "Qualifying riders" means resident students enrolled in regular education in grades kindergarten to twelve who are provided school bus service by a school district and who live more than one mile from the school they attend, including students with dual enrollment in a joint vocational school district or a cooperative education school district, and students enrolled in a community school, STEM school, or nonpublic school.

(2) "Qualifying ridership" means the average number of qualifying riders who are provided school bus service by a school district during the first full week of October.

(3) "Rider density" means the total ADM per square mile of a school district.

(4) "School bus service" means a school district's transportation of qualifying riders in any of the following types of vehicles:

(a) School buses owned or leased by the district;

(b) School buses operated by a private contractor hired by the district;

(c) School buses operated by another school district or
entity with which the district has contracted, either as part of a consortium for the provision of transportation or otherwise.

(B) Not later than the fifteenth day of October each year, each city, local, and exempted village school district shall report to the department of education its qualifying ridership and any other information requested by the department. Subsequent adjustments to the reported numbers shall be made only in accordance with rules adopted by the department.

(C) The department shall calculate the statewide transportation cost per student as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per student by dividing the district's total costs for school bus service in the previous fiscal year by its qualifying ridership in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per student and the ten districts with the lowest transportation costs per student, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate qualifying ridership of those districts in the previous fiscal year.

(D) The department shall calculate the statewide transportation cost per mile as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per mile by dividing the district's total costs for school bus service in the previous fiscal year by its total number of miles driven for school bus service in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation
costs per mile and the ten districts with the lowest transportation costs per mile, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate miles driven for school bus service in those districts in the previous fiscal year.

(E) The department shall calculate each city, local, and exempted village school district's transportation payment as follows:

(1) Multiply the statewide transportation cost per student by the district's qualifying ridership for the current fiscal year.

(2) Multiply the statewide transportation cost per mile by the district's total number of miles driven for school bus service in the current fiscal year.

(3) Multiply the greater of the amounts calculated under divisions (E)(1) and (2) of this section by the following:

(a) For fiscal year 2018, the greater of fifty-three per cent or the district's state share index, as defined in section 3317.02 of the Revised Code;

(b) For fiscal year 2019, the greater of twenty-five per cent or the district's state share index.

(F) In addition to funds paid under division (E) of this section, each city, local, and exempted village district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than school bus service and whose transportation is not funded under division (C) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students.

(G)(1) For purposes of division (G) of this section, a school district's "transportation supplement percentage" means the
following quotient:
\[
\frac{(35, \text{ in fiscal year 2016, or } 50, \text{ in fiscal year 2017}) - \text{ the district's rider density}}{100}
\]
If the result of the calculation for a district under division (G)(1) of this section is less than zero, the district's transportation supplement percentage shall be zero.

(2) The department shall pay each district a transportation supplement calculated according to the following formula:
The district's transportation supplement percentage \( \times \) the amount calculated for the district under division (E)(2) of this section \( \times 0.55 \)

Sec. 3317.0218. The department of education shall annually compute capacity aid funds to school districts, as follows:

(A) For each school district, multiply the district's three-year average valuation by 0.001;

(B) Determine the median amount of all of the amounts calculated under division (A) of this section;

(C) Calculate each school district's capacity ratio, which equals the greater of zero or the amount calculated as follows:
\[
\frac{\text{The amount determined under division (B) of this section}}{\text{The amount calculated for the district under division (A) of this section}} - 1
\]
If the result of a calculation for a school district under division (C) of this section is greater than 2.5, the district's capacity ratio shall be 2.5.

(D) Calculate the capacity aid per pupil amount, which equals the following quotient:
\[
\frac{\text{The amount determined under division (B) of this section}}{\text{The average of the formula ADMs of all of the districts for which the amount calculated under division (A) of this section is less than}}
\]
the amount determined under division (B) of this section

(E) Calculate each school district's capacity aid, which equals the following product:

The capacity aid per pupil amount calculated under division (D) of this section X the district's formula ADM X (2.75, for fiscal year 2016, or 3.5, for fiscal year 2017) X the district's capacity ratio calculated under division (C) of this section

Sec. 3317.16. (A) The department of education shall compute and distribute state core foundation funding to each joint vocational school district for the fiscal year as prescribed in the following divisions:

(1) An opportunity grant calculated according to the following formula:

(The formula amount X formula ADM) - (0.0005 X the district's three-year average valuation)

However, no district shall receive an opportunity grant that is less than 0.05 times the formula amount times formula ADM.

(2) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as the sum of the following:

(a) The district's category one special education ADM X the amount specified in division (A) of section 3317.013 of the Revised Code X the district's state share percentage;

(b) The district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share percentage;

(c) The district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share percentage;

(d) The district's category four special education ADM X the
amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share percentage;

(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share percentage;

(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share percentage.

(3) Economically disadvantaged funds calculated according to the following formula:

$272 X the district's economically disadvantaged index X the number of students who are economically disadvantaged as certified under division (D)(2)(p) of section 3317.03 of the Revised Code

(4) Limited English proficiency funds calculated as the sum of the following:

(a) The district's category one limited English proficient ADM X the amount specified in division (A) of section 3317.016 of the Revised Code X the district's state share percentage;

(b) The district's category two limited English proficient ADM X the amount specified in division (B) of section 3317.016 of the Revised Code X the district's state share percentage;

(c) The district's category three limited English proficient ADM X the amount specified in division (C) of section 3317.016 of the Revised Code X the district's state share percentage;

(5) Career-technical education funds calculated as the sum of the following:

(a) The district's category one career-technical education ADM X the amount specified in division (A) of section 3317.014 of the Revised Code X the district's state share percentage;

(b) The district's category two career-technical education
ADM X the amount specified in division (B) of section 3317.014 of the Revised Code X the district's state share percentage;

(c) The district's category three career-technical education ADM X the amount specified in division (C) of section 3317.014 of the Revised Code X the district's state share percentage;

(d) The district's category four career-technical education ADM X the amount specified in division (D) of section 3317.014 of the Revised Code X the district's state share percentage;

(e) The district's category five career-technical education ADM X the amount specified in division (E) of section 3317.014 of the Revised Code X the district's state share percentage.

Payment of funds under division (A)(5) of this section is subject to approval under section 3317.161 of the Revised Code.

(6) Career-technical education associated services funds calculated under the following formula:

\[ \text{The district's state share percentage} \times \text{the amount for career-technical education associated services specified in section 3317.014 of the Revised Code} \times \text{the sum of categories one through five career-technical education ADM} \times \text{the district's state share percentage} \]

(7) A graduation bonus calculated according to the following formula:

\[ \text{The district's graduation rate as reported on its most recent report card issued by the department under section 3302.033 of the Revised Code} \times 0.075 \times \text{the formula amount} \times \text{the number of the district's students who received high school or honors high school diplomas as reported by the district to the department, in accordance with the guidelines adopted under section 3301.0714 of the Revised Code, for the same school year for which the most recent report card was issued} \times \text{the district's state share percentage} \]
(B)(1) If a joint vocational school district's costs for a fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, as specified in division (B) of section 3317.0214 of the Revised Code, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all of its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:

(a) One-half of the district's costs for the student in excess of the threshold catastrophic cost;

(b) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by the district's state share percentage.

(2) The district shall report under division (B)(1) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

(C)(1) For each student with a disability receiving special education and related services under an individualized education program, as defined in section 3323.01 of the Revised Code, at a joint vocational school district, the resident district or, if the student is enrolled in a community school, the community school shall be responsible for the amount of any costs of providing those special education and related services to that student that exceed the sum of the amount calculated for those services attributable to that student under division (A) of this section.
Those excess costs shall be calculated using a formula approved by the department.

(2) The board of education of the joint vocational school district may report the excess costs calculated under division (C)(1) of this section to the department of education.

(3) If the board of education of the joint vocational school district reports excess costs under division (C)(2) of this section, the department shall pay the amount of excess cost calculated under division (C)(2) of this section to the joint vocational school district and shall deduct that amount as provided in division (C)(3)(a) or (b) of this section, as applicable:

(a) If the student is not enrolled in a community school, the department shall deduct the amount from the account of the student's resident district pursuant to division (J) of section 3317.023 of the Revised Code.

(b) If the student is enrolled in a community school, the department shall deduct the amount from the account of the community school pursuant to section 3314.083 of the Revised Code.

(D)(1) In any fiscal year, a school district receiving funds under division (A)(5) of this section shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical education expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school district to report data annually so that the department may monitor the district's compliance with the requirements regarding the manner in which funding received under division (A)(5) of this section may be spent.

(2) All funds received under division (A)(5) of this section
shall be spent in the following manner:

(a) At least seventy-five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry-based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career-technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional development; and other costs directly associated with career-technical education programs including development of new programs.

(b) Not more than twenty-five per cent of the funds shall be used for personnel expenditures.

(E) In any fiscal year, a school district receiving funds under division (A)(6) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for career-technical education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other career-technical education services, career-technical evaluation, and other purposes designated by the department. The department may deny payment under division (A)(6) of this section to any district that the department determines is not operating those services or is using funds paid under division (A)(6) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, for other purposes.

(F) A joint vocational school district shall spend the funds it receives under division (A)(3) of this section in accordance with section 3317.25 of the Revised Code.

(G) As used in this section:
(1) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(2) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(3) "State share percentage" is equal to the following:
The amount computed under division (A)(1) of this section / (the formula amount X formula ADM)

Sec. 3318.01. As used in sections 3318.01 to 3318.20 of the Revised Code:

(A) "Ohio school facilities construction commission" means the commission created pursuant to section 3318.30 of the Revised Code.

(B) "Classroom facilities" means rooms in which pupils regularly assemble in public school buildings to receive instruction and education and such facilities and building improvements for the operation and use of such rooms as may be needed in order to provide a complete educational program, and may include space within which a child care facility or a community resource center is housed. "Classroom facilities" includes any space necessary for the operation of a vocational education program for secondary students in any school district that operates such a program.

(C) "Project" means a project to construct or acquire classroom facilities, or to reconstruct or make additions to existing classroom facilities, to be used for housing the applicable school district and its functions.

(D) "School district" means a local, exempted village, or city school district as such districts are defined in Chapter 3311. of the Revised Code, acting as an agency of state
government, performing essential governmental functions of state government pursuant to sections 3318.01 to 3318.20 of the Revised Code.

For purposes of assistance provided under sections 3318.40 to 3318.45 of the Revised Code, the term "school district" as used in this section and in divisions (A), (C), and (D) of section 3318.03 and in sections 3318.031, 3318.042, 3318.07, 3318.08, 3318.083, 3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 3318.13, 3318.14, 3318.15, 3318.16, 3318.19, and 3318.20 of the Revised Code means a joint vocational school district established pursuant to section 3311.18 of the Revised Code.

(E) "School district board" means the board of education of a school district.

(F) "Net bonded indebtedness" means the difference between the sum of the par value of all outstanding and unpaid bonds and notes which a school district board is obligated to pay and any amounts the school district is obligated to pay under lease-purchase agreements entered into under section 3313.375 of the Revised Code, and the amount held in the sinking fund and other indebtedness retirement funds for their redemption. Notes issued for school buses in accordance with section 3327.08 of the Revised Code, notes issued in anticipation of the collection of current revenues, and bonds issued to pay final judgments shall not be considered in calculating the net bonded indebtedness. "Net bonded indebtedness" does not include indebtedness arising from the acquisition of land to provide a site for classroom facilities constructed, acquired, or added to pursuant to sections 3318.01 to 3318.20 of the Revised Code or the par value of bonds that have been authorized by the electors and the proceeds of which will be used by the district to provide any part of its portion of the basic project cost.
(G) "Board of elections" means the board of elections of the county containing the most populous portion of the school district.

(H) "County auditor" means the auditor of the county in which the greatest value of taxable property of such school district is located.

(I) "Tax duplicates" means the general tax lists and duplicates prescribed by sections 319.28 and 319.29 of the Revised Code.

(J) "Required level of indebtedness" means:

1. In the case of school districts in the first percentile, five per cent of the district's valuation for the year preceding the year in which the controlling board approved the project under section 3318.04 of the Revised Code.

2. In the case of school districts ranked in a subsequent percentile, five per cent of the district's valuation for the year preceding the year in which the controlling board approved the project under section 3318.04 of the Revised Code, plus two one-hundredths of one per cent multiplied by (the percentile in which the district ranks for the fiscal year preceding the fiscal year in which the controlling board approved the district's project minus one).

(K) "Required percentage of the basic project costs" means one per cent of the basic project costs times the percentile in which the school district ranks for the fiscal year preceding the fiscal year in which the controlling board approved the district's project.

(L) "Basic project cost" means a cost amount determined in accordance with rules adopted under section 111.15 of the Revised Code by the Ohio school facilities construction commission. The basic project cost calculation shall take into consideration the
square footage and cost per square foot necessary for the grade
levels to be housed in the classroom facilities, the variation
across the state in construction and related costs, the cost of
the installation of site utilities and site preparation, the cost
of demolition of all or part of any existing classroom facilities
that are abandoned under the project, the cost of insuring the
project until it is completed, any contingency reserve amount
prescribed by the commission under section 3318.086 of the Revised
Code, and the professional planning, administration, and design
fees that a school district may have to pay to undertake a
classroom facilities project.

For a joint vocational school district that receives
assistance under sections 3318.40 to 3318.45 of the Revised Code,
the basic project cost calculation for a project under those
sections shall also take into account the types of laboratory
spaces and program square footages needed for the vocational
education programs for high school students offered by the school
district.

For a district that opts to divide its entire classroom
facilities needs into segments, as authorized by section 3318.034
of the Revised Code, "basic project cost" means the cost
determined in accordance with this division of a segment.

(M)(1) Except for a joint vocational school district that
receives assistance under sections 3318.40 to 3318.45 of the
Revised Code, a "school district's portion of the basic project
cost" means the amount determined under section 3318.032 of the
Revised Code.

(2) For a joint vocational school district that receives
assistance under sections 3318.40 to 3318.45 of the Revised Code,
a "school district's portion of the basic project cost" means the
amount determined under division (C) of section 3318.42 of the
Revised Code.
(N) "Child care facility" means space within a classroom facility in which the needs of infants, toddlers, preschool children, and school children are provided for by persons other than the parent or guardian of such children for any part of the day, including persons not employed by the school district operating such classroom facility.

(O) "Community resource center" means space within a classroom facility in which comprehensive services that support the needs of families and children are provided by community-based social service providers.

(P) "Valuation" means the total value of all property in the school district as listed and assessed for taxation on the tax duplicates.

(Q) "Percentile" means the percentile in which the school district is ranked pursuant to section 3318.011 of the Revised Code.

(R) "Installation of site utilities" means the installation of a site domestic water system, site fire protection system, site gas distribution system, site sanitary system, site storm drainage system, and site telephone and data system.

(S) "Site preparation" means the earthwork necessary for preparation of the building foundation system, the paved pedestrian and vehicular circulation system, playgrounds on the project site, and lawn and planting on the project site.

Sec. 3318.011. For purposes of providing assistance under sections 3318.01 to 3318.20 of the Revised Code, the department of education shall annually do all of the following:

(A) Calculate the adjusted valuation per pupil of each city, local, and exempted village school district according to the following formula:
The district's valuation per pupil - $30,000 X (1 - the district's income factor).

For purposes of this calculation:

(1) Except for a district with an open enrollment net gain that is ten per cent or more of its formula ADM, "valuation per pupil" for a district means its average taxable value, divided by its formula ADM for the previous fiscal year. "Valuation per pupil," for a district with an open enrollment net gain that is ten per cent or more of its formula ADM, means its average taxable value, divided by the sum of its formula ADM for the previous fiscal year plus its open enrollment net gain for the previous fiscal year.

(2) "Average taxable value" means the average of the sum of the amounts certified for a district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code in the second, third, and fourth preceding fiscal years.

(3) "Entitled to attend school" means entitled to attend school in a city, local, or exempted village school district under section 3313.64 or 3313.65 of the Revised Code.

(4) "Formula ADM" has the same meaning as in section 3317.02 of the Revised Code.

(5) "Native student" has the same meaning as in section 3313.98 of the Revised Code.

(6) "Open enrollment net gain" for a district means (a) the number of the students entitled to attend school in another district but who are enrolled in the schools of the district under its open enrollment policy minus (b) the number of the district's native students who are enrolled in the schools of another district under the other district's open enrollment policy, both numbers as certified to the department under section 3313.981 of the Revised Code. If the difference is a negative number, the
district's "open enrollment net gain" is zero.

(7) "Open enrollment policy" means an interdistrict open enrollment policy adopted under section 3313.98 of the Revised Code.

(8) "District median income" means the median Ohio adjusted gross income certified for a school district under section 3317.021 of the Revised Code.

(9) "Statewide median income" means the median district median income of all city, exempted village, and local school districts in the state.

(10) "Income factor" for a city, exempted village, or local school district means the quotient obtained by dividing that district's median income by the statewide median income.

(B) Calculate for each district the three-year average of the adjusted valuations per pupil calculated for the district for the current and two preceding fiscal years;

(C) Rank all such districts in order of adjusted valuation per pupil from the district with the lowest three-year average adjusted valuation per pupil to the district with the highest three-year average adjusted valuation per pupil;

(D) Divide such ranking into percentiles with the first percentile containing the one per cent of school districts having the lowest three-year average adjusted valuations per pupil and the one-hundredth percentile containing the one per cent of school districts having the highest three-year average adjusted valuations per pupil;

(E) Determine the school districts that have three-year average adjusted valuations per pupil that are greater than the median three-year average adjusted valuation per pupil for all school districts in the state;
(F) On or before the first day of September, certify the information described in divisions (A) to (E) of this section to the Ohio school facilities construction commission.

Sec. 3318.02. (A) For purposes of sections 3318.01 to 3318.20 of the Revised Code, the Ohio school facilities construction commission shall periodically perform an assessment of the classroom facility needs in the state to identify school districts in need of additional classroom facilities, or replacement or reconstruction of existent classroom facilities, and the cost to each such district of constructing or acquiring such additional facilities or making such renovations.

(B) Based upon the most recent assessment conducted pursuant to division (A) of this section, the commission shall conduct on-site visits to school districts identified as having classroom facility needs to confirm the findings of the periodic assessment and further evaluate the classroom facility needs of the district. The evaluation shall assess the district's need to construct or acquire new classroom facilities and may include an assessment of the district's need for building additions or for the reconstruction of existent buildings in lieu of constructing or acquiring replacement buildings.

(C)(1) Except as provided in division (C)(2) of this section, on-site visits performed on or after May 20, 1997, shall be performed in the order specified in this division. The first round of on-site visits first succeeding the effective date of this amendment, May 20, 1997, shall be limited to the school districts in the first through fifth percentiles, excluding districts that are ineligible for funding under this chapter pursuant to section 3318.04 of the Revised Code. The second round of on-site visits shall be limited to the school districts in the first through tenth percentiles, excluding districts that are ineligible for
funding under this chapter pursuant to section 3318.04 of the Revised Code. Each succeeding round of on-site visits shall be limited to the percentiles included in the immediately preceding round of on-site visits plus the next five percentiles. Except for the first round of on-site visits, no round of on-site visits shall commence unless eighty per cent of the districts for which on-site visits were performed during the immediately preceding round, have had projects approved under section 3318.04 of the Revised Code.

(2) Notwithstanding division (C)(1) of this section, the commission may perform on-site visits for school districts in the next highest percentile to the percentiles included in the current round of on-site visits, and then to succeeding percentiles one at a time, not to exceed the twenty-fifth percentile, if all of the following apply:

(a) Less than eighty per cent of the districts for which on-site visits were performed in the current round, and in any percentiles for which on-site visits were performed in addition to the current round pursuant to this division, have had projects approved under section 3318.04 of the Revised Code;

(b) There are funds appropriated for the purpose of sections 3318.01 to 3318.20 of the Revised Code that are not reserved and encumbered for projects pursuant to section 3318.04 of the Revised Code;

(c) The commission makes a finding that such available funds would be more thoroughly utilized if on-site visits were extended to the next highest percentile.

(D) Notwithstanding divisions (B) and (C) of this section, in any fiscal year, the commission may limit the number of districts for which it conducts on-site visits based upon its projections of the moneys available and moneys necessary to undertake projects.
under sections 3318.01 to 3318.20 of the Revised Code for that
year.

**Sec. 3318.021.** Notwithstanding section 3318.02 of the Revised Code, the Ohio school facilities construction commission may conduct on-site visits to any school district whose district board adopts a resolution certifying to the commission the board's intent to participate in the school building assistance expedited local partnership program under section 3318.36 of the Revised Code.

**Sec. 3318.022.** Notwithstanding anything to the contrary in section 3318.02 of the Revised Code, within two years following the request of the school district, the Ohio school facilities construction commission shall assess the current conditions of the classroom facilities needs of any school district that is not yet eligible for state assistance under Chapter 3318. of the Revised Code and that requests such an assessment. The assessment made under this section shall not include a final agreement between the school district and the commission as to the basic project cost of the school district's classroom facilities needs. The commission shall not consider any request for an assessment under this section that is submitted sooner than the effective date of this section September 14, 2000.

**Sec. 3318.024.** In the first year of a capital biennium, any funds appropriated to the Ohio school facilities construction commission for classroom facilities projects under this chapter in the previous capital biennium that were not spent or encumbered, or for which an encumbrance has been canceled under section 3318.05 of the Revised Code, shall be used by the commission only for projects under sections 3318.01 to 3318.20 of the Revised Code, subject to appropriation by the general assembly.
In the second year of a capital biennium, any funds appropriated to the Ohio school facilities construction commission for classroom facilities projects under this chapter that were not spent or encumbered in the first year of the biennium and which are in excess of an amount equal to half of the appropriations for the capital biennium, or for which an encumbrance has been canceled under section 3318.05 of the Revised Code, shall be used by the commission only for projects under sections 3318.01 to 3318.20, 3318.351, 3318.364, 3318.37, 3318.371, 3318.38, and 3318.40 to 3318.46 of the Revised Code, subject to appropriation by the general assembly.

Sec. 3318.03. (A) Before conducting an on-site evaluation of a school district under section 3318.02 of the Revised Code, at the request of the district board of education, the Ohio school facilities construction commission shall examine any classroom facilities needs assessment that has been conducted by the district and any master plan developed for meeting the facility needs of the district.

(B) Upon conducting the on-site evaluation under section 3318.02 of the Revised Code, the Ohio school facilities construction commission shall make a determination of all of the following:

(1) The needs of the school district for additional classroom facilities;

(2) The number of classroom facilities to be included in a project and the basic project cost of constructing, acquiring, reconstructing, or making additions to each such facility;

(3) The amount of such cost that the school district can supply from available funds, by the issuance of bonds previously authorized by the electors of the school district the proceeds of which can lawfully be used for the project and by the issuance of
bonds under section 3318.05 of the Revised Code;

(4) The remaining amount of such cost that shall be supplied by the state;

(5) The amount of the state's portion to be encumbered in accordance with section 3318.11 of the Revised Code in the current and subsequent fiscal years from funds appropriated for purposes of sections 3318.01 to 3318.20 of the Revised Code.

(C) The commission shall make a determination in favor of constructing, acquiring, reconstructing, or making additions to a classroom facility only upon evidence that the proposed project conforms to sound educational practice, that it is in keeping with the orderly process of school district reorganization and consolidation, and that the actual or projected enrollment in each classroom facility proposed to be included in the project is at least three hundred fifty pupils. Exceptions shall be authorized only in those districts where topography, sparsity of population, and other factors make larger schools impracticable.

If the school district board determines that an existing facility has historical value or for other good cause determines that an existing facility should be renovated in lieu of acquiring a comparable facility by new construction, the commission may approve the expenditure of project funds for the renovation of that facility up to but not exceeding one hundred per cent of the estimated cost of acquiring a comparable facility by new construction, as long as the commission determines that the facility when renovated can be operationally efficient, will be adequate for the future needs of the district, and will comply with the other provisions of this division.

(D) Sections 125.81 and 153.04 of the Revised Code shall not apply to classroom facilities constructed under either sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised
Sec. 3318.031. (A) The Ohio school facilities construction commission shall consider student and staff safety and health when reviewing design plans for classroom facility construction projects proposed under this chapter. After consulting with appropriate education, health, and law enforcement personnel, the commission may require as a condition of project approval under either section 3318.03 or division (B)(1) of section 3318.41 of the Revised Code such changes in the design plans as the commission believes will advance or improve student and staff safety and health in the proposed classroom facility.

To carry out its duties under this division, the commission shall review and, if necessary, amend any construction and design standards used in its project approval process, including standards for location and number of exits, standards for lead safety in classroom facilities constructed before 1978 in which services are provided to children under six years of age, and location of restrooms, with a focus on advancing student and staff safety and health.

(B) When reviewing design standards for classroom facility construction projects proposed under this chapter, the commission shall also consider the extent to which the design standards support the following:

1. Trends in educational delivery methods, including digital access and blended learning;

2. Provision of sufficient space for training new teachers and promotion of collaboration among teaching candidates, experienced teachers, and teacher educators;

3. Provision of adequate space for teacher planning and collaboration;
(4) Provision of adequate space for parent involvement activities;

(5) Provision of sufficient space for innovative partnerships between schools and health and social service agencies.

Sec. 3318.032. (A) Except as otherwise provided in divisions (C) and (D) of this section, the portion of the basic project cost supplied by the school district shall be the greater of:

(1) The required percentage of the basic project costs;

(2)(a) For all districts except a district that opts to divide its entire classroom facilities needs into segments to be completed separately as authorized by section 3318.034 of the Revised Code, an amount necessary to raise the school district's net bonded indebtedness, as of the date the controlling board approved the project, to within five thousand dollars of the required level of indebtedness;

(b) For a district that opts to divide its entire classroom facilities needs into segments to be completed separately as authorized by section 3318.034 of the Revised Code, an amount necessary to raise the school district's net bonded indebtedness, as of the date the controlling board approved the project, to within five thousand dollars of the following:

The required level of indebtedness X (the basic project cost of the segment as approved by the controlling board / the estimated basic project cost of the district's entire classroom facilities needs as determined jointly by the staff of the Ohio school facilities construction commission and the district)

(B) The amount of the district's share determined under this section shall be calculated only as of the date the controlling board approved the project, and that amount applies throughout the
thirteen-month period permitted under section 3318.05 of the Revised Code for the district's electors to approve the propositions described in that section. If the amount reserved and encumbered for a project is released because the electors do not approve those propositions within that period, and the school district later receives the controlling board's approval for the project, subject to a new project scope and estimated costs under section 3318.054 of the Revised Code, the district's portion shall be recalculated in accordance with this section as of the date of the controlling board's subsequent approval.

(C) At no time shall a school district's portion of the basic project cost be greater than ninety-five per cent of the total basic project cost.

(D) If the controlling board approves a project under sections 3318.01 to 3318.20 of the Revised Code for a school district that previously received assistance under those sections or section 3318.37 of the Revised Code within the twenty-year period prior to the date on which the controlling board approves the new project, the district's portion of the basic project cost for the new project shall be the lesser of the following:

(1) The portion calculated under division (A) of this section;

(2) The greater of the following:

(a) The required percentage of the basic project costs for the new project;

(b) The percentage of the basic project cost paid by the district for the previous project.

Sec. 3318.033. (A) As used in this section:

(1) "Formula ADM" has the same meaning as in section 3317.02 of the Revised Code.
(2) "Open enrollment net gain" has the same meaning as in section 3318.011 of the Revised Code.

(B) This section applies to each school district that meets the following criteria:

(1) The Ohio school facilities construction commission certified its conditional approval of the district's project under sections 3318.01 to 3318.20 of the Revised Code after July 1, 2006, and prior to September 29, 2007, and the project had not been completed as of September 29, 2007.

(2) Within one year after the date of the commission's certification of its conditional approval, the district's electors approved a bond issue to pay the district's portion of the basic project cost or the district board of education complied with section 3318.052 of the Revised Code.

(3) In the fiscal year prior to the fiscal year in which the district's project was conditionally approved, the district had an open enrollment net gain that was ten per cent or more of its formula ADM.

(C) For each school district to which this section applies, the department of education shall recalculate the district's percentile ranking under section 3318.011 of the Revised Code for the fiscal year prior to the fiscal year in which the district's project was conditionally approved and shall report the recalculated percentile ranking to the commission. For this purpose, the department shall recalculate every school district's percentile ranking for that fiscal year using the district's "valuation per pupil" as that term is defined in section 3318.011 of the Revised Code on and after September 29, 2007.

(D) For each school district to which this section applies, the commission shall use the recalculated percentile ranking reported under division (C) of this section to determine the
distric's portion of the basic project cost under section 3318.032 of the Revised Code. The commission shall not use the recalculated percentile ranking for any other purpose, and the recalculated ranking shall not affect any other district's portion of the basic project cost under section 3318.032 of the Revised Code or any district's eligibility for assistance under sections 3318.01 to 3318.20 of the Revised Code. The commission shall revise the agreement entered into under section 3318.08 of the Revised Code to reflect the district's new portion of the basic project cost as determined under this division.

Sec. 3318.034. (A) This section applies to both of the following:

(1) Any school district that has not executed an agreement for a project under sections 3318.01 to 3318.20 of the Revised Code prior to June 24, 2008;

(2) Any school district that is eligible for additional assistance under sections 3318.01 to 3318.20 of the Revised Code pursuant to division (B)(2) of section 3318.04 of the Revised Code.

Notwithstanding any provision of this chapter to the contrary, with the approval of the Ohio school construction commission, any school district to which this section applies may opt to divide the district's entire classroom facilities needs, as those needs are jointly determined by the staff of the commission and the school district, into discrete segments and shall comply with all of the provisions of those sections unless otherwise provided in this section.

(B) Except as provided in division (C) of this section, each segment shall comply with both of the following:

(1) The segment shall consist of the new construction of one
or more entire buildings, a stand-alone segment of a building that serves grades kindergarten through twelve, or the complete renovation of one or more entire existing buildings, with any necessary additions to that building.

(2) The segment shall not include any construction of or renovation or repair to any building that does not complete the needs of the district with respect to that particular building at the time the segment is completed.

(C) A district described in division (A)(2) of this section that has not received the additional assistance authorized under division (B)(2) of section 3318.04 of the Revised Code may undertake a segment, with commission approval, for the purpose of renovating or replacing work performed on a facility under the district's prior project. The commission may approve that segment if the commission determines that the renovation or replacement is necessary to protect the facility. The basic project cost of the segment shall be allocated between the state and the district in accordance with section 3318.032 of the Revised Code. However, the requirements of division (B) of this section shall not apply to a segment undertaken under this division.

(D) The commission shall conditionally approve and seek controlling board approval in accordance with division (A) of section 3318.04 of the Revised Code of each segment.

(E)(1) When undertaking a segment under this section, a school district may elect to prorate its full maintenance amount by setting aside for maintenance the amount calculated under division (E)(2) of this section to maintain the classroom facilities acquired under the segment, if the district will use one or more of the alternative methods authorized in sections 3318.051, 3318.052, and 3318.084 of the Revised Code to generate the entire amount calculated under that division. If the district so elects, the commission and the district shall include in the
agreement entered into under section 3318.08 of the Revised Code a
statement specifying that the district will use the amount
calculated under that division only to maintain the classroom
facilities acquired under the segment.

(2) The commission shall calculate the amount for a school
district to maintain the classroom facilities acquired under a
segment as follows:

The full maintenance amount $X$ (the school district's portion
of the basic project cost for the segment / the school district's
portion of the basic project cost for the district's entire
classroom facilities needs, as determined jointly by the staff of
the commission and the district)

(3) A school district may elect to prorate its full
maintenance amount for any number of segments, provided the
district will use one or more of the alternative methods
authorized in sections 3318.051, 3318.052, and 3318.084 of the
Revised Code to generate the entire amount calculated under
division (E)(2) of this section to maintain the classroom
facilities acquired under each segment for which it so elects. If
the district cannot use one or more of those alternative methods
to generate the entire amount calculated under that division, the
district shall levy the tax described in division (B) of section
3318.05 of the Revised Code or an extension of that tax under
section 3318.061 of the Revised Code in an amount necessary to
generate the remainder of its full maintenance amount. The
commission shall calculate the remainder of the district's full
maintenance amount as follows:

The full maintenance amount - the sum of the amounts
calculated for the district under division (E)(2) of this section
for each prior segment of the district's project

(4) In no case shall the sum of the amounts calculated for a
school district's maintenance of classroom facilities under divisions (E)(2) and (3) of this section exceed the amount that would have been required for maintenance if the district had elected to undertake its project in its entirety instead of segmenting the project under this section.

(5) If a school district commenced a segment under this section prior to September 10, 2012, but has not completed that segment, and has not levied the tax described in division (B) of section 3318.05 of the Revised Code or an extension of that tax under section 3318.061 of the Revised Code, the district may request approval from the commission to prorate its full maintenance amount in accordance with divisions (E)(1) to (4) of this section. If the commission approves the request, the commission and the district shall amend the agreement entered into under section 3318.08 of the Revised Code to reflect the change.

(F) If a school district levies the tax described in division (B) of section 3318.05 of the Revised Code or an extension of that tax under section 3318.061 of the Revised Code, the tax shall run for twenty-three years from the date the segment for which the tax is initially levied is undertaken. The maintenance levy requirement, as defined in section 3318.18 of the Revised Code, does not apply to a segment undertaken under division (C) of this section.

(G) As used in this section, "full maintenance amount" means the amount of total revenue that a school district likely would generate by one-half mill of the tax described in division (B) of section 3318.05 of the Revised Code over the entire twenty-three-year period required under that section, as determined by the commission in consultation with the department of taxation.

Sec. 3318.035. (A) This section applies only if there is a
change in the assessment rates on gas pipelines imposed under state law.

(B) If at any time division (A) of this section applies and if the change in assessment rates described in that division affects a school district's valuation as determined under division (P) of section 3318.01 of the Revised Code by greater than ten percent and if the Ohio school facilities construction commission had determined the state and school district portion of the basic project cost of such a district's project under section 3318.36 or 3318.37 of the Revised Code prior to that change in valuation, the commission shall adjust the state and school district portions of the basic project cost of the school district's project using the valuation altered by the change in assessment rates described in division (A) of this section.

Sec. 3318.036. (A) For purposes of this section:

(1) "Eligible school district" is a city, local, or exempted village school district that satisfies both of the following conditions:

(a) The district resulted from one of the following that became effective between July 1, 2013, and June 30, 2018:

(i) A transfer of all of the territory of one school district to another school district in accordance with section 3311.22, 3311.231, 3311.24, or 3311.38 of the Revised Code;

(ii) The merger of two or more districts in accordance with section 3311.25 of the Revised Code;

(iii) The creation of a new local school district from all of one or more local school districts in accordance with section 3311.26 of the Revised Code;

(iv) The consolidation of two or more school districts under
section 3311.37 of the Revised Code.

(b) The district has demonstrated to the Ohio school facilities construction commission an efficient use of facility space, including a reduction in the number of buildings used by students and administrative staff.

(2) "Basic project cost" and "required percentage of the basic project cost" have the same meanings as in section 3318.01 of the Revised Code.

(B) Notwithstanding anything to the contrary in this chapter:

(1) If the commission determines that a district is an eligible school district, the commission shall give that district first priority for funding for a project under sections 3318.01 to 3318.20 of the Revised Code as such funds become available, regardless of the district's percentile rank under section 3318.011 of the Revised Code. If the district results from a transfer, merger, consolidation, or creation of a new local district that takes effect prior to the effective date of this section April 6, 2017, the district's portion of the basic project cost shall be the required percentage of the basic project cost based on the percentile ranking of the district that was transferred, merged, consolidated, or existed prior to the creation of the new district that has the lowest three-year average adjusted valuation per pupil, as calculated under section 3318.011 of the Revised Code, on the date that the transfer, merger, consolidation, or creation of the new district became effective.

(2) If an eligible school district is given priority under division (B)(1) of this section, the commission may reduce that district's portion of the basic project cost by twenty-five percentage points from the portion determined under section 3318.032 of the Revised Code or, if the district results from a
transfer, merger, consolidation, or creation of a new local district that takes effect prior to the effective date of this section April 6, 2017, from the portion determined under division (B)(1) of this section. At no time, however, shall that district's portion of the basic project cost be less than five per cent.

(3) If an eligible school district is given priority under division (B)(1) of this section, the commission may reduce that district's portion of the basic project cost by ten percentage points from the portion determined under section 3318.032 of the Revised Code or, if the district results from a transfer, merger, consolidation, or creation of a new local district that takes effect prior to the effective date of this section April 6, 2017, from the portion determined under division (B)(1) of this section, if the district's project satisfies the following conditions:

(a) The project involves construction of a building on land owned by a state institution of higher education, as that term is defined in section 3345.011 of the Revised Code, and the commission approves the project.

(b) The district and the state institution of higher education enter into a written agreement regarding the continued use of the institution's land by the district, and the commission approves the agreement.

(c) On the date that the district and the state institution of higher education enter into the written agreement described in division (B)(3)(b) of this section, the state institution of higher education is participating in the college credit plus program established under Chapter 3365. of the Revised Code.

At no time, however, shall that district's portion of the basic project cost be less than five per cent.

The reduction of the district's portion of the basic project cost described in division (B)(3) of this section may be in
addition to a reduction of the district's portion of the basic project cost under division (B)(2) of this section.

(C) Except as provided in division (B) of this section, a district's project undertaken pursuant to this section shall be subject to all other requirements in sections 3318.01 to 3318.20 of the Revised Code.

Sec. 3318.04. (A) If the Ohio school facilities construction commission makes a determination under section 3318.03 of the Revised Code in favor of constructing, acquiring, reconstructing, or making additions to a classroom facility, the project shall be conditionally approved. Such conditional approval shall be submitted to the controlling board for approval thereof. The controlling board shall forthwith approve or reject the commission's determination, conditional approval, the amount of the state's portion of the basic project cost, and, the amount of the state's portion to be encumbered in the current fiscal year. In the event of approval thereof by the controlling board, the commission shall certify such conditional approval to the school district board and shall encumber from the total funds appropriated for the purpose of sections 3318.01 to 3318.20 of the Revised Code the amount approved under this section to be encumbered in the current fiscal year.

The basic project cost for a project approved under this section shall not exceed the cost that would otherwise have to be incurred if the classroom facilities to be constructed, acquired, or reconstructed, or the additions to be made to classroom facilities, under such project meet, but do not exceed, the specifications for plans and materials for classroom facilities adopted by the commission.

(B)(1) No school district shall have a project conditionally approved pursuant to this section if the school district has...
already received any assistance for a project funded under any version of sections 3318.01 to 3318.20 of the Revised Code, and the prior project was one for which the electors of such district approved a levy within the last twenty years pursuant to any version of section 3318.06 of the Revised Code for purposes of qualifying for the funding of that project, unless the district demonstrates to the satisfaction of the commission that the district has experienced since approval of its prior project an exceptional increase in enrollment significantly above the district's design capacity under that prior project as determined by rule of the commission.

(2) Notwithstanding division (B)(1) of this section, any school district that received assistance under sections 3318.01 to 3318.20 of the Revised Code, as those sections existed prior to May 20, 1997, may receive additional assistance under those sections, as they exist on and after May 20, 1997, prior to the expiration of the period of time required under division (B)(1) of this section, if the percentile in which the school district is located, as determined under section 3318.011 of the Revised Code, is eligible for assistance as prescribed in section 3318.02 of the Revised Code.

The commission may provide assistance under sections 3318.01 to 3318.20 of the Revised Code pursuant to this division to no more than five school districts per fiscal year until all eligible school districts have received the additional assistance authorized under this division. The commission shall establish application procedures, deadlines, and priorities for funding projects under this division.

The commission at its discretion may waive current design specifications it has adopted for projects under sections 3318.01 to 3318.20 of the Revised Code when assessing an application for additional assistance under this division for the renovation of
classroom facilities constructed or renovated under a school district's previous project. If the commission finds that a school district's existing classroom facilities are adequate to meet all of the school district's needs, the commission may determine that no additional state assistance be awarded to a school district under this division.

In order for a school district to be eligible to receive any additional assistance under this division, the school district electors shall extend the school district's existing levy dedicated for maintenance of classroom facilities under Chapter 3318. of the Revised Code, pursuant to section 3318.061 of the Revised Code or shall provide equivalent alternative maintenance funds as specified in division (A)(2) of section 3318.06 of the Revised Code.

(3) Notwithstanding division (B)(1) of this section, any school district that has received assistance under sections 3318.01 to 3318.20 of the Revised Code after May 20, 1997, may receive additional assistance if the commission decides in favor of providing such assistance pursuant to section 3318.042 of the Revised Code.

(4) Notwithstanding division (B)(1) of this section, any school district that has opted to divide its entire classroom facilities needs into segments to be completed separately, as authorized by section 3318.034 of the Revised Code, and that has received assistance under sections 3318.01 to 3318.20 of the Revised Code for one of those segments may receive assistance under those sections for a subsequent segment. Assistance for any subsequent segment shall not include any additional work on a building included in a prior segment unless the district demonstrates to the satisfaction of the commission that the district has experienced since the completion of the prior segment an exceptional increase in enrollment in the grade levels housed.
in that building.

Sec. 3318.041. A school district ranked in the first through twenty-fifth percentiles may adopt and certify to the Ohio school facilities construction commission a resolution specifying a proposed project that meets the requirements of this chapter and the needs of the district, as confirmed through an on-site visit pursuant to section 3318.02 of the Revised Code. The commission shall consider such projects for conditional approval pursuant to section 3318.03 and shall encumber funds pursuant to section 3318.04 of the Revised Code in the order in which such resolutions are received.

Sec. 3318.042. (A) The board of education of any school district that is receiving assistance under sections 3318.01 to 3318.20 of the Revised Code after May 20, 1997, or under sections 3318.40 to 3318.45 of the Revised Code, and whose project is still under construction, may request that the Ohio school facilities construction commission examine whether the circumstances prescribed in either division (B)(1) or (2) of this section exist in the school district. If the commission so finds, the commission shall review the school district's original assessment and approved project and consider providing additional assistance to the school district to correct the prescribed conditions found to exist in the district. Additional assistance under this section shall be limited to additions to one or more buildings, remodeling of one or more buildings, or changes to the infrastructure of one or more buildings.

(B) Consideration of additional assistance to a school district under this section is warranted in either of the following circumstances:

(1) Additional work is needed to correct an oversight or...
deficiency not identified or included in the district's initial assessment.

(2) Other conditions exist that, in the opinion of the commission, warrant additions or remodeling of the project facilities or changes to infrastructure associated with the district's project that were not identified in the initial assessment and plan.

(C) If the commission decides in favor of providing additional assistance to any school district under this section, the school district shall be responsible for paying for its portion of the cost of the additions, remodeling, or infrastructure changes pursuant to section 3318.083 of the Revised Code. If, after making a financial evaluation of the school district, the commission determines that the school district is unable without undue hardship, according to the guidelines adopted by the commission, to fund the school district portion of the increase, then the state and the school district shall enter into an agreement whereby the state shall pay the portion of the cost increase attributable to the school district which is determined to be in excess of any local resources available to the district and the district shall thereafter reimburse the state. The commission shall establish the district's schedule for reimbursing the state, which shall not extend beyond ten years. The commission may lengthen the reimbursement schedule of a school district that has entered into an agreement under this section prior to the effective date of this amendment September 26, 2003, as long as the total term of that schedule does not extend beyond ten years. Debt incurred under this section shall not be included in the calculation of the net indebtedness of the school district under section 133.06 of the Revised Code.

Sec. 3318.05. The conditional approval of the Ohio school
facilities construction commission for a project shall lapse and the amount reserved and encumbered for such project shall be released unless the school district board accepts such conditional approval within one hundred twenty days following the date of certification of the conditional approval to the school district board and the electors of the school district vote favorably on both of the propositions described in divisions (A) and (B) of this section within thirteen months of the date of such certification, except that a school district described in division (C) of this section does not need to submit the proposition described in division (B) of this section. The propositions described in divisions (A) and (B) of this section shall be combined in a single proposal. If the district board or the district's electors fail to meet such requirements and the amount reserved and encumbered for the district's project is released, the district shall be given first priority for project funding as such funds become available, subject to section 3318.054 of the Revised Code.

(A) On the question of issuing bonds of the school district board, for the school district's portion of the basic project cost, in an amount equal to the school district's portion of the basic project cost less the amount of the proceeds of any securities authorized or to be authorized under division (J) of section 133.06 of the Revised Code and dedicated by the school district board to payment of the district's portion of the basic project cost; and

(B) On the question of levying a tax the proceeds of which shall be used to pay the cost of maintaining the classroom facilities included in the project. Such tax shall be at the rate of not less than one-half mill for each dollar of valuation for a period of twenty-three years, subject to any extension approved under section 3318.061 of the Revised Code.
(C) If a school district has in place a tax levied under section 5705.21 of the Revised Code for general permanent improvements for a continuing period of time and the proceeds of such tax can be used for maintenance, or if a district agrees to the transfers described in section 3318.051 of the Revised Code, the school district need not levy the additional tax required under division (B) of this section, provided the school district board includes in the agreement entered into under section 3318.08 of the Revised Code provisions either:

(1) Earmarking an amount from the proceeds of that permanent improvement tax for maintenance of classroom facilities equivalent to the amount of the additional tax and for the equivalent number of years otherwise required under this section;

(2) Requiring the transfer of money in accordance with section 3318.051 of the Revised Code.

The district board subsequently may rescind the agreement to make the transfers under section 3318.051 of the Revised Code only so long as the electors of the district have approved, in accordance with section 3318.063 of the Revised Code, the levy of a tax for the maintenance of the classroom facilities acquired under the district's project and that levy continues to be collected as approved by the electors.

(D) Proceeds of the tax to be used for maintenance of the classroom facilities under either division (B) or (C)(1) of this section, and transfers of money in accordance with section 3318.051 of the Revised Code shall be deposited into a separate fund established by the school district for such purpose.

Sec. 3318.051. (A) Any city, exempted village, or local school district that commences a project under sections 3318.01 to 3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on or after September 5, 2006, need not levy the tax otherwise required.
under division (B) of section 3318.05 of the Revised Code, if the district board of education adopts a resolution petitioning the Ohio school facilities construction commission to approve the transfer of money in accordance with this section and the commission approves that transfer. If so approved, the commission and the district board shall enter into an agreement under which the board, in each of twenty-three consecutive years beginning in the year in which the board and the commission enter into the project agreement under section 3318.08 of the Revised Code, shall transfer into the maintenance fund required by division (D) of section 3318.05 of the Revised Code not less than an amount equal to one-half mill for each dollar of the district's valuation unless and until the agreement to make those transfers is rescinded by the district board pursuant to division (F) of this section.

(B) On the first day of July each year, or on an alternative date prescribed by the commission, the district treasurer shall certify to the commission and the auditor of state that the amount required for the year has been transferred. The auditor of state shall include verification of the transfer as part of any audit of the district under section 117.11 of the Revised Code. If the auditor of state finds that less than the required amount has been deposited into a district's maintenance fund, the auditor of state shall notify the district board of education in writing of that fact and require the board to deposit into the fund, within ninety days after the date of the notice, the amount by which the fund is deficient for the year. If the district board fails to demonstrate to the auditor of state's satisfaction that the board has made the deposit required in the notice, the auditor of state shall notify the department of education. At that time, the department shall withhold an amount equal to ten per cent of the district's funds calculated for the current fiscal year under Chapter 3317. of the Revised Code until the auditor of state notifies the department.
that the auditor of state is satisfied that the board has made the required transfer.

(C) Money transferred to the maintenance fund shall be used for the maintenance of the facilities acquired under the district's project.

(D) The transfers to the maintenance fund under this section does not affect a district's obligation to establish and maintain a capital and maintenance fund under section 3315.18 of the Revised Code.

(E) Any decision by the commission to approve or not approve the transfer of money under this section is final and not subject to appeal. The commission shall not be responsible for errors or miscalculations made in deciding whether to approve a petition to make transfers under this section.

(F) If the district board determines that it no longer can continue making the transfers agreed to under this section, the board may rescind the agreement only so long as the electors of the district have approved, in accordance with section 3318.063 of the Revised Code, the levy of a tax for the maintenance of the classroom facilities acquired under the district's project and that levy continues to be collected as approved by the electors. That levy shall be for a number of years that is equal to the difference between twenty-three years and the number of years that the district made transfers under this section and shall be at the rate of not less than one-half mill for each dollar of the district's valuation. The district board shall continue to make the transfers agreed to under this section until that levy has been approved by the electors.

Sec. 3318.052. At any time after the electors of a school district have approved either or both a property tax levied under section 5705.21 or 5705.218 of the Revised Code for the purpose of
permanent improvements, including general permanent improvements, or a school district income tax levied under Chapter 5748. of the Revised Code, the proceeds of either of which, pursuant to the ballot measures approved by the electors, are not so restricted that they cannot be used to pay the costs of a project or maintaining classroom facilities, the school district board may:

(A) Within one year following the date of the certification of the conditional approval of the school district's classroom facilities project by the Ohio school facilities construction commission, enter into a written agreement with the commission, which may be part of an agreement entered into under section 3318.08 of the Revised Code, and in which the school district board covenants and agrees to do one or both of the following:

(1) Apply a specified amount of available proceeds of that property tax levy, of that school district income tax, or of securities issued under this section, or of proceeds from any two or more of those sources, to pay all or part of the district's portion of the basic project cost of its classroom facilities project;

(2) Apply available proceeds of either or both a property tax levied under section 5705.21 or 5705.218 of the Revised Code in effect for a continuing period of time, or of a school district income tax levied under Chapter 5748. of the Revised Code in effect for a continuing period of time to the payment of costs of maintaining the classroom facilities.

(B) Receive, as a credit against the amount of bonds required under sections 3318.05 and 3318.06 of the Revised Code, to be approved by the electors of the district and issued by the district board for the district's portion of the basic project cost of its classroom facilities project in order for the district to receive state assistance for the project, an amount equal to
the specified amount that the district board covenants and agrees with the commission to apply as set forth in division (A)(1) of this section;

(C) Receive, as a credit against the amount of the tax levy required under sections 3318.05 and 3318.06 of the Revised Code, to be approved by the electors of the district to pay the costs of maintaining the classroom facilities in order to receive state assistance for the classroom facilities project, an amount equivalent to the specified amount of proceeds the school district board covenants and agrees with the commission to apply as referred to in division (A)(2) of this section;

(D) Apply proceeds of either or both a school district income tax levied under Chapter 5748. of the Revised Code that may lawfully be used to pay the costs of a classroom facilities project or of a tax levied under section 5705.21 or 5705.218 of the Revised Code to the payment of debt charges on and financing costs related to securities issued under this section;

(E) Issue securities to provide moneys to pay all or part of the district's portion of the basic project cost of its classroom facilities project in accordance with an agreement entered into under division (A) of this section. Securities issued under this section shall be Chapter 133. securities and may be issued as general obligation securities or issued in anticipation of a school district income tax or as property tax anticipation notes under section 133.24 of the Revised Code. The district board's resolution authorizing the issuance and sale of general obligation securities under this section shall conform to the applicable requirements of section 133.22 or 133.23 of the Revised Code. Securities issued under this section shall have principal payments during each year after the year of issuance over a period of not more than twenty-three years and, if so determined by the district board, during the year of issuance. Securities issued under this
section shall not be included in the calculation of net indebtedness of the district under section 133.06 of the Revised Code, including but not limited to the limitation on unvoted indebtedness specified in division (G) of that section, or under section 3313.372 of the Revised Code, if the resolution of the district board authorizing their issuance and sale includes covenants to appropriate annually from lawfully available proceeds of a property tax levied under section 5705.21 or 5705.218 of the Revised Code or of a school district income tax levied under Chapter 5748. of the Revised Code and to continue to levy and collect the tax in amounts necessary to pay the debt charges on and financing costs related to the securities as they become due. No property tax levied under section 5705.21 or 5705.218 of the Revised Code and no school district income tax levied under Chapter 5748. of the Revised Code that is pledged, or that the school district board has covenanted to levy, collect, and appropriate annually, to pay the debt charges on and financing costs related to securities issued under this section shall be repealed while those securities are outstanding. If such a tax is reduced by the electors of the district or by the district board while those securities are outstanding, the school district board shall continue to levy and collect the tax under the authority of the original election authorizing the tax at a rate in each year that the board reasonably estimates will produce an amount in that year equal to the debt charges on the securities in that year, except that in the case of a school district income tax that amount shall be rounded up to the nearest one-fourth of one percent.

No state moneys shall be released for a project to which this section applies until the proceeds of the tax securities issued under this section that are dedicated for the payment of the district portion of the basic project cost of its classroom facilities project are first deposited into the district's project
construction fund.

Sec. 3318.054. (A) If conditional approval of a city, exempted village, or local school district's project lapses as provided in section 3318.05 of the Revised Code, or if conditional approval of a joint vocational school district's project lapses as provided in division (D) of section 3318.41 of the Revised Code, because the district's electors have not approved the ballot measures necessary to generate the district's portion of the basic project cost, and if the district board desires to seek a new conditional approval of the project, the district board shall request that the Ohio school facilities construction commission set the scope, basic project cost, and school district portion of the basic project cost prior to resubmitting the ballot measures to the electors. To do so, the commission shall use the district's current assessed tax valuation and the district's percentile for the prior fiscal year. For a district that has entered into an agreement under section 3318.36 of the Revised Code and desires to proceed with a project under sections 3318.01 to 3318.20 of the Revised Code, the district's portion of the basic project cost shall be the percentage specified in that agreement. The project scope and basic costs established under this division shall be valid for thirteen months from the date the commission approves them.

(B) Upon the commission's approval under division (A) of this section, the district board may submit the ballot measures to the district's electors for approval of the project based on the new project scope and estimated costs. Upon electoral approval of those measures, the district shall be given first priority for project funding as such funds become available.

(C) When the commission determines that funds are available for the district's project, the commission shall do all of the
following:

(1) Determine the school district portion of the basic project cost under section 3318.032 of the Revised Code, in the case of a city, exempted village, or local school district, or under section 3318.42 of the Revised Code, in the case of a joint vocational school district;

(2) Conditionally approve the project and submit it to the controlling board for approval pursuant to section 3318.04 of the Revised Code;

(3) Encumber funds for the project under section 3318.11 of the Revised Code;

(4) Enter into an agreement with the district board under section 3318.08 of the Revised Code.

Sec. 3318.06. (A) After receipt of the conditional approval of the Ohio school facilities construction commission, the school district board by a majority of all of its members shall, if it desires to proceed with the project, declare all of the following by resolution:

(1) That by issuing bonds in an amount equal to the school district's portion of the basic project cost the district is unable to provide adequate classroom facilities without assistance from the state;

(2) Unless the school district board has resolved to transfer money in accordance with section 3318.051 of the Revised Code or to apply the proceeds of a property tax or the proceeds of an income tax, or a combination of proceeds from such taxes, as authorized under section 3318.052 of the Revised Code, that to qualify for such state assistance it is necessary to do either of the following:

(a) Levy a tax outside the ten-mill limitation the proceeds
of which shall be used to pay the cost of maintaining the classroom facilities included in the project;

(b) Earmark for maintenance of classroom facilities from the proceeds of an existing permanent improvement tax levied under section 5705.21 of the Revised Code, if such tax can be used for maintenance, an amount equivalent to the amount of the additional tax otherwise required under this section and sections 3318.05 and 3318.08 of the Revised Code.

(3) That the question of any tax levy specified in a resolution described in division (A)(2)(a) of this section, if required, shall be submitted to the electors of the school district at the next general or primary election, if there be a general or primary election not less than ninety and not more than one hundred ten days after the day of the adoption of such resolution or, if not, at a special election to be held at a time specified in the resolution which shall be not less than ninety days after the day of the adoption of the resolution and which shall be in accordance with the requirements of section 3501.01 of the Revised Code.

Such resolution shall also state that the question of issuing bonds of the board shall be combined in a single proposal with the question of such tax levy. More than one election under this section may be held in any one calendar year. Such resolution shall specify both of the following:

(a) That the rate which it is necessary to levy shall be at the rate of not less than one-half mill for each one dollar of valuation, and that such tax shall be levied for a period of twenty-three years;

(b) That the proceeds of the tax shall be used to pay the cost of maintaining the classroom facilities included in the project.
(B) A copy of a resolution adopted under division (A) of this section shall after its passage and not less than ninety days prior to the date set therein for the election be certified to the county board of elections.

The resolution of the school district board, in addition to meeting other applicable requirements of section 133.18 of the Revised Code, shall state that the amount of bonds to be issued will be an amount equal to the school district's portion of the basic project cost, and state the maximum maturity of the bonds which may be any number of years not exceeding the term calculated under section 133.20 of the Revised Code as determined by the board. In estimating the amount of bonds to be issued, the board shall take into consideration the amount of moneys then in the bond retirement fund and the amount of moneys to be collected for and disbursed from the bond retirement fund during the remainder of the year in which the resolution of necessity is adopted.

If the bonds are to be issued in more than one series, the resolution may state, in addition to the information required to be stated under division (B)(3) of section 133.18 of the Revised Code, the number of series, which shall not exceed five, the principal amount of each series, and the approximate date each series will be issued, and may provide that no series, or any portion thereof, may be issued before such date. Upon such a resolution being certified to the county auditor as required by division (C) of section 133.18 of the Revised Code, the county auditor, in calculating, advising, and confirming the estimated average annual property tax levy under that division, shall also calculate, advise, and confirm by certification the estimated average property tax levy for each series of bonds to be issued.

Notice of the election shall include the fact that the tax levy shall be at the rate of not less than one-half mill for each one dollar of valuation for a period of twenty-three years, and
that the proceeds of the tax shall be used to pay the cost of
maintaining the classroom facilities included in the project.

If the bonds are to be issued in more than one series, the
board of education, when filing copies of the resolution with the
board of elections as required by division (D) of section 133.18
of the Revised Code, may direct the board of elections to include
in the notice of election the principal amount and approximate
date of each series, the maximum number of years over which the
principal of each series may be paid, the estimated additional
average property tax levy for each series, and the first calendar
year in which the tax is expected to be due for each series, in
addition to the information required to be stated in the notice
under divisions (E)(3)(a) to (e) of section 133.18 of the Revised
Code.

(C)(1) Except as otherwise provided in division (C)(2) of
this section, the form of the ballot to be used at such election
shall be:

"A majority affirmative vote is necessary for passage.

Shall bonds be issued by the ............ (here insert name
of school district) school district to pay the local share of
school construction under the State of Ohio Classroom Facilities
Assistance Program in the principal amount of ............ (here
insert principal amount of the bond issue), to be repaid annually
over a maximum period of ............ (here insert the maximum
number of years over which the principal of the bonds may be paid)
years, and an annual levy of property taxes be made outside the
ten-mill limitation, estimated by the county auditor to average
over the repayment period of the bond issue ............ (here
insert the number of mills estimated) mills for each one dollar of
tax valuation, which amounts to ............ (rate expressed in
cents or dollars and cents, such as "thirty-six cents" or "$0.36")
for each one hundred dollars of tax valuation to pay the annual
debt charges on the bonds and to pay debt charges on any notes
issued in anticipation of the bonds?"
and, unless the additional levy
of taxes is not required pursuant
to division (C) of section
3318.05 of the Revised Code,

"Shall an additional levy of taxes be made for a period of
twenty-three years to benefit the ............. (here insert name
of school district) school district, the proceeds of which shall
be used to pay the cost of maintaining the classroom facilities
included in the project at the rate of ............ (here insert the
number of mills, which shall not be less than one-half mill) mills
for each one dollar of valuation?

| FOR THE BOND ISSUE AND TAX LEVY |
| AGAINST THE BOND ISSUE AND TAX LEVY |

(2) If authority is sought to issue bonds in more than one
series and the board of education so elects, the form of the
ballot shall be as prescribed in section 3318.062 of the Revised
Code. If the board of education elects the form of the ballot
prescribed in that section, it shall so state in the resolution
adopted under this section.

(D) If it is necessary for the school district to acquire a
site for the classroom facilities to be acquired pursuant to
sections 3318.01 to 3318.20 of the Revised Code, the district
board may propose either to issue bonds of the board or to levy a
tax to pay for the acquisition of such site, and may combine the
question of doing so with the questions specified in division (B)
of this section. Bonds issued under this division for the purpose
of acquiring a site are a general obligation of the school
district and are Chapter 133. securities.

The form of that portion of the ballot to include the question of either issuing bonds or levying a tax for site acquisition purposes shall be one of the following:

(1) "Shall bonds be issued by the ............ (here insert name of the school district) school district to pay costs of acquiring a site for classroom facilities under the State of Ohio Classroom Facilities Assistance Program in the principal amount of ............ (here insert principal amount of the bond issue), to be repaid annually over a maximum period of ............ (here insert maximum number of years over which the principal of the bonds may be paid) years, and an annual levy of property taxes be made outside the ten-mill limitation, estimated by the county auditor to average over the repayment period of the bond issue ............ (here insert number of mills) mills for each one dollar of tax valuation, which amount to ............ (here insert rate expressed in cents or dollars and cents, such as "thirty-six cents" or "$0.36") for each one hundred dollars of valuation to pay the annual debt charges on the bonds and to pay debt charges on any notes issued in anticipation of the bonds?"

(2) "Shall an additional levy of taxes outside the ten-mill limitation be made for the benefit of the ............ (here insert name of the school district) school district for the purpose of acquiring a site for classroom facilities in the sum of ............ (here insert annual amount the levy is to produce) estimated by the county auditor to average ............ (here insert number of mills) mills for each one hundred dollars of valuation, for a period of ............ (here insert number of years the millage is to be imposed) years?"

Where it is necessary to combine the question of issuing bonds of the school district and levying a tax as described in division (B) of this section with the question of issuing bonds of...
the school district for acquisition of a site, the question specified in that division to be voted on shall be "For the Bond Issues and the Tax Levy" and "Against the Bond Issues and the Tax Levy."

Where it is necessary to combine the question of issuing bonds of the school district and levying a tax as described in division (B) of this section with the question of levying a tax for the acquisition of a site, the question specified in that division to be voted on shall be "For the Bond Issue and the Tax Levies" and "Against the Bond Issue and the Tax Levies."

Where the school district board chooses to combine the question in division (B) of this section with any of the additional questions described in divisions (A) to (D) of section 3318.056 of the Revised Code, the question specified in division (B) of this section to be voted on shall be "For the Bond Issues and the Tax Levies" and "Against the Bond Issues and the Tax Levies."

If a majority of those voting upon a proposition hereunder which includes the question of issuing bonds vote in favor thereof, and if the agreement provided for by section 3318.08 of the Revised Code has been entered into, the school district board may proceed under Chapter 133. of the Revised Code, with the issuance of bonds or bond anticipation notes in accordance with the terms of the agreement.

Sec. 3318.061. This section applies only to school districts eligible to receive additional assistance under division (B)(2) of section 3318.04 of the Revised Code.

The board of education of a school district in which a tax described by division (B) of section 3318.05 and levied under section 3318.06 of the Revised Code is in effect, may adopt a resolution by vote of a majority of its members to extend the term
of that tax beyond the expiration of that tax as originally
approved under that section. The school district board may include
in the resolution a proposal to extend the term of that tax at the
rate of not less than one-half mill for each dollar of valuation
for a period of twenty-three years from the year in which the
school district board and the Ohio school facilities construction
commission enter into an agreement under division (B)(2) of
section 3318.04 of the Revised Code or in the following year, as
specified in the resolution. Such a resolution may be adopted at
any time before such an agreement is entered into and before the
tax levied pursuant to section 3318.06 of the Revised Code
expires. If the resolution is combined with a resolution to issue
bonds to pay the school district's portion of the basic project
cost, it shall conform with the requirements of divisions (A)(1),
(2), and (3) of section 3318.06 of the Revised Code, except that
the resolution also shall state that the tax levy proposed in the
resolution is an extension of an existing tax levied under that
section. A resolution proposing an extension adopted under this
section does not take effect until it is approved by a majority of
electors voting in favor of the resolution at a general, primary,
or special election as provided in this section.

A tax levy extended under this section is subject to the same
terms and limitations to which the original tax levied under
section 3318.06 of the Revised Code is subject under that section,
except the term of the extension shall be as specified in this
section.

The school district board shall certify a copy of the
resolution adopted under this section to the proper county board
of elections not later than ninety days before the date set in the
resolution as the date of the election at which the question will
be submitted to electors. The notice of the election shall conform
with the requirements of division (A)(3) of section 3318.06 of the
Revised Code, except that the notice also shall state that the maintenance tax levy is an extension of an existing tax levy.

The form of the ballot shall be as follows:

"Shall the existing tax levied to pay the cost of maintaining classroom facilities constructed with the proceeds of the previously issued bonds at the rate of .......... (here insert the number of mills, which shall not be less than one-half mill) mills per dollar of tax valuation, be extended until ........ (here insert the year that is twenty-three years after the year in which the district and commission will enter into an agreement under division (B)(2) of section 3318.04 of the Revised Code or the following year)?

FOR EXTENDING THE EXISTING TAX LEVY

AGAINST EXTENDING THE EXISTING TAX LEVY

" 

Section 3318.07 of the Revised Code applies to ballot questions under this section.

Sec. 3318.07. The board of elections shall certify the result of the election to the tax commissioner, to the auditor of the county or counties in which the school district is located, to the treasurer of the school district board, and to the Ohio school facilities construction commission. The necessary tax levy for debt service on the bonds shall be included in the annual tax budget that is certified to the county budget commission or, if adoption of the tax budget is waived under section 5705.281 of the Revised Code, included among the tax rates required to be provided to the budget commission under that section.

Sec. 3318.08. Except in the case of a joint vocational school district that receives assistance under sections 3318.40 to
3318.45 of the Revised Code, if the requisite favorable vote on
the election is obtained, or if the school district board has
resolved to apply the proceeds of a property tax levy or the
proceeds of an income tax, or a combination of proceeds from such
taxes, as authorized in section 3318.052 of the Revised Code, the
Ohio school facilities construction commission, upon certification
to it of either the results of the election or the resolution
under section 3318.052 of the Revised Code, shall enter into a
written agreement with the school district board for the
construction and sale of the project. In the case of a joint
vocational school district that receives assistance under sections
3318.40 to 3318.45 of the Revised Code, if the school district
board of education and the school district electors have satisfied
the conditions prescribed in division (D)(1) of section 3318.41 of
the Revised Code, the commission shall enter into an agreement
with the school district board for the construction and sale of
the project. In either case, the agreement shall include, but need
not be limited to, the following provisions:

(A) The sale and issuance of bonds or notes in anticipation
thereof, as soon as practicable after the execution of the
agreement, in an amount equal to the school district's portion of
the basic project cost, including any securities authorized under
division (J) of section 133.06 of the Revised Code and dedicated
by the school district board to payment of the district's portion
of the basic project cost of the project; provided, that if at
that time the county treasurer of each county in which the school
district is located has not commenced the collection of taxes on
the general duplicate of real and public utility property for the
year in which the controlling board approved the project, the
school district board shall authorize the issuance of a first
installment of bond anticipation notes in an amount specified by
the agreement, which amount shall not exceed an amount necessary
to raise the net bonded indebtedness of the school district as of the date of the controlling board's approval to within five thousand dollars of the required level of indebtedness for the preceding year. In the event that a first installment of bond anticipation notes is issued, the school district board shall, as soon as practicable after the county treasurer of each county in which the school district is located has commenced the collection of taxes on the general duplicate of real and public utility property for the year in which the controlling board approved the project, authorize the issuance of a second and final installment of bond anticipation notes or a first and final issue of bonds.

The combined value of the first and second installment of bond anticipation notes or the value of the first and final issue of bonds shall be equal to the school district's portion of the basic project cost. The proceeds of any such bonds shall be used first to retire any bond anticipation notes. Otherwise, the proceeds of such bonds and of any bond anticipation notes, except the premium and accrued interest thereon, shall be deposited in the school district's project construction fund. In determining the amount of net bonded indebtedness for the purpose of fixing the amount of an issue of either bonds or bond anticipation notes, gross indebtedness shall be reduced by moneys in the bond retirement fund only to the extent of the moneys therein on the first day of the year preceding the year in which the controlling board approved the project. Should there be a decrease in the tax valuation of the school district so that the amount of indebtedness that can be incurred on the tax duplicates for the year in which the controlling board approved the project is less than the amount of the first installment of bond anticipation notes, there shall be paid from the school district's project construction fund to the school district's bond retirement fund to be applied against such notes an amount sufficient to cause the net bonded indebtedness of the school district, as of the first
day of the year following the year in which the controlling board approved the project, to be within five thousand dollars of the required level of indebtedness for the year in which the controlling board approved the project. The maximum amount of indebtedness to be incurred by any school district board as its share of the cost of the project is either an amount that will cause its net bonded indebtedness, as of the first day of the year following the year in which the controlling board approved the project, to be within five thousand dollars of the required level of indebtedness, or an amount equal to the required percentage of the basic project costs, whichever is greater. All bonds and bond anticipation notes shall be issued in accordance with Chapter 133. of the Revised Code, and notes may be renewed as provided in section 133.22 of the Revised Code.

(B) The transfer of such funds of the school district board available for the project, together with the proceeds of the sale of the bonds or notes, except premium, accrued interest, and interest included in the amount of the issue, to the school district's project construction fund;

(C) For all school districts except joint vocational school districts that receive assistance under sections 3318.40 to 3318.45 of the Revised Code, the following provisions as applicable:

(1) If section 3318.052 of the Revised Code applies, the earmarking of the proceeds of a tax levied under section 5705.21 of the Revised Code for general permanent improvements or under section 5705.218 of the Revised Code for the purpose of permanent improvements, or the proceeds of a school district income tax levied under Chapter 5748. of the Revised Code, or the proceeds from a combination of those two taxes, in an amount to pay all or part of the service charges on bonds issued to pay the school district portion of the project and an amount equivalent to all or
part of the tax required under division (B) of section 3318.05 of the Revised Code;

(2) If section 3318.052 of the Revised Code does not apply, one of the following:

(a) The levy of the tax authorized at the election for the payment of maintenance costs, as specified in division (B) of section 3318.05 of the Revised Code;

(b) If the school district electors have approved a continuing tax for general permanent improvements under section 5705.21 of the Revised Code and that tax can be used for maintenance, the earmarking of an amount of the proceeds from such tax for maintenance of classroom facilities as specified in division (B) of section 3318.05 of the Revised Code;

(c) If, in lieu of the tax otherwise required under division (B) of section 3318.05 of the Revised Code, the commission has approved the transfer of money to the maintenance fund in accordance with section 3318.051 of the Revised Code, a requirement that the district board comply with the provisions of that section. The district board may rescind the provision prescribed under division (C)(2)(c) of this section only so long as the electors of the district have approved, in accordance with section 3318.063 of the Revised Code, the levy of a tax for the maintenance of the classroom facilities acquired under the district's project and that levy continues to be collected as approved by the electors.

(D) For joint vocational school districts that receive assistance under sections 3318.40 to 3318.45 of the Revised Code, provision for deposit of school district moneys dedicated to maintenance of the classroom facilities acquired under those sections as prescribed in section 3318.43 of the Revised Code;

(E) Dedication of any local donated contribution as provided
for under section 3318.084 of the Revised Code, including a
schedule for depositing such moneys applied as an offset of the
district's obligation to levy the tax described in division (B) of
section 3318.05 of the Revised Code as required under division
(D)(2) of section 3318.084 of the Revised Code;

(F) Ownership of or interest in the project during the period
of construction, which shall be divided between the commission and
the school district board in proportion to their respective
contributions to the school district's project construction fund;

(G) Maintenance of the state's interest in the project until
any obligations issued for the project under section 3318.26 of
the Revised Code are no longer outstanding;

(H) The insurance of the project by the school district from
the time there is an insurable interest therein and so long as the
state retains any ownership or interest in the project pursuant to
division (F) of this section, in such amounts and against such
risks as the commission shall require; provided, that the cost of
any required insurance until the project is completed shall be a
part of the basic project cost;

(I) The certification by the director of budget and
management that funds are available and have been set aside to
meet the state's share of the basic project cost as approved by
the controlling board pursuant to either section 3318.04 or
division (B)(1) of section 3318.41 of the Revised Code;

(J) Authorization of the school district board to advertise
for and receive construction bids for the project, for and on
behalf of the commission, and to award contracts in the name of
the state subject to approval by the commission;

(K) Provisions for the disbursement of moneys from the school
district's project account upon issuance by the commission or the
commission's designated representative of vouchers for work done
to be certified to the commission by the treasurer of the school district board;

(L) Disposal of any balance left in the school district's project construction fund upon completion of the project;

(M) Limitations upon use of the project or any part of it so long as any obligations issued to finance the project under section 3318.26 of the Revised Code are outstanding;

(N) Provision for vesting the state's interest in the project to the school district board when the obligations issued to finance the project under section 3318.26 of the Revised Code are outstanding;

(O) Provision for deposit of an executed copy of the agreement in the office of the commission;

(P) Provision for termination of the contract and release of the funds encumbered at the time of the conditional approval, if the proceeds of the sale of the bonds of the school district board are not paid into the school district's project construction fund and if bids for the construction of the project have not been taken within such period after the execution of the agreement as may be fixed by the commission;

(Q) Provision for the school district to maintain the project in accordance with a plan approved by the commission;

(R) Provision that all state funds reserved and encumbered to pay the state share of the cost of the project and the funds provided by the school district to pay for its share of the project cost, including the respective shares of the cost of a segment if the project is divided into segments, be spent on the construction and acquisition of the project or segment simultaneously in proportion to the state's and the school district's respective shares of that basic project cost as determined under section 3318.032 of the Revised Code or, if the
district is a joint vocational school district, under section 3318.42 of the Revised Code. However, if the school district certifies to the commission that expenditure by the school district is necessary to maintain the federal tax status or tax-exempt status of notes or bonds issued by the school district to pay for its share of the project cost or to comply with applicable temporary investment periods or spending exceptions to rebate as provided for under federal law in regard to those notes or bonds, the school district may commit to spend, or spend, a greater portion of the funds it provides during any specific period than would otherwise be required under this division.

(S) A provision stipulating that the commission may prohibit the district from proceeding with any project if the commission determines that the site is not suitable for construction purposes. The commission may perform soil tests in its determination of whether a site is appropriate for construction purposes.

(T) A provision stipulating that, unless otherwise authorized by the commission, any contingency reserve portion of the construction budget prescribed by the commission shall be used only to pay costs resulting from unforeseen job conditions, to comply with rulings regarding building and other codes, to pay costs related to design clarifications or corrections to contract documents, and to pay the costs of settlements or judgments related to the project as provided under section 3318.086 of the Revised Code;

(U) A provision stipulating that for continued release of project funds the school district board shall comply with sections 3313.41, 3313.411, and 3313.413 of the Revised Code throughout the project and shall notify the department of education and the Ohio community school association when the board plans to dispose of facilities by sale under that section;
(V) A provision stipulating that the commission shall not approve a contract for demolition of a facility until the school district board has complied with sections 3313.41, 3313.411, and 3313.413 of the Revised Code relative to that facility, unless demolition of that facility is to clear a site for construction of a replacement facility included in the district's project;

(W) A requirement for the school district to adhere to a facilities maintenance plan approved by the commission.

Sec. 3318.081. If the board of education of a school district authorized to impose a tax pursuant to section 3318.06 of the Revised Code determines that taxable value of property subject to the tax has increased to the extent it will not be necessary to impose such tax for twenty-three years in order to generate an amount equal to the amount of the project cost supplied by the state, it may request the county auditor to determine the amount remaining to be paid and the estimated rate of taxation required each year to pay such remainder in equal installments over the maximum number of remaining years the tax may be in effect. The auditor shall make such determination upon request and certify the results thereof to the board of education.

Upon receipt of the auditor's determination, the board of education may request the Ohio school facilities construction commission to enter into a supplemental agreement under which the district may pay the remainder of the amount in annual amounts equal to the quotient obtained by dividing the amount remaining to be paid by the maximum number of remaining years the tax may be in effect. If such an agreement is entered into, the commission shall certify a copy thereof to the county auditor and the tax authorized by section 3318.06 of the Revised Code thereafter shall be levied at the rate required to make the annual payments required by the supplemental agreement rather than the rate
required by such section.

**Sec. 3318.082.** The board of education of any school district imposing a tax for the purpose of paying the state pursuant to section 3318.06 of the Revised Code prior to the effective date of the amendments to that section by Amended Substitute House Bill No. 748 of the 121st General Assembly, may enter into a supplemental agreement with the Ohio school facilities construction commission under which the proceeds of such tax shall be distributed in accordance with the requirements of section 3318.06 of the Revised Code, as amended by Amended Substitute House Bill No. 748 of the 121st general assembly.

**Sec. 3318.083.** If, after the Ohio school facilities construction commission and a school district enter into a written agreement under section 3318.08 of the Revised Code for the construction of a classroom facilities project, the commission approves an increase in the basic project cost above the amount budgeted plus any interest earned and available in the project construction fund, the state and the school district shall share the increased cost in proportion to their respective contributions to the district's project construction fund.

**Sec. 3318.084.** (A) Notwithstanding anything to the contrary in Chapter 3318. of the Revised Code, a school district board may apply any local donated contribution toward any of the following:

1. The district's portion of the basic project cost of a project under either sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code to reduce the amount of bonds the district otherwise must issue in order to receive state assistance under those sections;

2. If the school district is not a joint vocational school district proceeding under sections 3318.40 to 3318.45 of the
Revised Code, an offset of all or part of a district's obligation to levy the tax described in division (B) of section 3318.05 of the Revised Code, which shall be applied only in the manner prescribed in division (B) of this section;

(3) If the school district is a joint vocational school district proceeding under sections 3318.40 to 3318.45 of the Revised Code, all or part of the amount the school district is obligated to set aside for maintenance of the classroom facilities acquired under that project pursuant to section 3318.43 of the Revised Code.

(B) No school district board shall apply any local donated contribution under division (A)(2) of this section unless the Ohio school facilities construction commission first approves that application.

Upon the request of the school district board to apply local donated contribution under division (A)(2) of this section, the commission in consultation with the department of taxation shall determine the amount of total revenue that likely would be generated by one-half mill of the tax described in division (B) of section 3318.05 of the Revised Code over the entire twenty-three-year period required under that section and shall deduct from that amount any amount of local donated contribution that the board has committed to apply under division (A)(2) of this section. The commission then shall determine in consultation with the department of taxation the rate of tax over twenty-three years necessary to generate the amount of a one-half mill tax not offset by the local donated contribution. Notwithstanding anything to the contrary in section 3318.06, 3318.061, or 3318.361 of the Revised Code, the rate determined by the commission shall be the rate for which the district board shall seek elector approval under those sections to meet its obligation under division (B) of section 3318.05 of the Revised Code. In the case of a complete
offset of the district's obligation under division (B) of section 3318.05 of the Revised Code, the district shall not be required to levy the tax otherwise required under that section. At the end of the twenty-three-year period of the tax required under division (B) of section 3318.05 of the Revised Code, whether or not the tax is actually levied, the commission in consultation of the department of taxation shall recalculate the amount that would have been generated by the tax if it had been levied at one-half mill. If the total amount actually generated over that period from both the tax that was actually levied and any local donated contribution applied under division (A)(2) of this section is less than the amount that would have been raised by a one-half mill tax, the district shall pay any difference. If the total amount actually raised in such manner is greater than the amount that would have been raised by a one-half mill tax the difference shall be zero and no payments shall be made by either the district or the commission.

(C) As used in this section, "local donated contribution" means any of the following:

(1) Any moneys irrevocably donated or granted to a school district board by a source other than the state which the board has the authority to apply to the school district's project under sections 3318.01 to 3318.20 of the Revised Code and which the board has pledged for that purpose by resolution adopted by a majority of its members;

(2) Any irrevocable letter of credit issued on behalf of a school district which the school district board has encumbered for payment of the school district's share of its project under sections 3318.01 to 3318.20 of the Revised Code that has been approved by the commission in consultation with the department of education;

(3) Any cash a school district has on hand that the school
The district board has encumbered for payment of the school district's share of its project under sections 3318.01 to 3318.20 of the Revised Code that has been approved by the commission in consultation with the department of education, including the following:

(a) Any year-end operating fund balances that can be spent for classroom facilities;

(b) Any cash resulting from a lease-purchase agreement that the school district board has entered into under section 3313.375 of the Revised Code, provided that the agreement and the related financing documents contain provisions protecting the state's superior interest in the project.

(4) Any moneys spent by a source other than the school district or the state for construction or renovation of specific classroom facilities that have been approved by the commission as part of the basic project cost of the district's project. The school district, the commission, and the entity providing the local donated contribution under division (C)(4) of this section shall enter into an agreement identifying the classroom facilities to be acquired by the expenditures made by that entity. The agreement shall include, but not be limited to, stipulations that require an audit by the commission of such expenditures made on behalf of the district and that specify the maximum amount of credit to be allowed for those expenditures. Upon completion of the construction or renovation, the commission shall determine the actual amount that the commission will credit, at the request of the district board, toward the district's portion of the basic project cost, any project cost overruns, or the basic project cost of future segments if the project has been divided into segments under section 3318.38 of the Revised Code. The actual amount of the credit shall not exceed the lesser of the amount specified in the agreement or the actual cost of the construction or
(D) No state moneys shall be released for a project to which this section applies until:

(1) Any local donated contribution authorized under division (A)(1) of this section is first deposited into the school district's project construction fund.

(2) The school district board and the commission have included a stipulation in their agreement entered into under section 3318.08 of the Revised Code under which the board will deposit into a fund approved by the commission according to a schedule that does not extend beyond the anticipated completion date of the project the total amount of any local donated contribution authorized under division (A)(2) or (3) of this section and dedicated by the board for that purpose.

However, if any local donated contribution as described in division (C)(4) of this section has been approved under this section, the state moneys may be released even if the entity providing that local donated contribution has not spent the moneys so dedicated as long as the agreement required under that section has been executed.

Sec. 3318.086. The construction budget for any project under sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code shall contain a contingency reserve in an amount prescribed by the Ohio school facilities construction commission, which unless otherwise authorized by the commission, shall be used only to pay costs resulting from unforeseen job conditions, to comply with rulings regarding building and other codes, to pay costs related to design clarifications or corrections to contract documents, and to pay the costs of settlements or judgments related to the project.
Sec. 3318.091. (A) Promptly after the written agreement between the school district board and the Ohio school facilities construction commission has been entered into, the school district board shall proceed with the issuance of its bonds or notes in anticipation thereof pursuant to the provision of such agreement required by division (A) of section 3318.08 of the Revised Code and the deposit of the proceeds thereof in the school district's project construction fund pursuant to the provision of such agreement required by division (B) of section 3318.08 of the Revised Code, and the school district board, with the approval of the commission shall employ a qualified professional person or firm to prepare preliminary plans, working drawings, specifications, estimates of cost, and such data as the school district board and the commission consider necessary for the project. When the preliminary plans and preliminary estimates of cost have been prepared, and approved by the school district board, they shall be submitted to the commission for approval, modification, or rejection. The commission shall ensure that the plans and materials proposed for use in the project comply with specifications for plans and materials that shall be established by the commission. When such preliminary plans and preliminary estimates of cost and any modifications thereof have been approved by the commission and the school district board, the school district board shall cause such qualified professional person or firm to prepare the working drawings, specifications, and estimates of cost.

(B) Whenever project plans submitted to the commission for approval under division (A) of this section propose to locate a facility on a state route or United States highway or within one mile of a state route or United States highway, the commission shall send a copy of the plans to the director of transportation. The director of transportation shall review the plans to determine
the feasibility of the proposed ingress and egress to the facility, the traffic circulation pattern on roadways around the facility, and any improvements that would be necessary to conform the roadways to provisions of the manual adopted by the department of transportation pursuant to section 4511.09 of the Revised Code or state or federal law. The director of transportation shall provide a written summary of the director's findings to the commission in a timely manner. The commission shall consider the findings in deciding whether to approve the plans.

**Sec. 3318.10.** When such working drawings, specifications, and estimates of cost have been approved by the school district board and the Ohio school facilities construction commission, the treasurer of the school district board shall advertise for construction bids in accordance with section 3313.46 of the Revised Code. Such notices shall state that plans and specifications for the project are on file in the office of the commission and such other place as may be designated in such notice, and the time and place when and where bids therefor will be received.

The form of proposal to be submitted by bidders shall be supplied by the commission. Bidders may be permitted to bid upon all the branches of work and materials to be furnished and supplied, upon any branch thereof, or upon all or any thereof.

When the construction bids for all branches of work and materials have been tabulated, the commission shall cause to be prepared a revised estimate of the basic project cost based upon the lowest responsible bids received. If such revised estimate exceeds the estimated basic project cost as approved by the controlling board pursuant to section 3318.04 or division (B)(1) of section 3318.41 of the Revised Code, no contracts may be entered into pursuant to this section unless such revised estimate...
is approved by the commission and by the controlling board. When such revised estimate has been prepared, and after such approvals are given, if necessary, and if the school district board has caused to be transferred to the project construction fund the proceeds from the sale of the first or first and final installment of its bonds or bond anticipation notes pursuant to the provision of the written agreement required by division (B) of section 3318.08 of the Revised Code, and when the director of budget and management has certified that there is a balance in the appropriation, not otherwise obligated to pay precedent obligations, pursuant to which the state's share of such revised estimate is required to be paid, the contract for all branches of work and materials to be furnished and supplied, or for any branch thereof as determined by the school district board, shall be awarded by the school district board to the lowest responsible bidder subject to the approval of the commission. Such award shall be made within sixty days after the date on which the bids are opened, and the successful bidder shall enter into a contract within ten days after the successful bidder is notified of the award of the contract.

Subject to the approval of the commission, the school district board may reject all bids and readvertise. Any contract made under this section shall be made in the name of the state and executed on its behalf by the president and treasurer of the school district board.

The provisions of sections 9.312 and 3313.46 of the Revised Code, which are applicable to construction contracts of boards of education, shall apply to construction contracts for the project.

The remedies afforded to any subcontractor, materials supplier, laborer, mechanic, or persons furnishing material or machinery for the project under sections 1311.26 to 1311.32 of the Revised Code, shall apply to contracts entered into under this
section and the itemized statement required by section 1311.26 of the Revised Code shall be filed with the school district board.

Notwithstanding any other requirement of this section, a school district, with the approval of the commission, may utilize any otherwise lawful alternative construction delivery method for the construction of the project.

Sec. 3318.11. For any project undertaken with financial assistance from the state under this chapter, the amount of state appropriations to be encumbered for the project in each fiscal year shall be determined by the Ohio school facilities construction commission based on the project's estimated construction schedule for that year. In each fiscal year subsequent to the first year in which state appropriations are encumbered for the project, the project has priority for state funds over projects for which initial state funding is sought.

Sec. 3318.112. (A) As used in this section, "solar-ready" means capable of accommodating the eventual installation of roof top, solar photovoltaic energy equipment.

(B) The Ohio school facilities construction commission shall adopt rules prescribing standards for solar-ready equipment in school buildings under their jurisdiction. The rules shall include, but not be limited to, standards regarding roof space limitations, shading and obstruction, building orientation, roof loading capacity, and electric systems.

(C) A school district may seek, and the commission may grant for good cause shown, a waiver from part or all of the standards prescribed under division (B) of this section.

Sec. 3318.12. (A) The Ohio school facilities construction commission shall cause to be transferred to the school district's
project construction fund the necessary amounts from amounts appropriated by the general assembly and set aside for such purpose, from time to time as may be necessary to pay obligations chargeable to such fund when due. All investment earnings of a school district's project construction fund shall be credited to the fund.

(B)(1) The treasurer of the school district board shall disburse funds from the school district's project construction fund, including investment earnings credited to the fund, only upon the approval of the commission or the commission's designated representative. The commission or the commission's designated representative shall issue vouchers against such fund, in such amounts, and at such times as required by the contracts for construction of the project.

(2) Notwithstanding anything to the contrary in division (B)(1) of this section, the school district board may, by a duly adopted resolution, choose to use all or part of the investment earnings of the district's project construction fund that are attributable to the district's contribution to the fund to pay the cost of classroom facilities or portions or components of classroom facilities that are not included in the district's basic project cost but that are related to the district's project. If the district board adopts a resolution in favor of using those investment earnings as authorized under division (B)(2) of this section, the treasurer shall disburse the amount as designated and directed by the board. However, if the district board chooses to use any part of the investment earnings for classroom facilities or portions or components of classroom facilities that are not included in the basic project cost, as authorized under division (B)(2) of this section, and, subsequently, the cost of the project exceeds the amount in the project construction fund, the district board shall restore to the project construction fund the full
amount of the investment earnings used under division (B)(2) of this section before any additional state moneys shall be released for the project.

(C) After a certificate of completion has been issued for a project under section 3318.48 of the Revised Code:

(1) At the discretion of the school district board, any investment earnings remaining in the project construction fund that are attributable to the school district's contribution to the fund shall be:

(a) Retained in the project construction fund for future projects;

(b) Transferred to the district's maintenance fund required by division (B) of section 3318.05 or section 3318.43 of the Revised Code, and the money so transferred shall be used solely for maintaining the classroom facilities included in the project;

(c) Transferred to the district's permanent improvement fund.

(2) Any investment earnings remaining in the project construction fund that are attributable to the state's contribution to the fund shall be transferred to the commission for expenditure pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code.

(3) Any other surplus remaining in the school district's project construction fund shall be transferred to the commission and the school district board in proportion to their respective contributions to the fund. The commission shall use the money transferred to it under this division for expenditure pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code.

(D) Pursuant to appropriations of the general assembly, any moneys transferred to the commission under division (C)(2) or (3)
of this section from a project construction fund for a project
under sections 3318.40 to 3318.45 of the Revised Code may be used
for future expenditures for projects under sections 3318.40 to
3318.45 of the Revised Code, notwithstanding the two per cent
annual limit specified in division (B) of section 3318.40 of the
Revised Code.

Sec. 3318.121. As used in this section, "big-eight school
district" has the same meaning as in section 3314.02 of the
Revised Code.

Notwithstanding any provision to the contrary in section
3318.12 or Chapter 5705. of the Revised Code, a big-eight school
district receiving assistance for a project under this chapter,
that has opted with the approval of the Ohio school facilities
construction commission to divide the project into discrete
segments to be completed sequentially, or otherwise, may, with the
approval of the commission or the commission's designated
representative, and pursuant to a resolution adopted by the school
district board, transfer to a special construction fund investment
earnings credited to the project construction fund that are
attributable to the district's contribution to that fund, if the
school district board and the commission, or its designated
representative, determine that the unspent amount of the
district's contribution to the project construction fund,
including any investment earnings on that contribution that are
not to be transferred to the special construction fund, together
with the principal amount of any additional securities authorized
by the voters of the district to be issued to pay the local share
of the basic project cost of the entire project that have not yet
been issued by the district, are projected at the time of the
transfer to be not less than one hundred ten per cent of the
amount required to provide for the entire remaining local share of
the basic project cost because of reductions in the scope and
estimated cost of the project that have been incorporated in the
district's approved master facilities plan. The money in that
special construction fund, including investment earnings
attributable to money in that fund, shall be used by the district
solely to pay costs of classroom facilities (A) in later segments
of the project that are consistent with the specifications for
plans and materials for classroom facilities adopted by the
commission and those specifications used by the district for
classroom facilities included in one or more prior segments, but
which would cause the cost of the facilities in one or more later
segments to be in excess of the approved budgeted basic project
cost for the segment to be shared by the state and the district in
proportion to the state's and the school district's respective
shares of the basic project cost as determined under section
3318.032 of the Revised Code, or (B) that were included in the
master facilities plan prior to the reduction in scope. All
investment earnings on a district's special construction fund
shall be credited to the fund. After the entire project has been
completed, any investment earnings remaining in the special
construction fund shall be transferred to the district's
maintenance fund required by division (B) of section 3318.05 of
the Revised Code, and used solely for maintaining the classroom
facilities included in the project.

Sec. 3318.13. Notwithstanding any provision of sections
5705.27 to 5705.50 of the Revised Code, the tax to be levied on
all taxable property within a school district for the purpose of
paying the cost of maintaining the classroom facilities included
in the project under the agreement provided in section 3318.08 of
the Revised Code or the supplemental agreement provided in section
3318.081 of the Revised Code shall be included in the budget of
the school district for each year upon the certification to the
county budget commission or commissions of the county or counties
in which said school district is located, by the Ohio school facilities construction commission of the balance due the state under said agreement or supplemental agreement. Such certification shall be made on or before the fifteenth day of July in each year. Thereafter, the respective county budget commissions shall treat such certification as an additional item on the tax budget for the school district as to which such certification has been made and shall provide for the levy therefor in the manner provided in sections 5705.27 to 5705.50 of the Revised Code for tax levies included directly in the budgets of the subdivisions.

The levy of taxes shall be included in the next annual tax budget that is certified to the county budget commission after the execution of the agreement for the project.

Sec. 3318.15. There is hereby created the public school building fund within the state treasury consisting of any moneys transferred or appropriated to the fund by the general assembly, moneys paid into or transferred in accordance with section 3318.47 of the Revised Code, and any grants, gifts, or contributions received by the Ohio school facilities construction commission to be used for the purposes of the fund. All investment earnings of the fund shall be credited to the fund.

Moneys transferred or appropriated to the fund by the general assembly and moneys in the fund from grants, gifts, and contributions shall be used for the purposes of Chapter 3318. of the Revised Code as prescribed by the general assembly.

Sec. 3318.16. The Ohio school facilities construction commission shall have an interest in real property purchased with moneys in the school district's project construction fund.

Once obligations issued to finance a project under section 3318.26 of the Revised Code are no longer outstanding, any
interest held by the commission shall be transferred to the school district.

**Sec. 3318.18.** (A) As used in this section:

(1) "Valuation" of a school district means the sum of the amounts described in divisions (A)(1) and (2) of section 3317.021 of the Revised Code as most recently certified for the district before the annual computation is made under division (B) of this section.

(2) "Valuation per pupil" of a school district means the district's valuation divided by the district's formula ADM as most recently calculated under section 3317.03 of the Revised Code before the annual computation is made under division (B) of this section.

(3) "Statewide average valuation per pupil" means the total of the valuations of all school districts divided by the total of the formula ADMs of all school districts as most recently calculated under section 3317.03 of the Revised Code before the annual computation is made under division (C) of this section.

(4) "Maintenance levy requirement" means the tax required to be levied pursuant to division (C)(2)(a) of section 3318.08 and division (B) of section 3318.05 of the Revised Code or the application of proceeds of another levy to paying the costs of maintaining classroom facilities pursuant to division (A)(2) of section 3318.052, division (C)(1) or (C)(2)(b) of section 3318.08, or division (D)(2) of section 3318.36 of the Revised Code, or a combination thereof.

(5) "Project agreement" means an agreement between a school district and the Ohio school facilities construction commission under section 3318.08 or division (B)(1) of section 3318.36 of the Revised Code.
(B) On or before July 1, 2006, the department of education shall compute the statewide average valuation per pupil and the valuation per pupil of each school district, and provide them to the Ohio school facilities construction commission. On or before the first day of July each year beginning in 2007, the department of education shall compute the statewide average valuation per pupil and the valuation per pupil of each school district that has not already entered into a project agreement, and provide the results of those computations to the commission.

(C)(1) At the time the Ohio school facilities construction commission enters into a project agreement with a school district, the commission shall compute the difference between the district's valuation per pupil and the statewide average valuation per pupil as most recently provided to the commission under division (B) of this section. If the school district's valuation per pupil is less than the average statewide valuation per pupil, the commission shall multiply the difference between those amounts by one-half mill times the formula ADM of the district as most recently reported to the department of education for October under division (A) of section 3317.03 of the Revised Code. The commission shall certify the resulting product to the department of education, along with the date on which the maintenance levy requirement terminates as provided in the project agreement between the school district board and the commission.

(2) In the case of a school district that entered into a project agreement after July 1, 1997, but before July 1, 2006, the commission shall make the computation described in division (C)(1) of this section on the basis of the district's valuation per pupil and the statewide average valuation per pupil computed as of September 1, 2006, and the district's formula ADM reported for October 2005.

(3) The amount computed for a school district under division...
(C) (1) or (2) of this section shall not change for the period during which payments are made to the district under division (D) of this section.

(4) A computation need not be made under division (C) (1) or (2) of this section for a school district that certified a resolution to the commission under division (D) (3) of section 3318.36 of the Revised Code until the district becomes eligible for state assistance as provided in that division.

(D) In the fourth quarter of each fiscal year, for each school district for which a computation has been made under division (C) of this section, the department of education shall pay the amount computed to each such school district. Payments shall be made to a school district each year until and including the tax year in which the district's maintenance levy requirement terminates. Payments shall be paid from the half-mill equalization fund, subject to appropriation by the general assembly. However, the department shall make no payments under this section to any district that elects the procedure authorized by section 3318.051 of the Revised Code.

(E) Payments made to a school district under this section shall be credited to the district's classroom facilities maintenance fund and shall be used only for the purpose of maintaining facilities constructed or renovated under the project agreement.

(F) There is hereby created in the state treasury the half-mill equalization fund. The fund shall receive transfers pursuant to section 5727.85 of the Revised Code. The fund shall be used first to make annual payments under division (D) of this section. If a balance remains in the fund after such payments are made in full for a year, the Ohio school facilities construction commission may request the controlling board to transfer a reasonable amount from such remaining balance to the public school
building fund created under section 3318.15 of the Revised Code for the purposes of this chapter.

All investment earnings arising from investment of money in the half-mill equalization fund shall be credited to the fund.

**Sec. 3318.22.** (A) The general assembly finds that many school districts are prevented by their size, tax base, or other conditions from performing their essential functions as agencies of state government to provide adequate classroom facilities and issuing securities under Chapter 133. of the Revised Code at favorable interest rates or charges. Accordingly, the Ohio school facilities construction commission is invested with the powers and duties provided in sections 3318.21 to 3318.29 of the Revised Code in order to provide deserved assistance and materially contribute to the educational revitalization of such school districts and result in improving the education and welfare of all the people of the state.

(B) Sections 3318.21 to 3318.29 of the Revised Code do not authorize the commission or the issuing authority to incur bonded indebtedness of the state or any political subdivision of the state, or to obligate or pledge moneys raised by taxation for the payment of any bonds or notes issued pursuant to sections 3318.21 to 3318.29 of the Revised Code.

**Sec. 3318.25.** There is hereby created in the state treasury the school building program assistance fund. The fund shall consist of the proceeds of obligations issued for the purposes of such fund pursuant to section 3318.26 of the Revised Code that are payable from moneys in the lottery profits education fund created in section 3770.06 of the Revised Code or pursuant to section 151.03 of the Revised Code. All investment earnings of the fund shall be credited to the fund. Moneys in the fund shall be used as...
directed by the Ohio school facilities construction commission for
the cost to the state of constructing classroom facilities under
Chapter 3318. of the Revised Code as prescribed by the general
assembly.

Sec. 3318.26. (A) The provisions of this section apply only to obligations issued by the issuing authority prior to December 1, 1999.

(B) Subject to the limitations provided in section 3318.29 of the Revised Code, the issuing authority, upon the certification by the Ohio school facilities construction commission to the issuing authority of the amount of moneys or additional moneys needed in the school building program assistance fund for the purposes of sections 3318.01 to 3318.20 and sections 3318.40 to 3318.45 of the Revised Code, or needed for capitalized interest, for funding reserves, and for paying costs and expenses incurred in connection with the issuance, carrying, securing, paying, redeeming, or retirement of the obligations or any obligations refunded thereby, including payment of costs and expenses relating to letters of credit, lines of credit, insurance, put agreements, standby purchase agreements, indexing, marketing, remarketing and administrative arrangements, interest swap or hedging agreements, and any other credit enhancement, liquidity, remarketing, renewal, or refunding arrangements, all of which are authorized by this section, shall issue obligations of the state under this section in the required amount. The proceeds of such obligations, except for obligations issued to provide moneys for the school building program assistance fund shall be deposited by the treasurer of state in special funds, including reserve funds, as provided in the bond proceedings. The issuing authority may appoint trustees, paying agents, and transfer agents and may retain the services of financial advisors and accounting experts and retain or contract for the services of marketing, remarketing, indexing, and
administrative agents, other consultants, and independent contractors, including printing services, as are necessary in the issuing authority's judgment to carry out this section. The costs of such services are payable from the school building program assistance fund or any special fund determined by the issuing authority.

(C) The holders or owners of such obligations shall have no right to have moneys raised by taxation obligated or pledged, and moneys raised by taxation shall not be obligated or pledged, for the payment of bond service charges. Such holders or owners shall have no rights to payment of bond service charges from any money or property received by the commission, treasurer of state, or the state, or from any other use of the proceeds of the sale of the obligations, and no such moneys may be used for the payment of bond service charges, except for accrued interest, capitalized interest, and reserves funded from proceeds received upon the sale of the obligations and except as otherwise expressly provided in the applicable bond proceedings pursuant to written directions by the treasurer of state. The right of such holders and owners to payment of bond service charges shall be limited to all or that portion of the pledged receipts and those special funds pledged thereto pursuant to the bond proceedings in accordance with this section, and each such obligation shall bear on its face a statement to that effect.

(D) Obligations shall be authorized by resolution or order of the issuing authority and the bond proceedings shall provide for the purpose thereof and the principal amount or amounts, and shall provide for or authorize the manner or agency for determining the principal maturity or maturities, not exceeding the limits specified in section 3318.29 of the Revised Code, the interest rate or rates or the maximum interest rate, the date of the obligations and the dates of payment of interest thereon, their
denomination, and the establishment within or without the state of 31102
a place or places of payment of bond service charges. Sections 31103
9.98 to 9.983 of the Revised Code are applicable to obligations 31104
issued under this section, subject to any applicable limitation 31105
under section 3318.29 of the Revised Code. The purpose of such 31106
obligations may be stated in the bond proceedings in terms 31107
describing the general purpose or purposes to be served. The bond 31108
proceedings shall also provide, subject to the provisions of any 31109
other applicable bond proceedings, for the pledge of all, or such 31110
part as the issuing authority may determine, of the pledged 31111
receipts and the applicable special fund or funds to the payment 31112
of bond service charges, which pledges may be made either prior or 31113
subordinate to other expenses, claims, or payments, and may be 31114
made to secure the obligations on a parity with obligations 31115
theretofore or thereafter issued, if and to the extent provided in 31116
the bond proceedings. The pledged receipts and special funds so 31117
pledged and thereafter received by the state are immediately 31118
subject to the lien of such pledge without any physical delivery 31119
thereof or further act, and the lien of any such pledges is valid 31120
and binding against all parties having claims of any kind against 31121
the state or any governmental agency of the state, irrespective of 31122
whether such parties have notice thereof, and shall create a 31123
perfected security interest for all purposes of Chapter 1309. of 31124
the Revised Code, without the necessity for separation or delivery 31125
of funds or for the filing or recording of the bond proceedings by 31126
which such pledge is created or any certificate, statement or 31127
other document with respect thereto; and the pledge of such 31128
pledged receipts and special funds is effective and the money 31129
therefrom and thereof may be applied to the purposes for which 31130
pledged without necessity for any act of appropriation, except as 31131
required by section 3770.06 of the Revised Code. Every pledge, and 31132
every covenant and agreement made with respect thereto, made in 31133
the bond proceedings may therein be extended to the benefit of the 31134
owners and holders of obligations authorized by this section, and to any trustee therefor, for the further security of the payment of the bond service charges.

(E) The bond proceedings may contain additional provisions as to:

(1) The redemption of obligations prior to maturity at the option of the issuing authority at such price or prices and under such terms and conditions as are provided in the bond proceedings;

(2) Other terms of the obligations;

(3) Limitations on the issuance of additional obligations;

(4) The terms of any trust agreement or indenture securing the obligations or under which the same may be issued;

(5) The deposit, investment and application of special funds, and the safeguarding of moneys on hand or on deposit, without regard to Chapter 131., 133., or 135. of the Revised Code, but subject to any special provisions of sections 3318.21 to 3318.29 of the Revised Code, with respect to particular funds or moneys, provided that any bank or trust company that acts as depository of any moneys in the special funds may furnish such indemnifying bonds or may pledge such securities as required by the issuing authority;

(6) Any or every provision of the bond proceedings being binding upon such officer, board, commission, authority, agency, department, or other person or body as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duty required by such provision;

(7) Any provision that may be made in a trust agreement or indenture;

(8) The lease or sublease of any interest of the school district or the state in one or more projects as defined in
division (C) of section 3318.01 of the Revised Code, or in one or more permanent improvements, to or from the issuing authority, as provided in one or more lease or sublease agreements between the school or the state and the issuing authority;

(9) Any other or additional agreements with the holders of the obligations, or the trustee therefor, relating to the obligations or the security therefor.

(F) The obligations may have the great seal of the state or a facsimile thereof affixed thereto or printed thereon. The obligations and any coupons pertaining to obligations shall be signed or bear the facsimile signature of the issuing authority. Any obligations or coupons may be executed by the person who, on the date of execution, is the proper issuing authority although on the date of such bonds or coupons such person was not the issuing authority. In case the issuing authority whose signature or a facsimile of whose signature appears on any such obligation or coupon ceases to be the issuing authority before delivery thereof, such signature or facsimile is nevertheless valid and sufficient for all purposes as if the issuing authority had remained the issuing authority until such delivery; and in case the seal to be affixed to obligations has been changed after a facsimile of the seal has been imprinted on such obligations, such facsimile seal shall continue to be sufficient as to such obligations and obligations issued in substitution or exchange therefor.

(G) All obligations are negotiable instruments and securities under Chapter 1308. of the Revised Code, subject to the provisions of the bond proceedings as to registration. The obligations may be issued in coupon or in registered form, or both, as the issuing authority determines. Provision may be made for the registration of any obligations with coupons attached thereto as to principal alone or as to both principal and interest, their exchange for obligations so registered, and for the conversion or reconversion
into obligations with coupons attached thereto of any obligations registered as to both principal and interest, and for reasonable charges for such registration, exchange, conversion, and reconversion.

(H) Obligations may be sold at public sale or at private sale, as determined in the bond proceedings.

(I) Pending preparation of definitive obligations, the issuing authority may issue interim receipts or certificates which shall be exchanged for such definitive obligations.

(J) In the discretion of the issuing authority, obligations may be secured additionally by a trust agreement or indenture between the issuing authority and a corporate trustee which may be any trust company or bank having a place of business within the state. Any such agreement or indenture may contain the resolution or order authorizing the issuance of the obligations, any provisions that may be contained in any bond proceedings, and other provisions that are customary or appropriate in an agreement or indenture of such type, including, but not limited to:

1. Maintenance of each pledge, trust agreement, indenture, or other instrument comprising part of the bond proceedings until the state has fully paid the bond service charges on the obligations secured thereby, or provision therefor has been made;

2. In the event of default in any payments required to be made by the bond proceedings, or any other agreement of the issuing authority made as a part of the contract under which the obligations were issued, enforcement of such payments or agreement by mandamus, the appointment of a receiver, suit in equity, action at law, or any combination of the foregoing;

3. The rights and remedies of the holders of obligations and of the trustee, and provisions for protecting and enforcing them, including limitations on rights of individual holders of
obligations;

(4) The replacement of any obligations that become mutilated or are destroyed, lost, or stolen;

(5) Such other provisions as the trustee and the issuing authority agree upon, including limitations, conditions, or qualifications relating to any of the foregoing.

(K) Any holder of obligations or a trustee under the bond proceedings, except to the extent that the holder's or trustee's rights are restricted by the bond proceedings, may by any suitable form of legal proceedings, protect and enforce any rights under the laws of this state or granted by such bond proceedings. Such rights include the right to compel the performance of all duties of the issuing authority, the commission, or the director of budget and management required by sections 3318.21 to 3318.29 of the Revised Code or the bond proceedings; to enjoin unlawful activities; and in the event of default with respect to the payment of any bond service charges on any obligations or in the performance of any covenant or agreement on the part of the issuing authority, the commission, or the director of budget and management in the bond proceedings, to apply to a court having jurisdiction of the cause to appoint a receiver to receive and administer the pledged receipts and special funds, other than those in the custody of the treasurer of state or the commission, which are pledged to the payment of the bond service charges on such obligations or which are the subject of the covenant or agreement, with full power to pay, and to provide for payment of bond service charges on, such obligations, and with such powers, subject to the direction of the court, as are accorded receivers in general equity cases, excluding any power to pledge additional revenues or receipts or other income or moneys of the issuing authority or the state or governmental agencies of the state to the payment of such principal and interest and excluding the power
to take possession of, mortgage, or cause the sale or otherwise dispose of any permanent improvement.

Each duty of the issuing authority and the issuing authority's officers and employees, and of each governmental agency and its officers, members, or employees, undertaken pursuant to the bond proceedings or any agreement or loan made under authority of sections 3318.21 to 3318.29 of the Revised Code, and in every agreement by or with the issuing authority, is hereby established as a duty of the issuing authority, and of each such officer, member, or employee having authority to perform such duty, specifically enjoined by the law resulting from an office, trust, or station within the meaning of section 2731.01 of the Revised Code.

The person who is at the time the issuing authority, or the issuing authority's officers or employees, are not liable in their personal capacities on any obligations issued by the issuing authority or any agreements of or with the issuing authority.

(L) Obligations issued under this section are lawful investments for banks, societies for savings, savings and loan associations, deposit guarantee associations, trust companies, trustees, fiduciaries, insurance companies, including domestic for life and domestic not for life, trustees or other officers having charge of sinking and bond retirement or other special funds of political subdivisions and taxing districts of this state, the commissioners of the sinking fund of the state, the administrator of workers' compensation, the state teachers retirement system, the public employees retirement system, the school employees retirement system, and the Ohio police and fire pension fund, notwithstanding any other provisions of the Revised Code or rules adopted pursuant thereto by any governmental agency of the state with respect to investments by them, and also are acceptable as security for the deposit of public moneys.
(M) Unless otherwise provided in any applicable bond proceedings, moneys to the credit of or in the special funds established by or pursuant to this section may be invested by or on behalf of the issuing authority only in notes, bonds, or other obligations of the United States, or of any agency or instrumentality of the United States, obligations guaranteed as to principal and interest by the United States, obligations of this state or any political subdivision of this state, and certificates of deposit of any national bank located in this state and any bank, as defined in section 1101.01 of the Revised Code, subject to inspection by the superintendent of financial institutions. If the law or the instrument creating a trust pursuant to division (J) of this section expressly permits investment in direct obligations of the United States or an agency of the United States, unless expressly prohibited by the instrument, such moneys also may be invested in no front end load money market mutual funds consisting exclusively of obligations of the United States or an agency of the United States and in repurchase agreements, including those issued by the fiduciary itself, secured by obligations of the United States or an agency of the United States; and in collective investment funds established in accordance with section 1111.14 of the Revised Code and consisting exclusively of any such securities, notwithstanding division (B)(1)(c) of that section. The income from such investments shall be credited to such funds as the issuing authority determines, and such investments may be sold at such times as the issuing authority determines or authorizes.

(N) Provision may be made in the applicable bond proceedings for the establishment of separate accounts in the bond service fund and for the application of such accounts only to the specified bond service charges on obligations pertinent to such accounts and bond service fund and for other accounts therein within the general purposes of such fund. Unless otherwise
provided in any applicable bond proceedings, moneys to the credit of or in the several special funds established pursuant to this section shall be disbursed on the order of the treasurer of state, provided that no such order is required for the payment from the bond service fund when due of bond service charges on obligations.

(O) The issuing authority may pledge all, or such portion as the issuing authority determines, of the pledged receipts to the payment of bond service charges on obligations issued under this section, and for the establishment and maintenance of any reserves, as provided in the bond proceedings, and make other provisions therein with respect to pledged receipts as authorized by this chapter, which provisions shall be controlling notwithstanding any other provisions of law pertaining thereto.

(P) The issuing authority may covenant in the bond proceedings, and any such covenants shall be controlling notwithstanding any other provision of law, that the state and applicable officers and governmental agencies of the state, including the general assembly, so long as any obligations are outstanding, shall:

(1) Maintain statutory authority for and cause to be operated the state lottery, including the transfers to and from the lottery profits education fund created in section 3770.06 of the Revised Code so that the pledged receipts shall be sufficient in amount to meet bond service charges, and the establishment and maintenance of any reserves and other requirements provided for in the bond proceedings;

(2) Take or permit no action, by statute or otherwise, that would impair the exclusion from gross income for federal income tax purposes of the interest on any obligations designated by the bond proceeding as tax-exempt obligations.

(Q) There is hereby created the school building program bond
service fund, which shall be in the custody of the treasurer of
state but shall be separate and apart from and not a part of the
state treasury. All moneys received by or on account of the
issuing authority or state agencies and required by the applicable
bond proceedings, consistent with this section, to be deposited,
transferred, or credited to the school building program bond
service fund, and all other moneys transferred or allocated to or
received for the purposes of the fund, shall be deposited and
credited to such fund and to any separate accounts therein,
subject to applicable provisions of the bond proceedings, but
without necessity for any act of appropriation, except as required
by section 3770.06 of the Revised Code. During the period
beginning with the date of the first issuance of obligations and
continuing during such time as any such obligations are
outstanding, and so long as moneys in the school building program
bond service fund are insufficient to pay all bond service charges
on such obligations becoming due in each year, a sufficient amount
of the moneys from the lottery profits education fund included in
pledged receipts, subject to appropriation for such purpose as
provided in section 3770.06 of the Revised Code, are committed and
shall be paid to the school building program bond service fund in
each year for the purpose of paying the bond service charges
becoming due in that year. The school building program bond
service fund is a trust fund and is hereby pledged to the payment
of bond service charges solely on obligations issued to provide
moneys for the school building program assistance fund to the
extent provided in the applicable bond proceedings, and payment
thereof from such fund shall be made or provided for by the
treasurer of state in accordance with such bond proceedings
without necessity for any act of appropriation except as required
by section 3770.06 of the Revised Code.

(R) The obligations, the transfer thereof, and the income
therefrom, including any profit made on the sale thereof, at all
times shall be free from taxation within the state.

Sec. 3318.311. Not later than six months after September 14,
2000, the Ohio school facilities construction commission shall
establish design specifications for classroom facilities that are
appropriate for joint vocational education programs. The
specifications shall provide standards for appropriate pupil
instruction space but shall not include standards for any
vocational education furnishings or equipment that is not
comparable to, or the vocational education equivalent of, the
furnishings or equipment for which assistance is available to
other school districts under sections 3318.01 to 3318.20 of the
Revised Code.

Beginning September 1, 2003, from time to time the commission
may amend the specifications as determined necessary by the
commission; however, any project under sections 3318.40 to 3318.45
of the Revised Code approved by the commission prior to the most
recent amendment to the specifications shall not be subject to the
provisions of such amendment.

Sec. 3318.351. (A) As used in this section:

(1) "Classroom facilities" has the same meaning as in section
3318.01 of the Revised Code.

(2) "Emergency project" means reconstruction or renovation of
or repair to any classroom facilities made necessary because of
damage due to an act of God.

(3) "Eligible school district" means any school district in
the first through one-hundredth percentiles as determined under
section 3318.011 of the Revised Code.

(B)(1) There is hereby established the school building
emergency assistance program, under which the Ohio school
facilities construction commission shall distribute grants to
eligible school districts from moneys specifically appropriated by the general assembly for the purposes of this section to assist in emergency projects. Any assistance under this section shall be used to pay the cost of only the portion of an emergency project that is not covered by insurance or other public or private emergency assistance received by or payable to the school district. Any damage to classroom facilities caused by age of the facilities or by lack of timely maintenance to the facilities shall not constitute damage that is subject to assistance under this section.

(2) The commission shall establish procedures and deadlines for eligible school districts to follow in applying for assistance under this section. The commission shall consider such applications on a case-by-case basis taking into account the amount of moneys available under this section.

(3) Every effort shall be made to conform an emergency project to design specifications adopted by the commission, including minimum capacity requirements adopted under section 3318.03 of the Revised Code, unless in the judgment of the commission it is not possible to conform the project to such specifications.

Sec. 3318.36. (A)(1) As used in this section:

(a) "Ohio school facilities construction commission," "classroom facilities," "school district," "school district board," "net bonded indebtedness," "required percentage of the basic project costs," "basic project cost," "valuation," and "percentile" have the same meanings as in section 3318.01 of the Revised Code.

(b) "Required level of indebtedness" means five per cent of the school district's valuation for the year preceding the year in which the commission and school district enter into an agreement.
under division (B) of this section, plus [two one-hundredths of one per cent multiplied by (the percentile in which the district ranks minus one)].

(c) "Local resources" means any moneys generated in any manner permitted for a school district board to raise the school district portion of a project undertaken with assistance under sections 3318.01 to 3318.20 of the Revised Code.

(2) For purposes of determining the required level of indebtedness, the required percentage of the basic project costs under division (C)(1) of this section, and priority for assistance under sections 3318.01 to 3318.20 of the Revised Code, the percentile ranking of a school district with which the commission has entered into an agreement under this section between the first day of July and the thirty-first day of August in each fiscal year is the percentile ranking calculated for that district for the immediately preceding fiscal year, and the percentile ranking of a school district with which the commission has entered into such agreement between the first day of September and the thirtieth day of June in each fiscal year is the percentile ranking calculated for that district for the current fiscal year.

(B)(1) There is hereby established the school building assistance expedited local partnership program. Under the program, the Ohio school facilities construction commission may enter into an agreement with the board of any school district under which the board may proceed with the new construction or major repairs of a part of the district's classroom facilities needs, as determined under sections 3318.01 to 3318.20 of the Revised Code, through the expenditure of local resources prior to the school district's eligibility for state assistance under those sections, and may apply that expenditure toward meeting the school district's portion of the basic project cost of the total of the district's classroom facilities needs, as recalculated under division (E) of
this section, when the district becomes eligible for state assistance under sections 3318.01 to 3318.20 or section 3318.364 of the Revised Code. Any school district that is reasonably expected to receive assistance under sections 3318.01 to 3318.20 of the Revised Code within two fiscal years from the date the school district adopts its resolution under division (B) of this section shall not be eligible to participate in the program established under this section.

(2) To participate in the program, a school district board shall first adopt a resolution certifying to the commission the board's intent to participate in the program.

The resolution shall specify the approximate date that the board intends to seek elector approval of any bond or tax measures or to apply other local resources to use to pay the cost of classroom facilities to be constructed under this section. The resolution may specify the application of local resources or elector-approved bond or tax measures after the resolution is adopted by the board, and in such case the board may proceed with a discrete portion of its project under this section as soon as the commission and the controlling board have approved the basic project cost of the district's classroom facilities needs as specified in division (D) of this section. The board shall submit its resolution to the commission not later than ten days after the date the resolution is adopted by the board.

The commission shall not consider any resolution that is submitted pursuant to division (B)(2) of this section, as amended by this amendment, sooner than September 14, 2000.

(3) For purposes of determining when a district that enters into an agreement under this section becomes eligible for assistance under sections 3318.01 to 3318.20 of the Revised Code or priority for assistance under section 3318.364 of the Revised Code, the commission shall use the district's percentile ranking...
determined at the time the district entered into the agreement
under this section, as prescribed by division (A)(2) of this
section.

(4) Any project under this section shall comply with section
3318.03 of the Revised Code and with any specifications for plans
and materials for classroom facilities adopted by the commission
under section 3318.04 of the Revised Code.

(5) If a school district that enters into an agreement under
this section has not begun a project applying local resources as
provided for under that agreement at the time the district is
notified by the commission that it is eligible to receive state
assistance under sections 3318.01 to 3318.20 of the Revised Code,
all assessment and agreement documents entered into under this
section are void.

(6) Only construction of or repairs to classroom facilities
that have been approved by the commission and have been therefore
included as part of a district's basic project cost qualify for
application of local resources under this section.

(C) Based on the results of on-site visits and assessment,
the commission shall determine the basic project cost of the
school district's classroom facilities needs. The commission shall
determine the school district's portion of such basic project
cost, which shall be the greater of:

(1) The required percentage of the basic project costs,
determined based on the school district's percentile ranking;

(2) An amount necessary to raise the school district's net
bonded indebtedness, as of the fiscal year the commission and the
school district enter into the agreement under division (B) of
this section, to within five thousand dollars of the required
level of indebtedness.

(D)(1) When the commission determines the basic project cost
of the classroom facilities needs of a school district and the school district's portion of that basic project cost under division (C) of this section, the project shall be conditionally approved. Such conditional approval shall be submitted to the controlling board for approval thereof. The controlling board shall forthwith approve or reject the commission's determination, conditional approval, and the amount of the state's portion of the basic project cost; however, no state funds shall be encumbered under this section. Upon approval by the controlling board, the school district board may identify a discrete part of its classroom facilities needs, which shall include only new construction of or additions or major repairs to a particular building, to address with local resources. Upon identifying a part of the school district's basic project cost to address with local resources, the school district board may allocate any available school district moneys to pay the cost of that identified part, including the proceeds of an issuance of bonds if approved by the electors of the school district.

All local resources utilized under this division shall first be deposited in the project construction account required under section 3318.08 of the Revised Code.

(2) Unless the school district board exercises its option under division (D)(3) of this section, for a school district to qualify for participation in the program authorized under this section, one of the following conditions shall be satisfied:

(a) The electors of the school district by a majority vote shall approve the levy of taxes outside the ten-mill limitation for a period of twenty-three years at the rate of not less than one-half mill for each dollar of valuation to be used to pay the cost of maintaining the classroom facilities included in the basic project cost as determined by the commission. The form of the ballot to be used to submit the question whether to approve the
(b) As authorized under division (C) of section 3318.05 of the Revised Code, the school district board shall earmark from the proceeds of a permanent improvement tax levied under section 5705.21 of the Revised Code, an amount equivalent to the additional tax otherwise required under division (D)(2)(a) of this section for the maintenance of the classroom facilities included in the basic project cost as determined by the commission.

(c) As authorized under section 3318.051 of the Revised Code, the school district board shall, if approved by the commission, annually transfer into the maintenance fund required under section 3318.05 of the Revised Code the amount prescribed in section 3318.051 of the Revised Code in lieu of the tax otherwise required under division (D)(2)(a) of this section for the maintenance of the classroom facilities included in the basic project cost as determined by the commission.

(d) If the school district board has rescinded the agreement to make transfers under section 3318.051 of the Revised Code, as provided under division (F) of that section, the electors of the school district, in accordance with section 3318.063 of the Revised Code, first shall approve the levy of taxes outside the ten-mill limitation for the period specified in that section at a rate of not less than one-half mill for each dollar of valuation.

(e) The school district board shall apply the proceeds of a tax to leverage bonds as authorized under section 3318.052 of the Revised Code or dedicate a local donated contribution in the manner described in division (B) of section 3318.084 of the Revised Code in an amount equivalent to the additional tax.
otherwise required under division (D)(2)(a) of this section for
the maintenance of the classroom facilities included in the basic
project cost as determined by the commission.

(3) A school district board may opt to delay taking any of
the actions described in division (D)(2) of this section until the
school district becomes eligible for state assistance under
sections 3318.01 to 3318.20 of the Revised Code. In order to
exercise this option, the board shall certify to the commission a
resolution indicating the board's intent to do so prior to
entering into an agreement under division (B) of this section.

(4) If pursuant to division (D)(3) of this section a district
board opts to delay levying an additional tax until the district
becomes eligible for state assistance, it shall submit the
question of levying that tax to the district electors as follows:

(a) In accordance with section 3318.06 of the Revised Code if
it will also be necessary pursuant to division (E) of this section
to submit a proposal for approval of a bond issue;

(b) In accordance with section 3318.361 of the Revised Code
if it is not necessary to also submit a proposal for approval of a
bond issue pursuant to division (E) of this section.

(5) No state assistance under sections 3318.01 to 3318.20 of
the Revised Code shall be released until a school district board
that adopts and certifies a resolution under division (D) of this
section also demonstrates to the satisfaction of the commission
compliance with the provisions of division (D)(2) of this section.

Any amount required for maintenance under division (D)(2) of
this section shall be deposited into a separate fund as specified
in division (B) of section 3318.05 of the Revised Code.

(E)(1) If the school district becomes eligible for state
assistance under sections 3318.01 to 3318.20 of the Revised Code
based on its percentile ranking under division (B)(3) of this
section or is offered assistance under section 3318.364 of the Revised Code, the commission shall conduct a new assessment of the school district's classroom facilities needs and shall recalculate the basic project cost based on this new assessment. The basic project cost recalculated under this division shall include the amount of expenditures made by the school district board under division (D)(1) of this section. The commission shall then recalculate the school district's portion of the new basic project cost, which shall be the percentage of the original basic project cost assigned to the school district as its portion under division (C) of this section. The commission shall deduct the expenditure of school district moneys made under division (D)(1) of this section from the school district's portion of the basic project cost as recalculated under this division. If the amount of school district resources applied by the school district board to the school district's portion of the basic project cost under this section is less than the total amount of such portion as recalculated under this division, the school district board by a majority vote of all of its members shall, if it desires to seek state assistance under sections 3318.01 to 3318.20 of the Revised Code, adopt a resolution as specified in section 3318.06 of the Revised Code to submit to the electors of the school district the question of approval of a bond issue in order to pay any additional amount of school district portion required for state assistance. Any tax levy approved under division (D) of this section satisfies the requirements to levy the additional tax under section 3318.06 of the Revised Code.

(2) If the amount of school district resources applied by the school district board to the school district's portion of the basic project cost under this section is more than the total amount of such portion as recalculated under this division, within one year after the school district's portion is recalculated under division (E)(1) of this section the commission may grant to the
school district the difference between the two calculated portions, but at no time shall the commission expend any state funds on a project in an amount greater than the state's portion of the basic project cost as recalculated under this division.

Any reimbursement under this division shall be only for local resources the school district has applied toward construction cost expenditures for the classroom facilities approved by the commission, which shall not include any financing costs associated with that construction.

The school district board shall use any moneys reimbursed to the district under this division to pay off any debt service the district owes for classroom facilities constructed under its project under this section before such moneys are applied to any other purpose. However, the district board first may deposit moneys reimbursed under this division into the district's general fund or a permanent improvement fund to replace local resources the district withdrew from those funds, as long as, and to the extent that, those local resources were used by the district for constructing classroom facilities included in the district's basic project cost.

Sec. 3318.362. This section applies only to a school district that participates in the school building assistance expedited local partnership program under section 3318.36 of the Revised Code.

A school district board that enters into an agreement with the Ohio school facilities construction commission under division (B) of section 3318.36 of the Revised Code may propose for issuance any bonds necessary for its participation in the program under section 3318.36 of the Revised Code for any number of years not exceeding the term calculated pursuant to section 133.20 of the Revised Code. Any moneys received from the state under
division (E)(2) of section 3318.36 of the Revised Code shall be applied, as agreed in writing by the school district board and the commission, to pay debt service on outstanding bonds or bond anticipation notes issued by the school district board for its participation in the expedited local partnership program, including by placing those moneys in an applicable escrow fund under division (D) of section 133.34 of the Revised Code.

**Sec. 3318.363.** (A) This section applies beginning in fiscal year 2003 and only to a school district participating in the school building assistance expedited local partnership program under section 3318.36 of the Revised Code.

(B) If there is a decrease in the tax valuation of a school district to which this section applies by ten per cent or greater from one tax year to the next due to a decrease in the assessment rate of the taxable property of an electric company that owns property in the district, as provided for in section 5727.111 of the Revised Code as amended by Am. Sub. S.B. 3 of the 123rd General Assembly, the Ohio school facilities construction commission shall calculate or recalculate the state and school district portions of the basic project cost of the school district's project by determining the percentile rank in which the district would be located if such ranking were made using the adjusted valuation per pupil calculated under division (C) of this section rather than the three-year average adjusted valuation per pupil, calculated under division (B) of section 3318.011 of the Revised Code. For such district, the required percentage of the basic project cost used to determine the state and school district shares of that cost under division (C) of section 3318.36 of the Revised Code shall be based on the percentile rank as calculated under this section rather than as otherwise provided in division (C)(1) of section 3318.36 of the Revised Code. If the commission has determined the state and school district portion of the basic
project cost of such a district's project under section 3318.36 of the Revised Code prior to that decrease in tax valuation, the commission shall adjust the state and school district shares of the basic project cost of such project in accordance with this section.

(C)(1) As used in divisions (C) and (D) of this section, "total taxable value" and "formula ADM" have the same meanings as in section 3317.02 of the Revised Code, and "income factor" has the same meaning as in section 3318.011 of the Revised Code.

(2) The adjusted valuation per pupil for a school district to which this section applies shall be calculated using the following formula:

\[
\text{Adjusted Valuation per Pupil} = \left(\frac{\text{District's Total Taxable Value for the Tax Year Preceding the Calendar Year in Which the Current Fiscal Year Begins}}{\text{District's Formula ADM for the Previous Fiscal Year}}\right) - \left[\$30,000 \times (1 - \text{District's Income Factor})\right].
\]

(D) At the request of the Ohio school facilities construction commission, the department of education shall report a district's total taxable value for the tax year preceding the calendar year in which the current fiscal year begins for any district to which this section applies as that information has been certified to the department by the tax commissioner pursuant to section 3317.021 of the Revised Code.

Sec. 3318.364. In any fiscal year, the Ohio school facilities construction commission may, at its discretion, provide assistance under sections 3318.01 to 3318.20 of the Revised Code to a school district that has entered into an expedited local partnership agreement under section 3318.36 of the Revised Code before the district is otherwise eligible for that assistance based on its percentile rank, if the commission determines all of the following:
(A) The district has made an expenditure of local resources under its expedited local partnership agreement on a discrete part of its district-wide project.

(B) The district is ready to complete its district-wide project or a segment of the project, in accordance with section 3318.034 of the Revised Code.

(C) The district is in compliance with division (D)(2) of section 3318.36 of the Revised Code.

(D) Sufficient state funds have been appropriated for classroom facilities projects for the fiscal year to pay the state share of the district's project or segment after paying the state share of projects for all of the following:

(1) Districts that previously had their conditional approval lapse pursuant to section 3318.05 of the Revised Code;

(2) Districts eligible for assistance under division (B)(2) of section 3318.04 of the Revised Code;

(3) Districts participating in the exceptional needs school facilities assistance program under section 3318.37 or 3318.371 of the Revised Code;

(4) Districts participating in the accelerated urban school building assistance program under section 3318.38 of the Revised Code.

Assistance under this section shall be offered to eligible districts in the order of their percentile rankings at the time they entered into their expedited local partnership agreements, from lowest to highest percentile. In the event that more than one district has the same percentile ranking, those districts shall be offered assistance in the order of the date they entered into their expedited local partnership agreements, from earliest to latest date.
As used in this section, "local resources" and "percentile" have the same meanings as in section 3318.36 of the Revised Code.

Sec. 3318.37. (A)(1) As used in this section:

(a) "Full maintenance amount" has the same meaning as in section 3318.034 of the Revised Code.

(b) A "school district with an exceptional need for immediate classroom facilities assistance" means a school district with an exceptional need for new facilities in order to protect the health and safety of all or a portion of its students.

(2) No school district that participates in the school building assistance expedited local partnership program under section 3318.36 of the Revised Code shall receive assistance under the program established under this section unless the following conditions are satisfied:

(a) The district board adopted a resolution certifying its intent to participate in the school building assistance expedited local partnership program under section 3318.36 of the Revised Code prior to September 14, 2000.

(b) The district was selected by the Ohio school facilities construction commission for participation in the school building assistance expedited local partnership program under section 3318.36 of the Revised Code in the manner prescribed by the commission under that section as it existed prior to September 14, 2000.

(B)(1) There is hereby established the exceptional needs school facilities assistance program. Under the program, the Ohio school facilities construction commission may set aside from the moneys annually appropriated to it for classroom facilities assistance projects up to twenty-five per cent for assistance to school districts with exceptional needs for immediate classroom facilities.
facilities assistance.

(2) (a) After consulting with education and construction experts, the commission shall adopt guidelines for identifying school districts with an exceptional need for immediate classroom facilities assistance.

(b) The guidelines shall include application forms and instructions for school districts to use in applying for assistance under this section.

(3) The commission shall evaluate the classroom facilities, and the need for replacement classroom facilities from the applications received under this section. The commission, utilizing the guidelines adopted under division (B)(2)(a) of this section, shall prioritize the school districts to be assessed.

Notwithstanding section 3318.02 of the Revised Code, the commission may conduct on-site evaluation of the school districts prioritized under this section and approve and award funds until such time as all funds set aside under division (B)(1) of this section have been encumbered. However, the commission need not conduct the evaluation of facilities if the commission determines that a district's assessment conducted under section 3318.36 of the Revised Code is sufficient for purposes of this section.

(4) Notwithstanding division (A) of section 3318.05 of the Revised Code, the school district's portion of the basic project cost under this section shall be the "required percentage of the basic project costs," as defined in division (K) of section 3318.01 of the Revised Code.

(5) Except as otherwise specified in this section, any project undertaken with assistance under this section shall comply with all provisions of sections 3318.01 to 3318.20 of the Revised Code. A school district may receive assistance under sections 3318.01 to 3318.20 of the Revised Code for the remainder of the
district's classroom facilities needs as assessed under this section when the district is eligible for such assistance pursuant to section 3318.02 of the Revised Code, but any classroom facility constructed with assistance under this section shall not be included in a district's project at that time unless the commission determines the district has experienced the increased enrollment specified in division (B)(1) of section 3318.04 of the Revised Code.

(C) No school district shall receive assistance under this section for a classroom facility that has been included in the discrete part of the district's classroom facilities needs identified and addressed in the district's project pursuant to an agreement entered into under section 3318.36 of the Revised Code, unless the district's entire classroom facilities plan consists of only a single building designed to house grades kindergarten through twelve.

(D)(1) When undertaking a project under this section, a school district may elect to prorate its full maintenance amount by setting aside for maintenance the amount calculated under division (D)(2) of this section to maintain the classroom facilities acquired under the project, if the district will use one or more of the alternative methods authorized in sections 3318.051, 3318.052, and 3318.084 of the Revised Code to generate the entire amount calculated under that division. If the district so elects, the commission and the district shall include in the agreement entered into under section 3318.08 of the Revised Code a statement specifying that the district will use the amount calculated under that division only to maintain the classroom facilities acquired under the project under this section.

(2) The commission shall calculate the amount for a school district to maintain the classroom facilities acquired under a project under this section as follows:
The full maintenance amount X (the school district's portion of the basic project cost under this section / the school district's portion of the basic project cost for the district's entire classroom facilities needs, as determined jointly by the staff of the commission and the district)

(3) A school district may elect to prorate its full maintenance amount for any number of projects under this section, provided the district will use one or more of the alternative methods authorized in sections 3318.051, 3318.052, and 3318.084 of the Revised Code to generate the entire amount calculated under division (D)(2) of this section to maintain the classroom facilities acquired under each project for which it so elects. If the district cannot use one or more of those alternative methods to generate the entire amount calculated under that division, the district shall levy the tax described in division (B) of section 3318.05 of the Revised Code or an extension of that tax under section 3318.061 of the Revised Code in an amount necessary to generate the remainder of its full maintenance amount. The commission shall calculate the remainder of the district's full maintenance amount as follows:

The full maintenance amount - the sum of the amounts calculated for the district under division (D)(2) of this section for each of the district's prior projects under this section

(4) In no case shall the sum of the amounts calculated for a school district's maintenance of classroom facilities under divisions (D)(2) and (3) of this section exceed the amount that would have been required for maintenance if the district had elected to meet its entire classroom facilities needs with a project under sections 3318.01 to 3318.20 of the Revised Code and had not undertaken one or more projects under this section.

(5) If a school district commenced a project under this section prior to the effective date of this amendment September
but has not completed that project, and has not levied the tax described in division (B) of section 3318.05 of the Revised Code or an extension of that tax under section 3318.061 of the Revised Code, the district may request approval from the commission to prorate its full maintenance amount in accordance with divisions (D)(1) to (4) of this section. If the commission approves the request, the commission and the district shall amend the agreement entered into under section 3318.08 of the Revised Code to reflect the change.

**Sec. 3318.371.** The Ohio school facilities construction commission may provide assistance under the exceptional needs school facilities program established by section 3318.37 of the Revised Code to any school district for the purpose of the relocation or replacement of classroom facilities required as a result of any contamination of air, soil, or water that impacts the occupants of the facility.

The commission shall make a determination in accordance with guidelines adopted by the commission regarding eligibility and funding for projects under this section. The commission may contract with an independent environmental consultant to conduct a study to assist the commission in making the determination.

If the federal government or other public or private entity provides funds for restitution of costs incurred by the state or school district in the relocation or replacement of the classroom facilities, the school district shall use such funds in excess of the school district's share to refund the state for the state's contribution to the environmental contamination portion of the project. The school district may apply an amount of such restitution funds up to an amount equal to the school district's portion of the project, as defined by the commission, toward paying its portion of that project to reduce the amount of bonds.
the school district otherwise must issue to receive state assistance under sections 3318.01 to 3318.20 of the Revised Code.

Sec. 3318.38. (A) As used in this section, "big-eight school district" has the same meaning as in section 3314.02 of the Revised Code.

(B) There is hereby established the accelerated urban school building assistance program. Under the program, notwithstanding section 3318.02 of the Revised Code, any big-eight school district that has not been approved to receive assistance under sections 3318.01 to 3318.20 of the Revised Code by July 1, 2002, may beginning on that date apply for approval of and be approved for such assistance. Except as otherwise provided in this section, any project approved and undertaken pursuant to this section shall comply with all provisions of sections 3318.01 to 3318.20 of the Revised Code.

The Ohio school facilities construction commission shall provide assistance to any big-eight school district eligible for assistance under this section in the following manner:

(1) Notwithstanding section 3318.02 of the Revised Code:

(a) Not later than June 30, 2002, the commission shall conduct an on-site visit and shall assess the classroom facilities needs of each big-eight school district eligible for assistance under this section;

(b) Beginning July 1, 2002, any big-eight school district eligible for assistance under this section may apply to the commission for conditional approval of its project as determined by the assessment conducted under division (B)(1)(a) of this section. The commission may conditionally approve that project and submit it to the controlling board for approval pursuant to section 3318.04 of the Revised Code.
(2) If the controlling board approves the project of a big-eight school district eligible for assistance under this section, the commission and the school district shall enter into an agreement as prescribed in section 3318.08 of the Revised Code. Any agreement executed pursuant to this division shall include any applicable segmentation provisions as approved by the commission under division (B)(3) of this section.

(3) Notwithstanding any provision to the contrary in sections 3318.05, 3318.06, and 3318.08 of the Revised Code, a big-eight school district eligible for assistance under this section may with the approval of the commission opt to divide the project as approved under division (B)(1)(b) of this section into discrete segments to be completed sequentially. Any project divided into segments shall comply with all other provisions of sections 3318.05, 3318.06, and 3318.08 of the Revised Code except as otherwise specified in this division.

If a project is divided into segments under this division:

(a) The school district need raise only the amount equal to its proportionate share, as determined under section 3318.032 of the Revised Code, of each segment at any one time and may seek voter approval of each segment separately;

(b) The state's proportionate share, as determined under section 3318.032 of the Revised Code, of only the segment which has been approved by the school district electors or for which the district has applied a local donated contribution under section 3318.084 of the Revised Code shall be encumbered in accordance with section 3318.11 of the Revised Code. Encumbrance of additional amounts to cover the state's proportionate share of later segments shall be approved separately as they are approved by the school district electors or as the district applies a local donated contribution to the segments under section 3318.084 of the Revised Code.
(c) The school district's maintenance levy requirement, as defined in section 3318.18 of the Revised Code, shall run for twenty-three years from the date the first segment is undertaken.

(C) In accordance with division (R) of section 3318.08 of the Revised Code, the state funds reserved and encumbered and the funds provided by the school district to pay the basic project cost of any segment of the project under this section, or of the entire project if it is not divided into segments, shall be spent on the construction and acquisition of the project simultaneously in proportion to the state's and the school district's respective shares of that basic project cost as determined under section 3318.032 of the Revised Code.

**Sec. 3318.40.** (A)(1) Sections 3318.40 to 3318.45 of the Revised Code apply only to joint vocational school districts.

(2) As used in sections 3318.40 to 3318.45 of the Revised Code:

(a) "Ohio school facilities construction commission," "classroom facilities," "project," and "basic project cost" have the same meanings as in section 3318.01 of the Revised Code.

(b) "Acquisition of classroom facilities" means constructing, reconstructing, repairing, or making additions to classroom facilities.

(B) There is hereby established the vocational school facilities assistance program. Under the program, the Ohio school facilities construction commission shall provide assistance to joint vocational school districts for the acquisition of classroom facilities suitable to the vocational education programs of the districts in accordance with sections 3318.40 to 3318.45 of the Revised Code. For purposes of the program, beginning July 1, 2003, the commission annually may set aside up to two per cent of the
aggregate amount appropriated to it for classroom facilities assistance projects in the public school building fund, established under section 3318.15 of the Revised Code, and the school building program assistance fund, established under section 3318.25 of the Revised Code.

(C) The commission shall not provide assistance for any distinct part of a project under sections 3318.40 to 3318.45 of the Revised Code that when completed will be used exclusively for an adult education program or exclusively for operation of a driver training school for instruction leading to the issuance of a commercial driver's license under Chapter 4506. of the Revised Code, except for life safety items and basic building components necessary for complete and continuous construction or renovation of a classroom facility as determined by the commission.

(D) The commission shall not provide assistance under sections 3318.40 to 3318.45 of the Revised Code to acquire classroom facilities for vocational educational instruction at a location under the control of a school district that is a member of a joint vocational school district. Any assistance to acquire classroom facilities for vocational educational instruction at such location shall be provided to the school district that is a member of the joint vocational school district through other provisions of this chapter when that member school district is eligible for assistance under those provisions.

(E) By September 1, 2003, the commission shall assess the classroom facilities needs of at least five joint vocational school districts, according to the order of priority prescribed in division (B) of section 3318.42 of the Revised Code, and based on the results of those assessments shall determine the extent to which amendments to the specifications adopted under section 3318.311 of the Revised Code are warranted. The commission, thereafter, may amend the specifications as provided in that
(F) After the commission has conducted the assessments prescribed in division (E) of this section, the commission shall establish, by rule adopted in accordance with section 111.15 of the Revised Code, guidelines for the commission to use in deciding whether to waive compliance with the design specifications adopted under section 3318.311 of the Revised Code when determining the number of facilities and the basic project cost of projects as prescribed in division (A)(1)(a) of section 3318.41 of the Revised Code. The guidelines shall address the following situations:

1. Under what circumstances, if any, particular classroom facilities are adequate to meet the needs of the school district even though the facilities do not comply with the specifications adopted under section 3318.311 of the Revised Code;

2. Under what circumstances, if any, particular classroom facilities will be renovated or repaired rather than replaced by construction of new facilities.

Sec. 3318.41. (A)(1) The Ohio school facilities construction commission annually shall assess the classroom facilities needs of the number of joint vocational school districts that the commission reasonably expects to be able to provide assistance to in a fiscal year, based on the amount set aside for that fiscal year under division (B) of section 3318.40 of the Revised Code and the order of priority prescribed in division (B) of section 3318.42 of the Revised Code, except that in fiscal year 2004 the commission shall conduct at least the five assessments prescribed in division (E) of section 3318.40 of the Revised Code.

Upon conducting an assessment of the classroom facilities needs of a school district, the commission shall make a determination of all of the following:
(a) The number of classroom facilities to be included in a project and the basic project cost of acquiring the classroom facilities included in the project. The number of facilities and basic project cost shall be determined in accordance with the specifications adopted under section 3318.311 of the Revised Code except to the extent that compliance with such specifications is waived by the commission pursuant to the rule of the commission adopted under division (F) of section 3318.40 of the Revised Code.

(b) The school district's portion of the basic project cost as determined under division (C) of section 3318.42 of the Revised Code;

(c) The remaining portion of the basic project cost that shall be supplied by the state;

(d) The amount of the state's portion of the basic project cost to be encumbered in accordance with section 3318.11 of the Revised Code in the current and subsequent fiscal years from funds set aside under division (B) of section 3318.40 of the Revised Code.

(2) Divisions (A), (C), and (D) of section 3318.03 of the Revised Code apply to any project under sections 3318.40 to 3318.45 of the Revised Code.

(B)(1) If the commission makes a determination under division (A) of this section in favor of the acquisition of classroom facilities for a project under sections 3318.40 to 3318.45 of the Revised Code, such project shall be conditionally approved. Such conditional approval shall be submitted to the controlling board for approval. The controlling board shall immediately approve or reject the commission's determination, conditional approval, the amount of the state's portion of the basic project cost, and the amount of the state's portion of the basic project cost to be encumbered in the current fiscal year. In the event of approval by
the controlling board, the commission shall certify the conditional approval to the joint vocational school district board of education and shall encumber the approved funds for the current fiscal year.

(2) No school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code shall have another such project conditionally approved until the expiration of twenty years after the school district's prior project was conditionally approved, unless the school district board demonstrates to the satisfaction of the commission that the school district has experienced since conditional approval of its prior project an exceptional increase in enrollment or program requirements significantly above the school district's design capacity under that prior project as determined by rule of the commission. Any rule adopted by the commission to implement this division shall be tailored to address the classroom facilities needs of joint vocational school districts.

(C) In addition to generating the amount of the school district's portion of the basic project cost as determined under division (C) of section 3318.42 of the Revised Code, in order for a school district to receive assistance under sections 3318.40 to 3318.45 of the Revised Code, the school district board shall set aside school district moneys for the maintenance of the classroom facilities included in the school district's project in the amount and manner prescribed in section 3318.43 of the Revised Code.

(D)(1) The conditional approval for a project certified under division (B)(1) of this section shall lapse and the amount reserved and encumbered for such project shall be released unless both of the following conditions are satisfied:

(a) Within one hundred twenty days following the date of certification of the conditional approval to the joint vocational school district board, the school district board accepts the
conditional approval and certifies to the commission the school district board's plan to generate the school district's portion of the basic project cost, as determined under division (C) of section 3318.42 of the Revised Code, and to set aside moneys for maintenance of the classroom facilities acquired under the project, as prescribed in section 3318.43 of the Revised Code.

(b) Within thirteen months following the date of certification of the conditional approval to the school district board, the electors of the school district vote favorably on any ballot measures proposed by the school district board to generate the school district's portion of the basic project cost.

(2) If the school district board or electors fail to satisfy the conditions prescribed in division (D)(1) of this section and the amount reserved and encumbered for the school district's project is released, the school district shall be given first priority over other joint vocational school districts for project funding under sections 3318.40 to 3318.45 of the Revised Code as such funds become available, subject to section 3318.054 of the Revised Code.

(E) If the conditions prescribed in division (D)(1) of this section are satisfied, the commission and the school district board shall enter into an agreement as prescribed in section 3318.08 of the Revised Code and shall proceed with the development of plans, cost estimates, designs, drawings, and specifications as prescribed in section 3318.091 of the Revised Code.

(F) Costs in excess of those approved by the commission under section 3318.091 of the Revised Code shall be payable only as provided in sections 3318.042 and 3318.083 of the Revised Code.

(G) Advertisement for bids and the award of contracts for construction of any project under sections 3318.40 to 3318.45 of the Revised Code shall be conducted in accordance with section...
3318.10 of the Revised Code.

(H) In accordance with division (R) of section 3318.08 of the Revised Code, the state funds reserved and encumbered and the funds provided by the school district to pay the basic project cost of a project under sections 3318.40 to 3318.45 of the Revised Code shall be spent simultaneously in proportion to the state's and the school district's respective portions of that basic project cost.

(I) Sections 3318.13, 3318.14, and 3318.16 of the Revised Code apply to projects under sections 3318.40 to 3318.45 of the Revised Code.

Sec. 3318.42. (A) Not later than the sixty-first day after March 14, 2003, and subsequently not later than the sixty-first day after the first day of each ensuing fiscal year, the department of education shall do all of the following:

(1) Calculate the valuation per pupil of each joint vocational school district according to the following formula:

\[
\frac{\text{The school district's average taxable value}}{\text{the school district's formula ADM calculated under section 3317.03 of the Revised Code for the previous fiscal year}}
\]

For purposes of this calculation:

(a) "Average taxable value" means the average of the amounts certified for a school district in the second, third, and fourth preceding tax years under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

(b) "Formula ADM" has the same meaning as defined in section 3317.02 of the Revised Code.

(2) Calculate for each school district the three-year average of the valuations per pupil calculated for the school district for the current and two preceding fiscal years;
(3) Rank all joint vocational school districts in order from the school district with the lowest three-year average valuation per pupil to the school district with the highest three-year average valuation per pupil;

(4) Divide the ranking under division (A)(3) of this section into percentiles with the first percentile containing the one percent of school districts having the lowest three-year average valuations per pupil and the one-hundredth percentile containing the one percent of school districts having the highest three-year average valuations per pupil;

(5) Certify the information described in divisions (A)(1) to (4) of this section to the Ohio school facilities construction commission.

(B) The commission annually shall select school districts for assistance under sections 3318.40 to 3318.45 of the Revised Code in the order of the school districts' three-year average valuations per pupil such that the school district with the lowest three-year average valuation per pupil shall be given the highest priority for assistance.

(C) Each joint vocational school district's portion of the basic project cost of the school district's project under sections 3318.40 to 3318.45 of the Revised Code shall be one per cent times the percentile in which the district ranks, except that no school district's portion shall be less than twenty-five per cent or greater than ninety-five per cent of the basic project cost.

Sec. 3318.43. Each year for twenty-three successive years after the commencement of a joint vocational school district's project under sections 3318.40 to 3318.45 of the Revised Code, the board of education of that school district shall deposit into a separate maintenance account or into the school district's capital and maintenance fund established under section 3315.18 of the
Revised Code, school district moneys dedicated to maintenance of the classroom facilities acquired under sections 3318.40 to 3318.45 of the Revised Code in an amount equal to one and one-half of one per cent of the current insurance value of the classroom facilities acquired under the project, which value shall be subject to the approval of the Ohio school facilities construction commission.

Sec. 3318.46. By rule adopted in accordance with section 111.15 of the Revised Code, the Ohio school facilities construction commission shall establish a program whereby the board of education of any joint vocational school district may enter into an agreement with the commission under which the board may proceed with the new construction or major repairs of a part of the school district's classroom facilities needs, as determined under sections 3318.40 to 3318.45 of the Revised Code, through the expenditure of local resources prior to the school district's eligibility for state assistance under sections 3318.40 to 3318.45 of the Revised Code. The program shall be structured in a manner similar to the program established under section 3318.36 of the Revised Code. The program shall be operational on July 1, 2004.

Sec. 3318.48. (A) When all of the following have occurred, a project undertaken by a school district pursuant to this chapter shall be considered complete and the Ohio school facilities construction commission shall issue a certificate of completion to the district board of education:

(1) All facilities to be constructed under the project, as specified in the project agreement entered into under section 3318.08 of the Revised Code, have been completed and the board has received a permanent certificate of occupancy for each of those facilities.
(2) The commission has issued certificates of contract completion on all prime construction contracts entered into by the board under section 3318.10 of the Revised Code.

(3) The commission has completed a final accounting of the district's project construction fund and has determined that all payments from the fund were made in compliance with all policies of the commission.

(4) Any litigation concerning the project has been finally resolved with no chance of appeal.

(5) All construction management services typically provided by the commission to school districts have been delivered and the commission has canceled any remaining encumbrance of funds for those services.

(B) The commission may issue a certificate of completion to a district board prior to all of the conditions described in division (A) of this section being satisfied, if the commission determines that the circumstances preventing the conditions from being satisfied are so minor in nature that the project should be considered complete. When issuing a certificate of completion under this division, the commission may specify any of the following:

(1) Any construction or work that has yet to be completed and the manner in which the board shall oversee its completion, which may include procedures for reporting progress to the commission and for accounting of expenditures;

(2) Terms and conditions for the resolution of any pending litigation;

(3) Any remaining responsibilities of the construction manager regarding the project.

(C) The commission may issue a certificate of completion to a
district board that does not voluntarily participate in the
process of closing out the district's project, if the construction
manager for the project verifies that all facilities to be
constructed under the project, as specified in the project
agreement entered into under section 3318.08 of the Revised Code,
have been completed and the commission determines that those
facilities have been occupied for at least one year. In that case,
all funds due to the commission under division (C) of section
3318.12 of the Revised Code shall be returned to the commission
not later than thirty days after receipt of the certificate of
completion. If the funds due to the commission have not been
returned within sixty days after receipt of the certificate of
completion, the auditor of state shall issue a finding for
recovery against the school district and shall request legal
action under section 117.42 of the Revised Code.

(D) Upon issuance of a certificate of completion under this
section, the commission's ownership of and interest in the
project, as specified in division (F) of section 3318.08 of the
Revised Code, shall cease. This cessation shall not alter or
otherwise affect the state's or commission's interest in the
project or any limitations on the use of the project as specified
in the project agreement pursuant to divisions (G), (M), and (N)
of that section or as specified in section 3318.16 of the Revised
Code.

Sec. 3318.49. (A) The corrective action program is hereby
established to provide funding for the correction of work, in
connection with a project funded under sections 3318.01 to 3318.20
or sections 3318.40 to 3318.45 of the Revised Code, that is found
after occupancy of the facility to be defective or to have been
omitted.

(B) The Ohio school facilities construction commission may
provide funding under this section only if the school district notifies the executive director of the commission of the defective or omitted work within five years after occupancy of the facility for which the district seeks the funding.

(C) The commission shall establish procedures and deadlines for school districts to follow in applying for assistance under this section. The procedures shall include definitions of "defective" and "omitted," and shall require that remediation efforts focus first on engaging the respective contractors that designed and constructed the areas that have design or construction-related issues. The commission shall consider applications on a case-by-case basis, taking into account the amount of money appropriated and available for purposes of this section.

(D) The commission may provide funding assistance necessary to take corrective measures after evaluating the defective or omitted work.

(1) If the work to be corrected or remediated is part of a project not yet completed, the commission may amend the project agreement to increase the project budget and use corrective action funding to provide the state portion of the amendment. If the work to be corrected or remediated is part of a completed project and funds were retained or transferred pursuant to division (C) of section 3318.12 of the Revised Code, the commission may enter into a new agreement to address the corrective action.

(2) Whether or not the project is completed, the district shall contribute a portion of the cost of the corrective action, to be determined in accordance with section 3318.032 of the Revised Code or, if the district is a joint vocational school district, section 3318.42 of the Revised Code. A district that is unable to provide its portion so that remediation can proceed may apply to the commission for additional assistance under section
3318.042 of the Revised Code.

(E) The commission shall assess responsibility for the defective or omitted work and seek cost recovery from responsible parties, if applicable. Any recovery of the expense of remediation shall be applied first to the district portion of the cost of the corrective action. Any remaining funds shall be applied to the state portion and deposited into the school building program assistance fund established under section 3318.25 of the Revised Code.

Sec. 3318.50. (A) As used in this section and in section 3318.52 of the Revised Code, "classroom facilities" means buildings, land, grounds, equipment, and furnishings used by a community school in furtherance of its mission and contract entered into by the school's governing authority under Chapter 3314. of the Revised Code.

(B) There is hereby established the community school classroom facilities loan guarantee program. Under the program, the Ohio school facilities construction commission may guarantee for up to fifteen years up to eighty-five per cent of the sum of the principal and interest on a loan made to the governing authority of a community school established under Chapter 3314. of the Revised Code for the sole purpose of assisting the governing authority in acquiring, improving, or replacing classroom facilities for the community school by lease, purchase, remodeling of existing facilities, or any other means including new construction.

The commission shall not make any loan guarantee under this section unless the commission has determined both that the applicant is creditworthy and that the classroom facilities that have been acquired, improved, or replaced under the loan meet applicable health and safety standards established by law for
school buildings or those facilities that will be acquired, improved, or replaced under the loan will meet such standards.

The commission shall not guarantee any loan under this section unless the loan is obtained from a financial institution regulated by the United States or this state.

(C) At no time shall the commission exceed an aggregate liability of ten million dollars to repay loans guaranteed under this section.

(D) Any payment made to a lending institution as a result of default on a loan guaranteed under this section shall be made from moneys in the community school classroom facilities loan guarantee fund established under section 3318.52 of the Revised Code.

(E) The commission may assess a fee of up to five hundred dollars for each loan guaranteed under this section.

(F) Not later than ninety days after September 5, 2001, the commission shall adopt rules that prescribe loan standards and procedures consistent with this section that are designed to protect the state's interest in any loan guaranteed by this section and to ensure that the state has a reasonable chance of recovering any payments made by the state in the event of a default on any such loan.

Sec. 3318.60. (A) As used in this section and section 3318.61 of the Revised Code:

(1) "Acquisition of classroom facilities" means constructing, reconstructing, repairing, or making additions to classroom facilities.

(2) "Ohio school facilities construction commission" and "classroom facilities" have the same meanings as in section 3318.01 of the Revised Code.

(B) There is hereby established the college-preparatory...
boarding school facilities program. Under the program, the Ohio
school facilities construction commission shall provide assistance
to the boards of trustees of college-preparatory boarding schools
established under Chapter 3328. of the Revised Code for the
acquisition of classroom facilities.

(C) The program shall comply with sections 3318.01 to 3318.20
of the Revised Code, except as follows:

(1) The commission, in consultation with the board of
trustees of a college-preparatory boarding school, shall determine
the basic project cost based on all campus facilities needed for
the school's programs and operations and shall take into account
any unique spaces or square footages needed for such facilities
when calculating the basic project cost. Regardless of the
inclusion of nonclassroom facilities in the calculation of the
basic project cost, state funds provided under the program shall
be used only to pay for the acquisition of classroom facilities
that do not exceed the construction and design standards
established by the commission.

(2) To be eligible for assistance under the program, the
board of trustees of a college-preparatory boarding school shall
secure at least twenty million dollars of private money to satisfy
its share of the basic project cost. Funds provided by the board
may be used for any type of facility.

(3) A college-preparatory boarding school shall not be
included in the ranking required by section 3318.011 of the
Revised Code. The commission shall initiate procedures for the
school's project when the contract required by section 3328.12 of
the Revised Code has been executed.

(4) No requirement related to the issuance of bonds or
securities or the levying of taxes by a school district shall
apply to a college-preparatory boarding school or its board of
trustees.

(5) The agreement entered into by the commission with the board of trustees of a college-preparatory boarding school under section 3318.08 of the Revised Code shall provide for termination of the contract and release of the funds encumbered at the time of the project's conditional approval, if the board fails to secure the amount specified in division (C)(2) of this section within such period after the execution of the agreement as may be fixed by the commission.

(D) Within the ninety-day period immediately following the effective date of this section September 29, 2011, the commission shall adopt rules necessary for the implementation and administration of the program.

Sec. 3318.61. (A) In lieu of participating in the college-preparatory boarding school facilities program under section 3318.60 of the Revised Code, if the board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code has leased, purchased, or otherwise acquired a site for the school, the board of trustees may request approval from the Ohio school facilities construction commission for the board of trustees and the commission to enter into an agreement with a person or entity for the development of the site, under which agreement all of the following shall occur:

(1) The board of trustees will lease the site and any facilities located on that site to the person or entity for the purpose of enabling the person or entity to provide the campus facilities needed for the school's programs and operations by constructing new facilities on the site; reconstructing, repairing, or making additions to the existing facilities on the site; or both.

(2) The person or entity will lease the site and any new or
existing facilities located on that site back to the board of trustees for use by the school.

(3) The commission will pay the board of trustees state funds for the cost of acquisition of classroom facilities on the site and the board of trustees will use those funds to make rent payments on the lease provided by the person or entity. As agreed to by the commission and the board of trustees, the commission may pay the state funds to the board of trustees in periodic installments or as one lump sum in an amount equal to the outstanding balance on the lease for classroom facilities.

(B) The commission shall approve the request of the board of trustees under division (A) of this section only if the following conditions are satisfied:

(1) The person or entity that would be party to the agreement submits to the board of trustees and the commission a plan for developing the site that includes the following:

(a) Provision for installation of site utilities that meet the requirements of all applicable laws;

(b) A description of the facilities that will be constructed, reconstructed, repaired, or added to and their total square footage;

(c) A description of how the facilities will enable the board of trustees to provide the educational program described in section 3328.22 of the Revised Code;

(d) Provision for securing property and liability insurance for the facilities;

(e) A description of how the development of the site will be financed by the person or entity;

(f) The length of the lease that the person or entity will offer the board of trustees, which shall not exceed forty years,
and the monthly rent that will be owed to the person or entity for that lease.

(2) The commission determines that the plan submitted under division (B)(1) of this section is satisfactory and will meet the needs of the students enrolled in the school and that the classroom facilities described in the plan do not exceed the construction and design standards established by the commission.

(3) The person or entity that would be party to the agreement has demonstrated financial responsibility to the satisfaction of the commission.

(4) The commission, in consultation with the board of trustees, determines that it is in the best interest of the school for the board of trustees and the commission to enter into the agreement.

(C) Upon approval of the commission, the board of trustees and the commission may enter into an agreement with the person or entity for development of the site in accordance with this section. The agreement shall include the following:

(1) A requirement that development of the site begin not later than eighteen months after the agreement is executed and proceed according to a schedule specified in the agreement;

(2) A stipulation that failure of the person or entity developing the site to comply with the schedule shall be grounds for termination of the agreement;

(3) A provision specifying which party to the agreement owns the facilities located on the site if the school closes prior to the expiration of the agreement and a provision indicating the period of time after the school's closure, if any, during which rent payments will continue to be paid to the person or entity developing the site.
Sec. 3318.62. Any agreement between the Ohio school facilities construction commission and the board of trustees of a college-preparatory boarding school to provide facilities assistance under section 3318.60 or 3318.61 of the Revised Code shall include the following stipulations:

(A) If the school ceases its operations, the school's board of trustees may permit the classroom facilities to be used for only an alternative public purpose, including, but not limited to, primary, secondary, vocational, or higher education services.

(B) If the school ceases its operations due to either the failure of the school's operator to comply with any of the requirements of the contract prescribed under section 3328.12 of the Revised Code or the default by the school's board of trustees on an underlying leasehold or mortgage agreement, the school's board of trustees shall return to the commission the unamortized portion of the state funds provided to the board of trustees under this chapter, based on a straight-line depreciation over the first eighteen years of occupancy. However, if, within twenty-four months after the school's cessation from operation, the classroom facilities of a college-preparatory boarding school are used for an alternative public purpose as prescribed by division (A) of this section, no return of funds by the board of trustees under this division shall be required.

Sec. 3318.70. (A) As used in this section:

(1) "Acquisition of classroom facilities" has the same meaning as in section 3318.40 of the Revised Code.

(2) "Classroom facilities" has the same meaning as in section 3318.01 of the Revised Code.

(3) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the
Revised Code that is not governed by a single school district board of education, as prescribed by section 3326.51 of the Revised Code.

(B) The Ohio school facilities construction commission shall establish guidelines for assisting STEM schools in the acquisition of classroom facilities.

(C) Upon receipt of a written proposal by the governing body of a STEM school, the commission, subject to approval of the controlling board, shall provide funding to assist that STEM school in the acquisition of classroom facilities. The proposal of the governing body shall be submitted in a form and in the manner prescribed by the commission. The proposal shall indicate both the total amount of funding requested from the commission and the amount of other funding pledged for the acquisition of the classroom facilities, the latter of which shall not be less than the total amount of funding requested from the commission. Once the commission determines a proposal meets its established guidelines and if the controlling board approves that funding, the commission shall enter into an agreement with the governing body for the acquisition of the classroom facilities and shall encumber, in accordance with section 3318.11 of the Revised Code, the approved funding from the amounts appropriated to the commission for classroom facilities assistance projects. The agreement shall include a stipulation of the ownership of the classroom facilities in the event the STEM school permanently closes at any time.

(D) In the case of the governing body of a group of STEM schools, as prescribed by section 3326.031 of the Revised Code, the governing body shall submit a proposal for each school under its direction separately, and the commission shall consider each proposal separately.
Sec. 3318.71. (A) As used in this section:

(1) "Acquisition of classroom facilities" has the same meaning as in section 3318.40 of the Revised Code.

(2) "Classroom facilities" has the same meaning as in section 3318.01 of the Revised Code.

(3) "Qualifying partnership" means a group of city, exempted village, or local school districts that are part of a career-technical education compact and have entered into an agreement for joint or cooperative establishment and operation of a science, technology, engineering, and mathematics education program under section 3313.842 of the Revised Code. The aggregate territory of the school districts composing a qualifying partnership shall be located in two adjacent counties, each having a population greater than forty thousand, but less than fifty thousand, and at least one of which borders another state.

(B) The Ohio school facilities construction commission shall establish guidelines for assisting a qualifying partnership in the acquisition of classroom facilities to be used for a joint science, technology, engineering, and mathematics education program.

(C) Upon receipt of a written proposal from a qualifying partnership, the commission, subject to approval of the controlling board, shall provide funding to assist that qualifying partnership in the acquisition of classroom facilities described in division (B) of this section. The proposal of the qualifying partnership shall be submitted in a form and in the manner prescribed by the commission. The proposal shall indicate both the total amount of funding requested from the commission and the amount of other funding pledged for the acquisition of the classroom facilities, the latter of which shall not be less than the total amount of funding requested from the commission. Once
the commission determines a proposal meets its established
guidelines, and if the controlling board approves that funding,
the commission shall enter into an agreement with the qualifying
partnership for the acquisition of the classroom facilities and
shall encumber, in accordance with section 3318.11 of the Revised
Code, the approved funding from the amounts appropriated to the
commission for classroom facilities assistance projects. The
agreement shall include a stipulation of the ownership of the
classroom facilities in the event the qualifying partnership
ceases to exist.

(D) A qualifying partnership may levy taxes and issue bonds
under section 5705.2112 or 5705.2113 of the Revised Code to use
for all or part of the funding pledged for the acquisition of
classroom facilities under division (C) of this section. If a
qualifying partnership chooses to levy taxes or issue bonds for
this purpose, it shall select one of the districts that is a
member of the qualifying partnership to be the fiscal agent of the
qualifying partnership for purposes of those sections.

**Sec. 3319.229.** (A)(1) Notwithstanding the repeal of former
section 3319.229 of the Revised Code by this act, the state board
of education shall accept applications for new, and for renewal
of, professional career-technical teaching licenses through June
30, 2018, and issue them on the basis of the applications received
by that date in accordance with the rules described in that former
section. Except as otherwise provided in divisions (A)(2) and (3)
of this section, beginning July 1, 2018, the state board shall
issue career-technical educator licenses only under this section.

(2) An individual who, on July 1, 2018, holds a professional
career-technical teaching license issued under the rules described
in former section 3319.229 of the Revised Code, may continue to
renew that license in accordance with those rules for the
remainder of the individual's teaching career. However, nothing in this division shall be construed to prohibit the individual from applying to the state board for a career-technical educator license under this section.

(3) An individual who, on July 1, 2018, holds an alternative resident educator license for teaching career-technical education issued under section 3319.26 of the Revised Code may, upon the expiration of the license, apply for a professional career-technical teaching license issued under the rules described in former section 3319.229 of the Revised Code. Such an individual may continue to renew the professional license in accordance with those rules for the remainder of the individual's teaching career. However, nothing in this division shall be construed to prohibit the individual from applying to the state board for a career-technical educator license under this section.

(B) The state board, in collaboration with the chancellor of higher education, shall adopt rules establishing standards and requirements for obtaining a two-year career-technical educator level I license and a five-year career-technical educator level II license. Each license shall be valid for teaching career-technical education or workforce development programs in grades seven through twelve. The rules shall require applicants for either license to have a high school diploma.

(C)(1) The state board shall issue a career-technical educator level I license to an applicant upon request from the superintendent of a school district that has agreed to employ the applicant. In making the request, the superintendent shall provide documentation showing that the applicant has at least five years of work experience in the subject area in which the applicant will teach. If the applicant will teach any course that is part of a program resulting in an industry-recognized credential for students completing the program, the superintendent also shall
provide verification that the applicant holds the applicable credential. The license shall be valid for teaching only in the requesting district.

(2) The holder of a career-technical educator level I license, as a condition of continuing to hold the license, shall participate in a program offered by an institution of higher education that meets all of the following criteria:

(a) Is approved by the chancellor and the department of education to provide instruction in teaching methods and principles;

(b) Provides classroom support to the license holder;

(c) Includes at least three semester hours of coursework in the teaching of reading in the subject area;

(d) Is aligned with career-technical education and workforce development competencies developed by the department;

(e) Uses a summative performance-based assessment developed by the program and aligned to the competencies described in division (C)(2)(d) of this section to evaluate the license holder's knowledge and skills.

(3) The state board shall renew a career-technical educator level I license if the supervisor of the program described in division (C)(2) of this section and the superintendent of the employing school district indicate that the applicant is making sufficient progress in both the program and the teaching position.

(D) The state board shall issue a career-technical educator level II license to an applicant who has successfully completed the program described in division (C)(2) of this section, as indicated by the supervisor of the program, and who demonstrates mastery of the career-technical education and workforce development competencies described in division (C)(2)(d) of this
section in the teaching position, as indicated by the superintendent of the employing school district.

(E) The holder of a career-technical educator level II license shall work with a local professional development committee established under section 3319.22 of the Revised Code in meeting requirements for renewal of the license.

Sec. 3319.236. Beginning September 1, 2018, the state board of education's rules for the renewal of educator licenses shall require each applicant for renewal of a license to complete an on-site work experience with a local business or chamber of commerce as a condition of renewal. Work experience obtained pursuant to this section shall count toward any required continuing education. Each local professional development committee established under section 3319.22 of the Revised Code shall work with its teachers to identify local work experience opportunities that meet the requirements of this section.

Sec. 3319.271. (A) The superintendent of public instruction shall appoint three incorporators who are knowledgeable about the administration of public schools and about the operation of nonprofit corporations in Ohio.

(B) The incorporators shall do whatever is necessary and proper to set up a nonprofit corporation under Chapter 1702. of the Revised Code. The articles of incorporation, in addition to meeting the requirements of section 1702.04 of the Revised Code, shall set forth the following provisions:

(1) That the nonprofit corporation is to create and implement a pilot program that provides an alternative path for individuals to receive training and development in the administration of primary and secondary education and leadership, that will enable these individuals to earn a degree in public school
administration, that will enable these individuals to obtain licenses in public school administration, and that promotes the placement of these individuals in public schools that have a poverty percentage greater than fifty per cent;

(2) That the board of directors are to establish criteria for program costs, participant selection, and continued participation, and metrics to document and measure pilot program activities;

(3) That the name of the nonprofit corporation is "bright new leaders for Ohio schools;"

(4) That the board of directors is to consist of the following eleven eight directors:

(a) The governor or the governor's designee;

(b) The superintendent of public instruction, or the superintendent's designee;

(c) The chancellor of higher education, or the chancellor's designee;

(d) Four individuals to represent major business enterprises in Ohio;

(e) Two individuals appointed by the speaker of the house of representatives, one of whom shall be an active duty or retired military officer;

(f) Two individuals appointed by the president of the senate, one of whom shall be a current or retired teacher or principal.

The dean of the Ohio state university fisher college of business and the dean of the Ohio state university college of education and human ecology are to serve as ex-officio nonvoting members of the board.

The individuals on the board who represent major business enterprises in Ohio are to be appointed by a statewide
organization selected by the governor. The organization is to be nonpartisan and consist of chief executive officers of major corporations organized in Ohio.

(5) That the board is to elect a chairperson from among its members, and is to appoint a president of the corporation;

(6) That the president of the corporation, subject to the approval of the board, is to enter into a contract with the Ohio state university fisher college of business. Under the contract, the college is to provide oversight to the corporation and is to provide the corporation with office space, and with office furniture and equipment, as is necessary for the corporation successfully to fulfill its duties.

(7) That the overhead expenses of the corporation are not to exceed fifteen per cent of the annual budget of the corporation;

(8) That the president is to apply for, and is to receive and accept, grants, gifts, bequests, and contributions from private sources;

(9) That the corporation is to submit an annual report to the general assembly and governor beginning December 31, 2013;

(10) That state financial support for the corporation shall cease on June 30, 2018.

Sec. 3326.01. (A) As used in this chapter:

(1) "STEM" is an abbreviation of "science, technology, engineering, and mathematics."

(2) "STEAM" is an abbreviation of "science, technology, engineering, arts, and mathematics."

(B)(1) A science, technology, engineering, arts, and mathematics school shall be considered a type of science, technology, engineering, and mathematics school.
(2) A STEAM school equivalent shall be considered to be a type of STEM school equivalent.

(3) A STEAM program of excellence shall be considered to be a type of STEM program of excellence.

(C)(1) Any reference to a STEM school or science, technology, engineering, and mathematics school in the Revised Code shall be considered to include a STEAM school, unless the context specifically indicates a different meaning or intent. All provisions of the Revised Code applicable to a STEM school shall apply to a STEAM school in the same manner, except as otherwise provided in this chapter.

(2) Any reference to a STEM school equivalent in the Revised Code shall be considered to include a STEAM school equivalent, unless the context specifically indicates a different meaning or intent. All provisions of the Revised Code applicable to a STEM school equivalent shall apply to a STEAM school equivalent in the same manner, except as otherwise provided in this chapter.

(3) Any reference to a STEM program of excellence in the Revised Code shall be considered to include a STEM program of excellence, unless the context specifically indicates a different meaning or intent. All provisions of the Revised Code applicable to a STEM program of excellence shall apply to a STEAM program of excellence in the same manner, except as otherwise provided in this chapter.

Sec. 3326.03. (A) The STEM committee shall authorize the establishment of and award grants to science, technology, engineering, and mathematics schools based on proposals submitted to the committee.

The committee shall determine the criteria for proposals, establish procedures for the submission of proposals, accept and
evaluate proposals, and choose which proposals to approve to 32872
become a STEM school. In approving proposals for STEM schools, the 32873
cardinat shall consider locating the schools in diverse 32874
geographic regions of the state so that all students have access 32875
to a STEM school.

The committee shall seek technical assistance from the Ohio 32877
STEM learning network, or its successor, throughout the process of 32878
accepting and evaluating proposals and choosing which proposals to 32879
approve. In approving proposals for STEM schools, the committee 32880
shall consider the recommendations of the Ohio STEM learning 32881
network, or its successor.

The committee may authorize the establishment of a group of 32883
multiple STEM schools to operate from multiple facilities located 32884
in one or more school districts under the direction of a single 32885
governing body in the manner prescribed by section 3326.031 of the 32886
Revised Code. The committee shall consider the merits of each of 32887
the proposed STEM schools within a group and shall authorize each 32888
school separately. Anytime after authorizing a group of STEM 32889
schools to be under the direction of a single governing body, upon 32890
a proposal from the governing body, the committee may authorize 32891
one or more additional schools to operate as part of that group.

The STEM committee may approve one or more STEM schools to 32893
serve only students identified as gifted under Chapter 3324. of 32894
the Revised Code.

(B) Proposals may be submitted only by a partnership of 32895
public and private entities consisting of at least all of the 32896
following:

(1) A city, exempted village, local, or joint vocational 32897
school district or an educational service center;

(2) Higher education entities;

(3) Business organizations.
A community school established under Chapter 3314. of the Revised Code, a chartered nonpublic school, or both may be part of the partnership.

(C) Each proposal shall include at least the following:

1. Assurances that the STEM school or group of STEM schools will be under the oversight of a governing body and a description of the members of that governing body and how they will be selected;

2. Assurances that each STEM school will operate in compliance with this chapter and the provisions of the proposal as accepted by the committee;

3. Evidence that each school will offer a rigorous, diverse, integrated, and project-based curriculum to students in any of grades kindergarten through twelve, with the goal to prepare those students for college, the workforce, and citizenship, and that does all of the following:

   a. Emphasizes the role of science, technology, engineering, and mathematics in promoting innovation and economic progress;

   b. Incorporates scientific inquiry and technological design;

   c. Includes the arts and humanities. If the proposal is for a STEAM school, it also shall include evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention.

   d. Emphasizes personalized learning and teamwork skills.

4. Evidence that each school will attract school leaders who support the curriculum principles of division (C)(3) of this section;

5. A description of how each school's curriculum will be
developed and approved in accordance with section 3326.09 of the Revised Code;

(6) Evidence that each school will utilize an established capacity to capture and share knowledge for best practices and innovative professional development with the Ohio STEM learning network, or its successor;

(7) Evidence that each school will operate in collaboration with a partnership that includes institutions of higher education and businesses. If the proposal is for a STEAM school, it also shall include evidence that this partnership will include arts organizations.

(8) Assurances that each school has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. If the proposal is for a STEAM school, it also shall include assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations.

(9) A description of how each school's assets will be distributed if the school closes for any reason.

(D) If a STEM school wishes to become a STEAM school, it may change its existing proposal to include the items required under divisions (C)(3)(c), (C)(7), and (C)(8) of this section and submit the revised proposal to the STEM committee for approval.

Sec. 3326.032. (A) The STEM committee may grant a designation of STEM school equivalent to a community school established under Chapter 3314. of the Revised Code or to a chartered nonpublic school. In order to be eligible for this designation, a community school or chartered nonpublic school shall submit a proposal that satisfies the requirements of this section.
The committee shall determine the criteria for proposals, establish procedures for the submission of proposals, accept and evaluate proposals, and choose which proposals warrant a community school or chartered nonpublic school to be designated as a STEM school equivalent.

(B) A proposal for designation as a STEM school equivalent shall include at least the following:

1. Assurances that the community school or chartered nonpublic school submitting the proposal has a working partnership with both public and private entities, including higher education entities and business organizations. If the proposal is for a STEAM school equivalent, it also shall include evidence that this partnership includes arts organizations.

2. Assurances that the school submitting the proposal will operate in compliance with this section and the provisions of the proposal as accepted by the committee;

3. Evidence that the school submitting the proposal will offer a rigorous, diverse, integrated, and project-based curriculum to students in any of grades kindergarten through twelve, with the goal to prepare those students for college, the workforce, and citizenship, and that does all of the following:

   a. Emphasizes the role of science, technology, engineering, and mathematics in promoting innovation and economic progress;

   b. Incorporates scientific inquiry and technological design;

   c. Includes the arts and humanities. If the proposal is for a STEAM school equivalent, it also shall include evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention.
(d) Emphasizes personalized learning and teamwork skills.

(4) Evidence that the school submitting the proposal will attract school leaders who support the curriculum principles of division (B)(3) of this section;

(5) A description of how each school's curriculum will be developed and approved in accordance with section 3326.09 of the Revised Code;

(6) Evidence that the school submitting the proposal will utilize an established capacity to capture and share knowledge for best practices and innovative professional development;

(7) Assurances that the school submitting the proposal has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. If the proposal is for a STEAM school equivalent, it also shall include assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations.

(C)(1) A community school or chartered nonpublic school that is designated as a STEM school equivalent under this section shall not be subject to the requirements of Chapter 3326. of the Revised Code, except that the school shall be subject to the requirements of this section and to the curriculum requirements of section 3326.09 of the Revised Code.

Nothing in this section, however, shall relieve a community school of the applicable requirements of Chapter 3314. of the Revised Code. Nor shall anything in this section relieve a chartered nonpublic school of any provisions of law outside of this chapter that are applicable to chartered nonpublic schools.

(2) A community school or chartered nonpublic school that is designated as a STEM school equivalent under this section shall not be eligible for operating funding under sections 3326.31 to
3326.37, 3326.39 to 3326.40, and 3326.51 of the Revised Code.

(3) A community school or chartered nonpublic school that is designated as a STEM school equivalent under this section may apply for any of the grants and additional funds described in section 3326.38 of the Revised Code for which the school is eligible.

(D) If a community school or chartered nonpublic school that is designated as a STEM school equivalent under this section intends to close or intends to no longer be designated as a STEM school equivalent, it shall notify the STEM committee of that fact.

(E) If a community school or chartered nonpublic school that is designated as a STEM school equivalent wishes to be designated as a STEAM school equivalent, it may change its existing proposal to include the items required under divisions (B)(1), (B)(3)(c), and (B)(7) of this section and submit the revised proposal to the STEM committee for approval.

Sec. 3326.04. (A) The STEM committee shall award grants to support the operation of STEM programs of excellence to serve students in any of grades kindergarten through twelve through a request for proposals.

(B) Proposals may be submitted by any of the following:

(1) The board of education of a city, exempted village, or local school district;

(2) The governing authority of a community school established under Chapter 3314. of the Revised Code;

(3) The governing authority of a chartered nonpublic school.

(C) Each proposal shall demonstrate to the satisfaction of the STEM committee that the program meets at least the following standards:
(1) Unless the program is designed to serve only students identified as gifted under Chapter 3324. of the Revised Code, the program will serve all students enrolled in the district or school in the grades for which the program is designed.

(2) The program will offer a rigorous and diverse curriculum that is based on scientific inquiry and technological design, that emphasizes personalized learning and teamwork skills, and that will expose students to advanced scientific concepts within and outside the classroom. If the proposal is for a STEAM program of excellence, it also shall include evidence that the curriculum will integrate arts and design into the curriculum to foster creative thinking, problem-solving, and new approaches to scientific invention.

(3) Unless the program is designed to serve only students identified as gifted under Chapter 3324. of the Revised Code, the program will not limit participation of students on the basis of intellectual ability, measures of achievement, or aptitude.

(4) The program will utilize an established capacity to capture and share knowledge for best practices and innovative professional development.

(5) The program will operate in collaboration with a partnership that includes institutions of higher education and businesses. If the proposal is for a STEAM program of excellence, it also shall include evidence that this partnership includes arts organizations.

(6) The program will include teacher professional development strategies that are augmented by community and business partners.

(D) The STEM committee shall give priority to proposals for new or expanding innovative programs.

(E) If a STEM program of excellence wishes to become a STEAM program of excellence, it may change its existing proposal to
include the items required under divisions (C)(2) and (C)(5) of this section and submit the revised proposal to the STEM committee for approval.

**Sec. 3326.09.** Subject to approval by its governing body or governing authority, the curriculum of each science, technology, engineering, and mathematics school and of each community school or chartered nonpublic school that is designated as a STEM school equivalent under section 3326.032 of the Revised Code shall be developed by a team that consists of at least the school’s chief administrative officer, a teacher, a representative of the higher education institution that is a collaborating partner in the STEM school or school designated as a STEM school equivalent, and a member of the public with expertise in the application of science, technology, engineering, or mathematics. **In the case of a STEAM school or a STEAM school equivalent, the team also shall include an expert in the integration of arts and design into the STEM fields.**

**Sec. 3326.11.** Each science, technology, engineering, and mathematics school established under this chapter and its governing body shall comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391,
Sec. 3326.33. For each student enrolled in a science, technology, engineering, and mathematics school established under this chapter, on a full-time equivalency basis, the department of education annually shall deduct from the state education aid of a student's resident school district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code and pay to the school the sum of the following:

(A) An opportunity grant in an amount equal to the formula amount;

(B) The per pupil amount of targeted assistance funds calculated under division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, \( \times 0.25 \);

(C) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows:

(1) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;

(2) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;

(3) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;
(4) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;

(5) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;

(6) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.

(D) If the student is in kindergarten through third grade, $305, in fiscal year 2016, or $320, in fiscal year 2017;

(E) If the student is economically disadvantaged, an amount equal to the following:

\[272 \times \text{the resident district's economically disadvantaged index}\]

(F) Limited English proficiency funds, as follows:

(1) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;

(2) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;

(3) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.

(G) Career-technical education funds as follows:

(1) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;

(2) If the student is a category two career-technical education student, the amount specified in division (B) of section
3317.014 of the Revised Code;

(3) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;

(4) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;

(5) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.

Deduction and payment of funds under division (G) of this section is subject to approval under section 3317.161 of the Revised Code.

Sec. 3326.41. (A) For purposes of this section:

(1) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.

(2) "Four-year adjusted cohort graduation rate" has the same meaning as in section 3302.01 of the Revised Code.

(3) A science, technology, engineering, and mathematics school's "third-grade reading proficiency percentage" means the percentage of the school's students scoring at a proficient level of skill or higher on the third-grade English language arts assessment prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code for the immediately preceding school year, as reported on the school's report card under section 3302.03 of the Revised Code.

(B) In addition to the payments made under section 3326.33 of the Revised Code, the department of education shall annually pay to each science, technology, engineering, and mathematics school both of the following:
(1) A graduation bonus calculated according to the following formula:
The school's four-year adjusted cohort graduation rate on its most recent report card issued by the department under section 3302.03 of the Revised Code \( \times 0.075 \times \) the formula amount \( \times \) the number of the school's graduates reported to the department, in accordance with the guidelines adopted under section 3301.0714 of the Revised Code, for the same school year for which the most recent report card was issued.

(2) A third-grade reading bonus calculated according to the following formula:
The school's third-grade reading proficiency percentage \( \times 0.075 \times \) the formula amount \( \times \) the number of the school's students scoring at a proficient level or higher on the third-grade English language arts assessment prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code for the immediately preceding school year.

Sec. 3333.0414. (A) In accordance with Chapter 119. of the Revised Code, the chancellor of higher education shall adopt rules that require education preparation programs approved under section 3333.048 of the Revised Code to include instruction in opioid and other substance abuse prevention. The instruction shall be for all educator and other school personnel preparation programs for all content areas and grade levels.

(B) Instruction shall include all of the following:

(1) Information on the magnitude of opioid and other substance abuse;

(2) The role educators and other school personnel can play in educating students about the adverse effects of opioid and other substance abuse;
(3) Resources available to teach students about the consequences of opioid and substance abuse;

(4) Resources available to help fight and treat opioid abuse.

**Sec. 3333.0415.** Beginning in 2018, the chancellor of higher education, in collaboration with the department of education, shall prepare an annual report regarding the progress the state is making in increasing the percentage of adults in the state with a college degree, industry certificate, or other postsecondary credential to sixty-five per cent by the year 2025. The chancellor shall submit an electronic copy of the report to the governor, the president and minority leader of the senate, and speaker and minority leader of the house of representatives.

**Sec. 3333.051.** (A) The chancellor of higher education shall establish a program under which a community college established under Chapter 3354., technical college established under Chapter 3357., or state community college established under Chapter 3358. of the Revised Code may apply to the chancellor for authorization to offer applied bachelor's degree programs.

The chancellor may approve programs under this section that demonstrate all of the following:

(1) Evidence of an agreement between the college and a regional business or industry to train students in an in-demand field and to employ students upon their successful completion of the program;

(2) That the workforce need of the regional business or industry is in an in-demand field with long-term sustainability based upon data provided by the governor's office of workforce transformation;

(3) Supporting data that identifies the specific workforce need the program will address;
(4) The absence of a bachelor's degree program that meets the workforce need addressed by the proposed program that is offered by a state university or private college or university located within a thirty-mile radius of the proposed program as determined by the chancellor;

(5) Willingness of an industry partner to offer workplace-based learning and employment opportunities to students enrolled in the proposed program.

(B) Before approving a program under this section, the chancellor shall consult with the governor's office of workforce transformation, the inter-university council of Ohio, the Ohio association of community colleges, and the association of independent colleges and universities of Ohio, or any successor to those organizations.

(C) As used in this section:

(1) "Applied bachelor's degree" shall be defined by the chancellor.

(2) "Private college or university" means a nonprofit institution that holds a certificate of authorization pursuant to Chapter 1713. of the Revised Code.

(3) "State university" has the same meaning as in section 3345.011 of the Revised Code.

Sec. 3333.121. There is hereby established in the state treasury the state need-based financial aid reconciliation fund, which shall consist of refunds of instructional grant payments made pursuant to section 3333.12 of the Revised Code and refunds of state need-based financial aid payments made pursuant to section 3333.122 of the Revised Code state financial aid payments originally disbursed by the department of higher education for programs that the department is responsible for administering.
Revenues credited to the fund shall be used by the chancellor of higher education to pay to higher education institutions any outstanding obligations from the prior year owed for the Ohio instructional grant program and the Ohio college opportunity grant program state financial aid programs that are identified through the annual reconciliation and financial audit or through other means. Any amount in the fund that is in excess of the amount certified to the director of budget and management by the chancellor of higher education as necessary to reconcile prior year payments under the program shall be transferred to the general revenue fund.

Sec. 3333.122. (A) The chancellor of higher education shall adopt rules to carry out this section and as authorized under section 3333.123 of the Revised Code. The rules shall include definitions of the terms "resident," "expected family contribution," "full-time student," "three-quarters-time student," "half-time student," "one-quarter-time student," "state cost of attendance," and "accredited" for the purpose of those sections.

(B) Only an Ohio resident who meets both of the following is eligible for a grant awarded under this section:

(1) The resident has an expected family contribution of two thousand one hundred ninety or less;

(2) The resident enrolls in one of the following:

(a) An undergraduate program, or a nursing diploma program approved by the board of nursing under division (A)(5) of section 4723.06 of the Revised Code, at a state-assisted state institution of higher education, as defined in section 3345.12 of the Revised Code, that meets the requirements of Title VI of the Civil Rights Act of 1964;

(b) An undergraduate program, or a nursing diploma program
approved by the board of nursing under division (A)(5) of section 4723.06 of the Revised Code, at a private, nonprofit institution in this state holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code;

(c) An undergraduate program, or a nursing diploma program approved by the board of nursing under division (A)(5) of section 4723.06 of the Revised Code, at a career college in this state that holds a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code or at a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, if the program has a certificate of authorization pursuant to Chapter 1713. of the Revised Code.

(C)(1) The chancellor shall establish and administer a needs-based financial aid grants program based on the United States department of education's method of determining financial need. The program shall be known as the Ohio college opportunity grant program. The general assembly shall support the needs-based financial aid program by such sums and in such manner as it may provide, but the chancellor also may receive funds from other sources to support the program. If, for any academic year, the amounts available for support of the program are inadequate to provide grants to all eligible students, the chancellor shall do one of the following:

(a) Give preference in the payment of grants based upon expected family contribution, beginning with the lowest expected family contribution category and proceeding upward by category to the highest expected family contribution category;

(b) Proportionately reduce the amount of each grant to be awarded for the academic year under this section;

(c) Use an alternate formula for such grants that addresses
the shortage of available funds and has been submitted to and approved by the controlling board.

(2) The needs-based financial aid grant shall be paid to the eligible student through the institution in which the student is enrolled, except that no needs-based financial aid grant shall be paid to any person serving a term of imprisonment. Applications for the grants shall be made as prescribed by the chancellor, and such applications may be made in conjunction with and upon the basis of information provided in conjunction with student assistance programs funded by agencies of the United States government or from financial resources of the institution of higher education. The institution shall certify that the student applicant meets the requirements set forth in division (B) of this section. Needs-based financial aid grants shall be provided to an eligible student only as long as the student is making appropriate progress toward a nursing diploma or an associate or bachelor's degree. No student shall be eligible to receive a grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years. A grant made to an eligible student on the basis of less than full-time enrollment shall be based on the number of credit hours for which the student is enrolled and shall be computed in accordance with a formula adopted by rule issued by the chancellor. No student shall receive more than one grant on the basis of less than full-time enrollment.

(D)(1) Except as provided in divisions (D)(4) and (5) of this section, no grant awarded under this section shall exceed the total state cost of attendance.

(2) Subject to divisions (D)(1), (3), and (4), and (5) of this section, the amount of a grant awarded to a student under this section shall equal the student's remaining state cost of attendance after the student's Pell grant and expected family contribution are applied to the instructional and general charges.
for the undergraduate program. However, for students enrolled in a state university or college as defined in section 3345.12 of the Revised Code or a university branch, the chancellor may provide that the grant amount shall equal the student's remaining instructional and general charges for the undergraduate program after the student's Pell grant and expected family contribution have been applied to those charges, but, in no case, shall the grant amount for such a student exceed any maximum that the chancellor may set by rule.

(3) For a student enrolled for a semester or quarter in addition to the portion of the academic year covered by a grant under this section, the maximum grant amount shall be a percentage of the maximum specified in any table established in rules adopted by the chancellor as provided in division (A) of this section. The maximum grant for a fourth quarter shall be one-third of the maximum amount so prescribed. The maximum grant for a third semester shall be one-half of the maximum amount so prescribed.

(4) If a student is enrolled in a two-year institution of higher education and is eligible for an education and training voucher through the Ohio education and training voucher program that receives federal funding under the John H. Chafee foster care independence program, 42 U.S.C. 677, the amount of a grant awarded under this section may exceed the total state cost of attendance to additionally cover housing costs.

(5) For a student who is receiving federal veterans' benefits under the "All-Volunteer Force Educational Assistance Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans Educational Assistance Program," 38 U.S.C. 3301 et seq., or any successor program, the amount of a grant awarded under this section shall be applied toward the total state cost of attendance and the student's housing costs and living expenses. Living expenses shall include reasonable costs for room and board.
(E) No grant shall be made to any student in a course of study in theology, religion, or other field of preparation for a religious profession unless such course of study leads to an accredited bachelor of arts, bachelor of science, associate of arts, or associate of science degree.

(F)(1) Except as provided in division (F)(2) of this section, no grant shall be made to any student for enrollment during a fiscal year in an institution with a cohort default rate determined by the United States secretary of education pursuant to the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 20 U.S.C.A. 1085, as amended, as of the fifteenth day of June preceding the fiscal year, equal to or greater than thirty per cent for each of the preceding two fiscal years.

(2) Division (F)(1) of this section does not apply in the case of either of the following:

(a) The institution pursuant to federal law appeals its loss of eligibility for federal financial aid and the United States secretary of education determines its cohort default rate after recalculation is lower than the rate specified in division (F)(1) of this section or the secretary determines due to mitigating circumstances that the institution may continue to participate in federal financial aid programs. The chancellor shall adopt rules requiring any such appellant to provide information to the chancellor regarding an appeal.

(b) Any student who has previously received a grant pursuant to any provision of this section, including prior to the section's amendment by H.B. 1 of the 128th general assembly, effective July 17, 2009, and who meets all other eligibility requirements of this section.

(3) The chancellor shall adopt rules for the notification of all institutions whose students will be ineligible to participate
in the grant program pursuant to division (F)(1) of this section.

(4) A student's attendance at any institution whose students are ineligible for grants due to division (F)(1) of this section shall not affect that student's eligibility to receive a grant when enrolled in another institution.

(G) Institutions of higher education that enroll students receiving needs-based financial aid grants under this section shall report to the chancellor all students who have received such needs-based financial aid grants but are no longer eligible for all or part of those grants and shall refund any moneys due the state within thirty days after the beginning of the quarter or term immediately following the quarter or term in which the student was no longer eligible to receive all or part of the student's grant. There shall be an interest charge of one per cent per month on all moneys due and payable after such thirty-day period. The chancellor shall immediately notify the office of budget and management and the legislative service commission of all refunds so received.

Sec. 3333.45. (A) For purposes of this section, "eligible institution of higher education" means an institution of higher education that is created by the governors of several states. At least one of the governors of these states shall also be a member of the institution's board of trustees.

(B) The chancellor of higher education may enter into a partnership with an eligible institution of higher education for the purpose of providing competency-based education programs. The terms of the partnership may specify all of the following:

(1) The approval process for programs offered by the institution;

(2) The eligibility of students enrolled in the institution
for state student financial aid programs;

(3) Any articulation and transfer policies of the chancellor that apply to the institution;

(4) The reporting requirements for the institution;

(5) Any other requirements that the chancellor determines to be in the best interests of the state.

(C) Notwithstanding anything to the contrary in the Revised Code, an eligible institution of higher education that enters into a partnership with the chancellor under this section shall be designated as a state institution of higher education for the purpose of providing competency-based education programs. However, the institution shall not receive any state share of instruction funds appropriated to the department of higher education by the general assembly.

Sec. 3333.91. Not later than December 31, 2014, the The governor's office of workforce transformation, in collaboration with the chancellor of higher education, the superintendent of public instruction, and the department of job and family services, shall develop and submit to the appropriate federal agency a single, state unified plan required under the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et seq., which shall include the information required for the adult basic and literacy education program administered by the United States secretary of education, and the "Carl D. Perkins Vocational and Technical Education Act," 20 U.S.C. 2301, et seq., as amended, and the "Workforce Investment Act of 1998," 29 U.S.C. 2801, et seq., as amended. Following the plan's initial submission to the appropriate federal agency, the governor's office of workforce transformation may update it as necessary. If the plan is updated, the governor's office of workforce transformation shall submit the updated plan to the appropriate federal agency.
Sec. 3333.92. (A) As used in this section, "OhioMeansJobs web site" has the same meaning as in section 6301.01 of the Revised Code.

(B)(1) Beginning January 1, 2016, each participant in an adult basic and literacy education funded training or education program shall create an account with the OhioMeansJobs web site at the twelfth week of the program.

(2) Beginning January 1, 2016, each participant in an Ohio technical center funded training or education program shall create an account with the OhioMeansJobs web site at the time of enrollment in the program.

(C) Division (B) of this section does not apply to any individual who is legally prohibited from using a computer, has a physical or visual impairment that makes the individual unable to use a computer, or has a limited ability to read, write, speak, or understand a language in which the OhioMeansJobs web site is available.

Sec. 3333.94. (A) As used in this section:

(1) "In-demand job" has the same meaning as in section 3333.93 of the Revised Code.

(2) "Ohio technical center" means a center that provides adult technical education services and is recognized by the chancellor of higher education.

(3) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) Not later than January 1, 2018, the chancellor of higher education shall create an inventory of non-credit certificate programs and industry-recognized credentials offered at state institutions of higher education and Ohio technical centers that
align with in-demand jobs in the state.

When awarding funds from the OhioMeansJobs workforce development revolving loan fund established under section 6301.14 of the Revised Code, the chancellor shall give preference to non-credit certificate programs that support adult learners and are included in the inventory.

Sec. 3333.951. (A) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) Each state institution of higher education that is co-located with another state institution of higher education annually shall review best practices and shared services in order to improve academic and other services and reduce costs for students. Each state institution shall report its findings to the efficiency advisory committee established under section 3333.95 of the Revised Code. The committee shall include the information reported under this section in the committee's annual report.

Sec. 3333.98. (A) The college-ready program is hereby created to provide high school students with college-ready transitional courses. The college-ready program shall approve public and chartered nonpublic schools to provide courses for students who do not meet the remediation-free thresholds developed in division (B)(1) of this section and who need additional coursework to qualify to take courses to earn college credit while enrolled in high school and/or to be prepared for college upon graduation. The chancellor of higher education, in consultation with the superintendent of public instruction, shall administer the program.

(B) Not later than December 31, 2017, the chancellor and the superintendent of public instruction, or their designees, shall
convene a workgroup of faculty and administrators from both secondary schools and higher education institutions to develop one or more models for a college-ready program in mathematics.

The workgroup shall develop and make recommendations for the creation and implementation of the college-ready plan, including, but not limited to, the following:

(1) Recommend upper and lower score thresholds for student eligibility to participate in the program, based on national standardized test scores and state assessments required under section 3301.0712 of the Revised Code. In creating the thresholds, the workgroup shall use the remediation-free standards established under section 3345.061 of the Revised Code as a guide.

(2) Develop one or more additional instructional models for the program;

(3) Establish criteria for approving participating schools and institutions to provide instruction under the program;

(4) Recommend data collection and evaluation requirements;

(5) Recommend a timeline to develop models for additional subject areas, so that the models will be completed in time to meet the deadline prescribed by division (C) of this section.

(6) Develop an application and approval process for schools and institutions to offer college-ready courses using the models developed under this section.

(C) Not later than February 1, 2018, the chancellor, in consultation with the state superintendent, shall develop and publish all program requirements, deadlines, guidance, forms, documents, and procedures necessary to establish and administer the program.

(D) Public and chartered nonpublic schools with approved programs may offer college-ready courses beginning with the
2018-2019 school year.

(E) As used in this section:

(1) "Chartered nonpublic school" has the same meaning as in section 3310.01 of the Revised Code;

(2) "Public school" includes a school district or a school operated by a school district, a community school established under Chapter 3314., a STEM school established under Chapter 3326., and a college-preparatory boarding school established under Chapter 3328. of the Revised Code.

Sec. 3335.02. (A) The government of the Ohio state university shall be vested in a board of fourteen trustees in 2005, and seventeen trustees beginning in 2006, who shall be appointed by the governor, with the advice and consent of the senate. Two of the seventeen trustees shall be students at the Ohio state university, and their selection and terms shall be in accordance with division (B) of this section. Except as provided in division (D) of this section and except for the terms of student members, terms of office shall be for nine six years, commencing on the fourteenth day of May and ending on the thirteenth day of May. Each trustee shall hold office from the date of appointment until the end of the term for which the trustee was appointed. Any trustee appointed to fill a vacancy occurring prior to the expiration of the term for which the trustee's predecessor was appointed shall hold office for the remainder of such term. Any trustee shall continue in office subsequent to the expiration date of the trustee's term until the trustee's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. No person who has served a full nine-year term as a nonstudent member or more than six years two-thirds of such a term shall be eligible for reappointment until a period of four years has elapsed since the last day of the term for which the person
previously served. The trustees shall not receive compensation for their services, but shall be paid their reasonable necessary expenses while engaged in the discharge of their official duties.

(B) The student members of the board of trustees of the Ohio state university shall be students at the Ohio state university. Unless student members have been granted voting power under division (C) of this section, they shall have no voting power on the board, shall not be considered as members of the board in determining whether a quorum is present, and shall not be entitled to attend executive sessions of the board. The student members of the board shall be appointed by the governor, with the advice and consent of the senate, from a group of five candidates selected pursuant to a procedure adopted by the university's student governments and approved by the university's board of trustees. The initial term of office of one of the student members shall commence on May 14, 1988, and shall expire on May 13, 1989, and the initial term of office of the other student member shall commence on May 14, 1988, and expire on May 13, 1990. Thereafter, terms of office of student members shall be for two years, each term ending on the same day of the same month of the year as the term it succeeds commencing on the fourteenth day of May and ending on the thirteenth day of May. In the event a student member cannot fulfill a two-year term, a replacement shall be selected to fill the unexpired term in the same manner used to make the original selection.

(C) Not later than ninety days after the effective date of this amendment December 28, 2015, the board of trustees shall adopt a resolution that does one of the following:

(1) Grants the student members of the board voting power on the board. If so granted, in addition to having voting power, the student members shall be considered as members of the board in
determining whether a quorum is present and shall be entitled to
attend executive sessions of the board.

(2) Declares that student members do not have voting power on
the board.

Thereafter, the board may change the voting status of student
trustees by adopting a subsequent resolution. Each resolution
adopted under this division shall take effect on the fourteenth
day of May following the adoption of the resolution. All members
with voting power at the time of the adoption of a resolution may
vote on the resolution.

If student members are granted voting power under this
division, no student shall be disqualified from membership on the
board of trustees because the student receives a scholarship,
grant, loan, or any other financial assistance payable out of the
state treasury or a university fund, or because the student is
employed by the university in a position pursuant to a work-study
program or other student employment, including as a graduate
teaching assistant, graduate administrative assistant, or graduate
research assistant, the compensation for which is payable out of
the state treasury or a university fund.

Acceptance of such financial assistance or employment by a
student trustee shall not be considered a violation of Chapter
102. or section 2921.42 or 2921.43 of the Revised Code.

(D)(1) The initial terms of office for the three additional
trustees appointed in 2005 shall commence on a date in 2005 that
is selected by the governor with one term of office expiring on
May 13, 2009, one term of office expiring on May 13, 2010, and one
term of office expiring on May 13, 2011, as designated by the
governor upon appointment. Thereafter terms of office shall be for
nine years, as provided in division (A) of this section.

(2) The initial terms of office for the three additional
trustees appointed in 2006 shall commence on May 14, 2006, with
one term of office expiring on May 13, 2012, one term of office
expiring on May 13, 2013, and one term of office expiring on May
13, 2014, as designated by the governor upon appointment.
Thereafter terms of office shall be for nine years, as provided in
division (A) of this section. A nonstudent trustee who was
appointed under this section as it existed prior to the effective
date of this amendment shall serve for a nine-year term. A trustee
appointed to fill the vacancy of a nine-year term shall serve for
the remainder of that unexpired nine-year term. Except for a
nonstudent trustee appointed to fill a vacancy for an unexpired
nine-year term, terms of office for a nonstudent trustee appointed
on and after the effective date of this amendment shall be for six
years, as provided in division (A) of this section.

Sec. 3337.01. (A) The body politic and corporate by the name
and style of "The President and Trustees of the Ohio University"
now in the university instituted and established in Athens by the
name and style of "The Ohio University" shall consist of a board
of trustees composed of eleven members, who shall be appointed by
the governor, with the advice and consent of the senate. At least
five of the trustees who are not students shall be graduates of
Ohio university. Two of the trustees shall be students at Ohio
university, and their selection and terms shall be in accordance
with division (B) of this section. A majority of the board
constitutes a quorum. Except

Except as provided in division (C) of this section and except
for the terms of student members, terms of office shall be for
nine six years, commencing on the fourteenth day of May and ending
on the thirteenth day of May, except that upon expiration of the
term ending on May 14, 1978, the new term which succeeds it shall
commence on May 15, 1978 and end on May 13, 1987. Each member
shall hold office from the date of appointment until the end of
the term for which the member was appointed. Any member appointed
to fill a vacancy occurring prior to the expiration of the term
for which the member's predecessor was appointed shall hold office
for the remainder of such term. Any member shall continue in
office subsequent to the expiration date of the member's term
until the member's successor takes office, or until a period of
sixty days has elapsed, whichever occurs first. No person who has
served a full nine-year term as a nonstudent member or more than
six years two-thirds of such a term shall be eligible for
reappointment until a period of four years has elapsed since the
last day of the term for which the person previously served. Such
trustees shall receive no compensation for their services, but
shall be paid their actual and necessary expenses while engaged in
the discharge of their official duties.

(B) The student members of the board of trustees of the Ohio
university have no voting power on the board. Student members
shall not be considered as members of the board in determining
whether a quorum is present. Student members shall not be entitled
to attend executive sessions of the board. The student members of
the board shall be appointed by the governor, with the advice and
consent of the senate, from a group of five candidates selected
pursuant to a procedure adopted by the university's student
governments and approved by the university's board of trustees.
The initial term of office of one of the student members shall
commence on May 14, 1988 and shall expire on May 13, 1989, and the
initial term of office of the other student member shall commence
on May 14, 1988 and expire on May 13, 1990. Thereafter, terms
Terms of office of student members shall be for two years, each
term ending on the same day of the same month of the year as the
term it succeeds commencing on the fourteenth day of May and
ending on the thirteenth day of May. In the event that a student
member cannot fulfill the student member's two-year term, a
replacement shall be selected to fill the unexpired term in the
same manner used to make the original selection.

(C) A nonstudent trustee who was appointed under this section as it existed prior to the effective date of this amendment shall serve for a nine-year term. A trustee appointed to fill the vacancy of a nine-year term shall serve for the remainder of that unexpired nine-year term. Except for a nonstudent trustee appointed to fill a vacancy for an unexpired nine-year term, terms of office for a nonstudent trustee appointed on and after the effective date of this amendment shall be for six years, as provided in division (A) of this section.

Sec. 3339.01. (A) The government of Miami university shall be vested in eleven trustees, who shall be appointed by the governor with the advice and consent of the senate. Two of the trustees shall be students at Miami university, and their selection and terms shall be in accordance with division (B) of this section. A majority of the board constitutes a quorum. Except as provided in division (C) of this section and except for the terms of student members, terms of office shall be for nine six years, commencing on the first day of March and ending on the last day of February, except that upon expiration of the trustee term ending on March 1, 1974, the trustee term which succeeds it shall commence on March 2, 1974 and end on February 28, 1983; upon expiration of the trustee term ending on March 1, 1977, the trustee term which succeeds it shall commence on March 2, 1977 and end on February 28, 1986; upon expiration of the trustee term ending on March 1, 1978, the trustee term which succeeds it shall commence on March 2, 1978 and end on February 29, 1988. Each trustee shall hold office from the date of appointment until the end of the term.
for which the trustee was appointed. Any trustee appointed to fill a vacancy occurring prior to the end of the term for which the trustee's predecessor was appointed shall hold office for the remainder of such term. Any trustee shall continue in office subsequent to the expiration date of the trustee's term until a successor takes office, or until a period of sixty days has elapsed, whichever occurs first. No person who has served a full nine-year term as a nonstudent member or more than two-thirds of such a term shall be eligible for reappointment until a period of four years has elapsed since the last day of the term for which the person previously served. The trustees shall receive no compensation for their services but shall be paid their reasonable necessary expenses while engaged in the discharge of their official duties.

(B) The student members of the board of trustees of Miami university have no voting power on the board. Student members shall not be considered as members of the board in determining whether a quorum is present. Student members shall not be entitled to attend executive sessions of the board. The student members of the board shall be appointed by the governor, with the advice and consent of the senate, from a group of five candidates selected pursuant to a procedure adopted by the university's student governments and approved by the university's board of trustees. The initial term of office of one of the student members shall commence on March 1, 1988 and shall expire on February 28, 1989, and the initial term of office of the other student member shall commence on March 1, 1988 and expire on February 28, 1990. Thereafter, terms of office of student members shall be for two years, each term commencing on the first day of March and ending on the last day of February. In the event that a student member cannot fulfill the student member's two-year term, a replacement shall be selected to fill the unexpired term in the same manner used to make the original selection.
(C) A nonstudent trustee who was appointed under this section as it existed prior to the effective date of this amendment shall serve for a nine-year term. A trustee appointed to fill the vacancy of a nine-year term shall serve for the remainder of that unexpired nine-year term. Except for a nonstudent trustee appointed to fill a vacancy for an unexpired nine-year term, terms of office for a nonstudent trustee appointed on and after the effective date of this amendment shall be for six years, as provided in division (A) of this section.

Sec. 3341.02. (A) The government of Bowling Green state university is vested in a board of eleven trustees, who shall be appointed by the governor, with the advice and consent of the senate. Two of the trustees shall be students at Bowling Green state university, and their selection and terms shall be in accordance with division (B) of this section. A majority of the board constitutes a quorum. Except as provided in division (G) of this section and except for the terms of student members, terms of office shall be for nine six years, commencing on the seventeenth day of May and ending on the sixteenth day of May. No person who has served a full nine-year term as a nonstudent member or more than six years two-thirds of such a term shall be eligible for reappointment until a period of four years has elapsed since the last day of the term for which the person previously served.

(B) The student members of the board of trustees of Bowling Green state university have no voting power on the board. Student members shall not be considered as members of the board in determining whether a quorum is present. Student members shall not be entitled to attend executive sessions of the board. The student members of the board shall be appointed by the governor, with the advice and consent of the senate, from a group of five candidates
selected pursuant to a procedure adopted by the university's student governments and approved by the university's board of trustees. The initial term of office of one of the student members shall commence on March 17, 1988, and shall expire on March 16, 1989, and the initial term of office of the other student member shall commence on March 17, 1988, and expire on March 16, 1990. After September 22, 2000, terms of office shall commence on the seventeenth day of May and shall end on the sixteenth day of May. Terms of office of student members shall be for two years, each term ending on the same day of the same month of the year as the term it succeeds. In the event that a student member cannot fulfill the student member's two-year term, a replacement shall be selected in the manner used for the original selection to fill the unexpired term.

(C) The government of Kent state university is vested in a board of eleven trustees, who shall be appointed by the governor, with the advice and consent of the senate. Two of the trustees shall be students at Kent state university, and their selection and terms shall be in accordance with division (D) of this section. A majority of the board constitutes a quorum. Except for the terms of student members, terms of office shall be for nine six years, commencing on the seventeenth day of May and ending on the sixteenth day of May. No person who has served a full nine-year term as a nonstudent member or more than six years two-thirds of such a term shall be eligible for reappointment until a period of four years has elapsed since the last day of the term for which the person previously served.

(D) The student members of the board of trustees of Kent state university have no voting power on the board. Student members shall not be considered as members of the board in determining whether a quorum is present. Student members shall not
be entitled to attend executive sessions of the board. The student members of the board shall be appointed by the governor, with the advice and consent of the senate, from a group of five candidates selected pursuant to a procedure adopted by the university's student governments and approved by the university's board of trustees. The initial term of office of one of the student members shall commence on May 17, 1988, and shall expire on May 16, 1989, and the initial term of office of the other student member shall commence on May 17, 1988, and expire on May 16, 1990. Thereafter, terms of office of student members shall be for two years, each term ending on the same day of the same month of the year as the term it succeeds commencing on the seventeenth day of May and ending on the sixteenth day of May. In the event that a student member cannot fulfill the student member's two-year term, a replacement shall be selected to fill the unexpired term in the same manner used to make the original selection.

(E) The trustees shall receive no compensation for their services but shall be paid their reasonable necessary expenses while engaged in the discharge of their official duties.

(F) Each trustee shall hold office from the date of appointment until the end of the term for which the trustee was appointed. Any trustee appointed to fill a vacancy occurring prior to the expiration of the term for which the trustee's predecessor was appointed shall hold office for the remainder of such term. Any trustee shall continue in office subsequent to the expiration date of the trustee's term until a successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

(G) A nonstudent trustee who was appointed to the board of trustees of either university under this section as it existed prior to the effective date of this amendment shall serve for a nine-year term. A trustee appointed to fill the vacancy of a nine-year term shall serve for the remainder of that unexpired
nine-year term. Except for a nonstudent trustee appointed to fill a vacancy for an unexpired nine-year term, terms of office for a nonstudent trustee appointed on and after the effective date of this amendment shall be for six years, as provided in division (A) of this section.

Sec. 3343.02. (A) The government of Central state university shall be vested in a board of trustees to be known as "the board of trustees of the Central state university." Such board shall consist of eleven members who shall be appointed by the governor, with the advice and consent of the senate. Two of the trustees shall be students at Central state university, and their selection and terms shall be in accordance with division (B) of this section. A majority of the board constitutes a quorum. Except

Except as provided in division (C) of this section and except for the student members, terms of office shall be for nine six years, commencing on the first day of July and ending on the thirtieth day of June. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. No person who has served a full nine-year term as a nonstudent member or more than six years two-thirds of such a term shall be eligible for reappointment until a period of four years has elapsed since the last day of the term for which the person previously served.

(B) The student members of the board of trustees of Central state university have no voting power on the board. Student...
members shall not be considered as members of the board in
determining whether a quorum is present. Student members shall not
be entitled to attend executive sessions of the board. The student
members of the board shall be appointed by the governor, with the
advice and consent of the senate, from a group of five candidates
selected pursuant to a procedure adopted by the university's
student governments and approved by the university's board of
trustees. The initial term of office of one of the student members
shall commence on July 1, 1988 and shall expire on June 30, 1989,
and the initial term of office of the other student member shall
commence on July 1, 1988 and expire on June 30, 1990. Thereafter,
terms of office of student members shall be for two years,
each term ending on the same day of the same month of the year as
the term it succeeds commencing on the first day of July and
ending on the thirtieth day of June. In the event that a student
member cannot fulfill a two-year term, a replacement shall be
selected to fill the unexpired term in the same manner used to
make the original selection.

(C) A nonstudent trustee who was appointed under this section
as it existed prior to the effective date of this amendment shall
serve for a nine-year term. A trustee appointed to fill the
vacancy of a nine-year term shall serve for the remainder of that
unexpired nine-year term. Except for a nonstudent trustee
appointed to fill a vacancy for an unexpired nine-year term, terms
of office for a nonstudent trustee appointed on and after the
effective date of this amendment shall be for six years, as
provided in division (A) of this section.

Sec. 3344.01. (A) There is hereby created the Cleveland state
university. The government of the Cleveland state university is
vested in a board of eleven trustees, who shall be appointed by
the governor, with the advice and consent of the senate. Two of
the trustees shall be students at the Cleveland state university,
and their selection and terms shall be in accordance with division (B) of this section. Except as provided in division (C) of this section and except for the student members, terms of office shall be for nine years, commencing on the second day of May and ending on the first day of May. Each trustee shall hold office from the date of appointment until the end of the term for which the trustee was appointed. Any trustee appointed to fill a vacancy occurring prior to the expiration of the term for which the trustee's predecessor was appointed shall hold office for the remainder of such term. Any trustee shall continue in office subsequent to the expiration date of the trustee's term until the trustee's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. No person who has served a full nine-year term as a nonstudent member or more than six years of such a term shall be eligible for reappointment until a period of four years has elapsed since the last day of the term for which the person previously served. The trustees shall receive no compensation for their services but shall be paid their reasonable necessary expenses while engaged in the discharge of their official duties. A majority of the board constitutes a quorum.

(B) The student members of the board of trustees of the Cleveland state university have no voting power on the board. Student members shall not be considered as members of the board in determining whether a quorum is present. Student members shall not be entitled to attend executive sessions of the board. The student members of the board shall be appointed by the governor, with the advice and consent of the senate, from a group of five candidates selected pursuant to a procedure adopted by the university's student governments and approved by the university's board of trustees. The initial term of office of one of the student members shall commence on May 2, 1988 and shall expire on May 1, 1989, and
the initial term of office of the other student member shall commence on May 2, 1988 and expire on May 1, 1990. Thereafter, terms of office of student members shall be for two years, each term ending on the same day of the same month of the year as the term it succeeds commencing on the second day of May and ending on the first day of May. In the event that a student member cannot fulfill a two-year term, a replacement shall be selected to fill the unexpired term in the same manner used to make the original selection.

(C) A nonstudent trustee who was appointed under this section as it existed prior to the effective date of this amendment shall serve for a nine-year term. A trustee appointed to fill the vacancy of a nine-year term shall serve for the remainder of that unexpired nine-year term. Except for a nonstudent trustee appointed to fill a vacancy for an unexpired nine-year term, terms of office for a nonstudent trustee appointed on and after the effective date of this amendment shall be for six years, as provided in division (A) of this section.

**Sec. 3345.061.** (A) Ohio's two-year institutions of higher education are respected points of entry for students embarking on post-secondary careers and courses completed at those institutions are transferable to state universities in accordance with articulation and transfer agreements developed under sections 3333.16, 3333.161, and 3333.162 of the Revised Code.

(B) Beginning with undergraduate students who commence undergraduate studies in the 2014-2015 academic year, no state university listed in section 3345.011 of the Revised Code, except Central state university, Shawnee state university, and Youngstown state university, shall receive any state operating subsidies for any academic remedial or developmental courses for undergraduate students, including courses prescribed in division (C) of section
3313.603 of the Revised Code, offered at its main campus, except as provided in divisions (B)(1) to (4) of this section.

(1) In the 2014-2015 and 2015-2016 academic years, a state university may receive state operating subsidies for academic remedial or developmental courses completed at the main campus for not more than three per cent of the total undergraduate credit hours provided by the university at its main campus.

(2) In the 2016-2017 academic year, a state university may receive state operating subsidies for academic remedial or developmental courses completed at the main campus for not more than fifteen per cent of the first-year students who have graduated from high school within the previous twelve months and who are enrolled in the university at its main campus, as calculated on a full-time-equivalent basis.

(3) In the 2017-2018 academic year, a state university may receive state operating subsidies for academic remedial or developmental courses completed at the main campus for not more than ten per cent of the first-year students who have graduated from high school within the previous twelve months and who are enrolled in the university at its main campus, as calculated on a full-time-equivalent basis.

(4) In the 2018-2019 academic year, a state university may receive state operating subsidies for academic remedial or developmental courses completed at the main campus for not more than five per cent of the first-year students who have graduated from high school within the previous twelve months and who are enrolled in the university at its main campus, as calculated on a full-time-equivalent basis.

Each state university may continue to offer academic remedial and developmental courses at its main campus beyond the extent for which state operating subsidies may be paid under this division.
and may continue to offer such courses beyond the 2018-2019 academic year. However, the main campus of a state university shall not receive any state operating subsidies for such courses above the maximum amounts permitted in this division.

(C) Except as otherwise provided in division (B) of this section, beginning with students who commence undergraduate studies in the 2014-2015 academic year, state operating subsidies for academic remedial or developmental courses offered by state institutions of higher education may be paid only to Central state university, Shawnee state university, Youngstown state university, any university branch, any community college, any state community college, or any technical college.

(D) Each state university shall grant credit for academic remedial or developmental courses successfully completed at an institution described in division (C) of this section pursuant to any applicable articulation and transfer agreements the university has entered into in accordance with policies and procedures adopted under section 3333.16, 3333.161, or 3333.162 of the Revised Code.

(E) The chancellor of higher education shall do all of the following:

(1) Withhold state operating subsidies for academic remedial or developmental courses provided by a main campus of a state university as required in order to conform to divisions (B) and (C) of this section;

(2) Adopt uniform statewide standards for academic remedial and developmental courses offered by all state institutions of higher education;

(3) Encourage and assist in the design and establishment of academic remedial and developmental courses by institutions of higher education;
(4) Define "academic year" for purposes of this section and section 3345.06 of the Revised Code;

(5) Encourage and assist in the development of articulation and transfer agreements between state universities and other institutions of higher education in accordance with policies and procedures adopted under sections 3333.16, 3333.161, and 3333.162 of the Revised Code.

(F) Not later than December 31, 2012, the presidents, or equivalent position, of all state institutions of higher education, or their designees, jointly shall establish uniform statewide standards in mathematics, science, reading, and writing each student enrolled in a state institution of higher education must meet to be considered in remediation-free status. The presidents also shall establish assessments, if they deem necessary, to determine if a student meets the standards adopted under this division. Each institution is responsible for assessing the needs of its enrolled students in the manner adopted by the presidents. The board of trustees or managing authority of each state institution of higher education shall adopt the remediation-free status standard, and any related assessments, into the institution's policies.

The chancellor shall assist in coordinating the work of the presidents under this division. The chancellor shall monitor the standards in mathematics, science, reading, and writing established under division (F) of this section to ensure that the standards adequately demonstrate a student's remediation-free status.

(G) Each year, not later than a date established by the chancellor, each state institution of higher education shall report to the governor, the general assembly, the chancellor, and the superintendent of public instruction all of the following for the prior academic year:
(1) The institution's aggregate costs for providing academic remedial or developmental courses;

(2) The amount of those costs disaggregated according to the city, local, or exempted village school districts from which the students taking those courses received their high school diplomas;

(3) Any other information with respect to academic remedial and developmental courses that the chancellor considers appropriate.

(H) Not later than December 31, 2011, and the thirty-first day of each December thereafter, the chancellor and the superintendent of public instruction shall issue a report recommending policies and strategies for reducing the need for academic remediation and developmental courses at state institutions of higher education.

(I) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

Sec. 3345.062. (A) Not later than December 31, 2017, and each thirty-first day of December thereafter, the president, or equivalent position, of each state university shall issue a report regarding the remediation of students that includes all of the following:

(1) The number of enrolled students that require remedial education;

(2) The cost of remedial coursework the state university provides;

(3) The specific areas of remediation provided by the state university;

(4) Causes for remediation.
(B) Each president, or equivalent, shall present the findings of the report to the state university's board of trustees and shall submit a copy of the report to the chancellor of higher education and the superintendent of public instruction.

(C) As used in this section, "state university" has the same meaning as in section 3345.011 of the Revised Code.

Sec. 3345.14. (A) As used in this section, "state college or university" means any state university or college defined in division (A)(1) of section 3345.12 of the Revised Code, and any other institution of higher education defined in division (A)(2) of that section.

(B) All rights to and interests in discoveries, inventions, or patents which result from research or investigation conducted in any experiment station, bureau, laboratory, research facility, or other facility of any state college or university, or by employees of any state college or university acting within the scope of their employment or with funding, equipment, or infrastructure provided by or through any state college or university, shall be the sole property of that college or university. No person, firm, association, corporation, or governmental agency which uses the facilities of such college or university in connection with such research or investigation and no faculty member, employee, or student of such college or university participating in or making such discoveries or inventions, shall have any rights to or interests in such discoveries or inventions, including income therefrom, except as may, by determination of the board of trustees of such college or university, be assigned, licensed, transferred, or paid to such persons or entities in accordance with division (C) of this section or in accordance with rules adopted under division (D) of this section.
(C) As may be determined from time to time by the board of trustees of any state college or university, the college or university may retain, assign, license, transfer, sell, or otherwise dispose of, in whole or in part and upon such terms as the board of trustees may direct, any and all rights to, interests in, or income from any such discoveries, inventions, or patents which the college or university owns or may acquire. Such dispositions may be to any individual, firm, association, corporation, or governmental agency, or to any faculty member, employee, or student of the college or university as the board of trustees may direct. Any and all income or proceeds derived or retained from such dispositions shall be applied to the general or special use of the college or university as determined by the board of trustees of such college or university.

(D)(1) Notwithstanding any provision of the Revised Code to the contrary, including but not limited to sections 102.03, 102.04, 2921.42, and 2921.43 of the Revised Code, the board of trustees of any state college or university may adopt rules in accordance with section 111.15 of the Revised Code that set forth circumstances under which an employee of the college or university may solicit or accept, and under which a person may give or promise to give to such an employee, a financial interest in any firm, corporation, or other association to which the board has assigned, licensed, transferred, or sold the college or university's interests in its intellectual property, including discoveries or inventions made or created by that employee or in patents issued to that employee.

(2) Rules established under division (D)(1) of this section shall include the following:

(a) A requirement that each college or university employee disclose to the college or university board of trustees any financial interest the employee holds in a firm, corporation, or
other association as described in division (D)(1) of this section;

(b) A requirement that all disclosures made under division (D)(2)(a) of this section are reviewed by officials designated by the college or university board of trustees. The officials designated under this division shall determine the information that shall be disclosed and safeguards that shall be applied in order to manage, reduce, or eliminate any actual or potential conflict of interest.

(c) A requirement that in implementing division (D) of this section all members of the college or university board of trustees shall be governed by Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code.

(d) Guidelines to ensure that any financial interest held by any employee of the college or university does not result in misuse of the students, employees, or resources of the college or university for the benefit of the firm, corporation, or other association in which such interest is held or does not otherwise interfere with the duties and responsibilities of the employee who holds such an interest.

(3) Rules established under division (D)(1) of this section may include other provisions at the discretion of the college or university board of trustees.

(E) Notwithstanding division (D) of this section, the Ohio ethics commission retains authority to provide assistance to a college or university board of trustees in the implementation of division (D)(2) of this section and to address any matter that is outside the scope of the exception to division (B) of this section as set forth in division (D) of this section or as set forth in rules established under division (D) of this section.
2017, and by the first day of January of every fifth
year thereafter, the board of trustees of each state institution
of higher education, as defined in section 3345.011 of the Revised
Code, shall evaluate all courses and programs the institution
offers based on enrollment and student performance in each course or program duplication of its courses and programs with those of
other state institutions of higher education within a geographic
region, as determined by the chancellor of higher education. For
courses and programs with low enrollment, as defined by the
chancellor of higher education, the board of trustees shall
provide a summary of recommended actions, including consideration
of collaboration with other state institutions of higher
education. For duplicative programs, as defined by the chancellor, the
board of trustees shall evaluate the benefits of collaboration
with other institutions of higher education, based on geographic
region, to deliver the course program.

Each board of trustees shall submit its findings under this
section to the chancellor not later than thirty days after the
completion of the evaluations or as part of submitting the annual
efficiency report required pursuant to section 3333.95 of the
Revised Code. For the findings required to be submitted by December 31, 2017, a board of trustees may submit the additional
information required under this section as amended by this act, as
an addendum to the findings the board submitted prior to January
1, 2016, under former law.

Sec. 3345.45. (A) On or before January 1, 1994, the
chancellor of higher education jointly with all state
universities, as defined in section 3345.011 of the Revised Code,
shall develop standards for instructional workloads for full-time
and part-time faculty in keeping with the universities' missions
and with special emphasis on the undergraduate learning
experience. The standards shall contain clear guidelines for institutions to determine a range of acceptable undergraduate teaching by faculty.

(B) On or before June 30, 1994, the board of trustees of each state university shall take formal action to adopt a faculty workload policy consistent with the standards developed under this section. Notwithstanding section 4117.08 of the Revised Code, the policies adopted under this section are not appropriate subjects for collective bargaining. Notwithstanding division (A) of section 4117.10 of the Revised Code, any policy adopted under this section by a board of trustees prevails over any conflicting provisions of any collective bargaining agreement between an employees organization and that board of trustees.

(C)(1) The board of trustees of each state institution of higher education shall review the institution's policy on faculty tenure and update that policy to promote excellence in instruction, research, service, and commercialization.

(2) Beginning on January 1, 2018, as a condition for a state institution of higher education to receive any state funds for research that are allocated to the department of higher education under the appropriation line items referred to as either "research incentive third frontier fund" or "research incentive third frontier-tax," the chancellor shall require the state institution to include a commercialization pathway for faculty tenure in its policy.

Sec. 3345.59. (A) As used in this section:

(1) "Information technology center" means a center established under section 3301.075 of the Revised Code.

(2) "State institution of higher education" and "state university" have the same meanings as in section 3345.011 of the
Revised Code.

(B) Not later than June 30, 2018, all state institutions of higher education that are located in the same region of the state, as defined by the chancellor of higher education, shall enter into an agreement providing for the creation of a compact. Under that agreement, the compact shall do all of the following:

1. Examine whether unnecessary duplication of academic programming exists;

2. Develop strategies to address the workforce education needs of the region;

3. Enhance the sharing of resources between institutions to align educational pathways and to increase access within the region. For these purposes, the compact shall do all of the following:

   a. Provide and share resources and programming to improve academic performance and opportunities to address the workforce needs of the region;

   b. Identify, develop, and implement shared curriculum and resources to promote educational pathways that minimize the time required to earn a degree. This may include, but is not limited to, curriculum delivered using open educational resources and online formats.

   c. Analyze operational costs and implement cost-effective procedures that support greater access and opportunities for students in the region.

4. Reduce operational and administrative costs to provide more learning opportunities and collaboration in the region;

5. Enhance career counseling and experiential learning opportunities for students;

6. Expand alternative education delivery models such as
competency-based and project-based learning;

(7) Develop a strategy to increase collaboration and pathways with information technology centers, adult basic and literacy education programs, and school districts in the region;

(8) Develop strategies to enhance the sharing of resources between institutions to improve and expand the capacity and capability for research and development;

(9) Identify and implement the best use of university regional campuses to reflect the goals described in division (B) of this section.

(C) Nothing in this section shall prohibit a state institution of higher education from entering into multiple agreements under division (B) of this section. Additionally, there is no limit to the number, or the number of each type, of state institutions of higher education that may enter into an agreement under that division.

(D) In addition to any agreement entered into pursuant to division (B) of this section, each state institution of higher education that is designated a land grant college under the federal "Morrill Act of 1862," 7 U.S.C. 301 et seq., or the "Agricultural College Act of 1890," 7 U.S.C. 321 et seq., or any subsequent act of congress, also shall to enter into an agreement providing for the creation of a compact that enhances collaboration between state institutions designated as land grant colleges.

(E) Each state institution of higher education shall include in its annual efficiency report to the chancellor the efficiencies produced as a result of each compact to which the institution belongs.

Sec. 3350.10. (A) There is hereby created the northeast Ohio
medical university. The principal goal of the medical university shall be to collaborate with the university of Akron, Cleveland state university, Kent state university, and Youngstown state university to graduate physicians oriented to the practice of medicine at the community level, especially family physicians. To accomplish this goal, the medical university may incorporate in the clinical experience provided its students the several community hospitals in the cities and areas served by the medical university; utilize practicing physicians as teachers; and to the fullest extent possible utilize the basic science capabilities of the university of Akron, Cleveland state university, Kent state university, and Youngstown state university.

(1) Until December 22, 2008, the government of the northeast Ohio medical university is vested in a nine member board of trustees consisting of the presidents of the university of Akron, Kent state university, and Youngstown state university; one member each of the boards of trustees of the university of Akron, Kent state university, and Youngstown state university, to be appointed by their respective boards of trustees for a term of six years ending on the first day of May or until the trustee's term on the respective university board of trustees expires, whichever occurs first; and one person each to be appointed by the boards of trustees of the university of Akron, Kent state university, and Youngstown state university, for a term of nine years ending on the first day of May; except that the term of those first appointed by the several boards of trustees shall expire on the first day of May next following their appointment. Vacancies shall be filled for the unexpired term in the manner provided for original appointment. The trustees shall receive no compensation for their services but shall be paid their reasonable necessary expenses while engaged in the discharge of their official duties. A majority of the board constitutes a quorum.
(2) Beginning December 22, 2008, the government of the northeast Ohio medical university is vested in a board of eleven trustees, who shall be appointed by the governor, with the advice and consent of the senate. Two of the trustees shall be current students of the medical university, and their selection and terms shall be in accordance with division (B) of this section. Except as provided in division (A)(3) of this section and except for the student members, terms of office shall be for nine years commencing on the second day of May and ending on the first day of May. Each trustee shall hold office from the date of appointment until the end of the term for which the trustee was appointed. Any trustee appointed to fill a vacancy occurring prior to the expiration of the term for which the trustee's predecessor was appointed shall hold office for the remainder of such term. Any trustee shall continue in office subsequent to the expiration date of the trustee's term until the trustee's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. No person who has served a full nine-year term as a nonstudent member or more than six years two-thirds of such a term shall be eligible for reappointment until a period of four years has elapsed since the last day of the term for which the person previously served. The trustees shall receive no compensation for their services but shall be paid their reasonable necessary expenses while engaged in the discharge of their official duties. A majority of the board constitutes a quorum.

(3) Not later than December 22, 2008, the governor, with the advice and consent of the senate, shall appoint the two student trustees and successors for the trustees serving under division (A)(1) of this section. Except for the student trustees, who shall serve terms pursuant to division (B) of this section, the initial terms of office for trustees appointed under division (A)(2) of this section shall be as follows: one term ending September 23,
2009; one term ending September 23, 2010; one term ending September 23, 2011; one term ending September 23, 2012; one term ending September 23, 2013; one term ending September 23, 2014; one term ending September 23, 2015; one term ending September 23, 2016; one term ending September 23, 2017. Thereafter, terms of office shall be for nine years, as provided in division (A)(2) of this section.

(2) A nonstudent trustee who was appointed under this section as it existed prior to the effective date of this amendment shall serve for a nine-year term. A trustee appointed to fill the vacancy of a nine-year term shall serve for the remainder of that unexpired nine-year term. Except for a nonstudent trustee appointed to fill a vacancy for an unexpired nine-year term, terms of office for a nonstudent trustee appointed on and after the effective date of this amendment shall be for six years, as provided in division (A)(1) of this section.

(B) The student members of the board of trustees of the northeast Ohio medical university have no voting power on the board. Student members shall not be considered as members of the board in determining whether a quorum is present. Student members shall not be entitled to attend executive sessions of the board. The student members of the board shall be appointed by the governor, with the advice and consent of the senate, from a group of five candidates selected pursuant to a procedure adopted by the university's student governments and approved by the university's board of trustees. The initial term of office of one of the student members shall commence December 22, 2008, and shall expire on June 30, 2009, and the initial term of office of the other student member shall commence December 22, 2008, and shall expire on June 30, 2010. Thereafter, terms of office of student members shall be for two years, each term ending on the same day of the same month of the year as the term it succeeds commencing
on the first day of July and ending on the thirtieth day of June. In the event that a student member cannot fulfill a two-year term, a replacement shall be selected to fill the unexpired term in the same manner used to make the original selection.

Sec. 3352.01. (A) There is hereby created a state university to be known as "Wright state university." The government of Wright state university is vested in a board of eleven trustees, who shall be appointed by the governor, with the advice and consent of the senate. Two of the trustees shall be students at Wright state university, and their selection and terms shall be in accordance with division (B) of this section. Except

Except as provided in division (C) of this section and except for the terms of student members, terms of office shall be for nine six years, commencing on the first day of July and ending on the thirtieth day of June. Each trustee shall hold office from the date of appointment until the end of the term for which the trustee was appointed. Any trustee appointed to fill a vacancy occurring prior to the expiration of the term for which the trustee's predecessor was appointed shall hold office for the remainder of such term. Any trustee shall continue in office subsequent to the expiration date of the trustee's term until the trustee's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. No person who has served a full nine-year term as a nonstudent member or more than six years two-thirds of such a term shall be eligible for reappointment until a period of four years has elapsed since the last day of the term for which the person previously served. The trustees shall receive no compensation for their services but shall be paid their reasonable necessary expenses while engaged in the discharge of their official duties. A majority of the board constitutes a quorum.
(B) The student members of the board of trustees of Wright State University have no voting power on the board. Student members shall not be considered as members of the board in determining whether a quorum is present. Student members shall not be entitled to attend executive sessions of the board. The student members of the board shall be appointed by the governor, with the advice and consent of the senate, from a group of five candidates selected pursuant to a procedure adopted by the university's student governments and approved by the university's board of trustees. The initial term of office of one of the student members shall commence on July 1, 1988 and shall expire on June 30, 1989, and the initial term of office of the other student member shall commence on July 1, 1988 and shall expire on June 30, 1990. Thereafter, terms of office of student members shall be for two years, each term ending on the same day of the same month of the year as the term it succeeds commencing on the first day of July and ending on the thirtieth day of June. In the event that a student member cannot fulfill a two-year term, a replacement shall be selected to fill the unexpired term in the same manner used to make the original selection.

(C) A nonstudent trustee who was appointed under this section as it existed prior to the effective date of this amendment shall serve for a nine-year term. A trustee appointed to fill the vacancy of a nine-year term shall serve for the remainder of that unexpired nine-year term. Except for a nonstudent trustee appointed to fill a vacancy for an unexpired nine-year term, terms of office for a nonstudent trustee appointed on and after the effective date of this amendment shall be for six years, as provided in division (A) of this section.

Sec. 3354.01. As used in sections 3354.01 to 3354.18 of the Revised Code:
(A) "Community college district" means a political subdivision of the state and a body corporate with all the powers of a corporation, comprised of the territory of one or more contiguous counties having together a total population of not less than seventy-five thousand preceding the establishment of such district, and organized for the purpose of establishing, owning, and operating a community college within the territory of such district.

(B) "Contiguous counties" means counties so located that each such county shares at least one boundary in common with at least one other such county in the group of counties referred to as being "contiguous."

(C) "Community college" means a public institution of education beyond the high school organized for the principal purpose of providing for the people of the community college district wherein such college is situated the instructional programs defined in this section as "arts and sciences" and "technical," or either, and may include the "adult-education" program as defined in this section. Except for applied bachelor's degree programs offered approved by the chancellor of higher education under section 3354.071 3333.051 of the Revised Code, instructional programs shall not exceed two years in duration.

A university maintained and operated by a municipality located in a county having a total population equal to the requirement for a community college district as set forth in division (A) of section 3354.01 of the Revised Code and is found by the chancellor of higher education to offer instructional programs which are needed in the community and which are equivalent to those required of community colleges shall be, for the purposes of receiving state or federal financial aid only, considered a community college and shall receive the same state financial assistance granted to community colleges but only in
respect to students enrolled in their first and second year of post high school education in the kinds of instructional programs offered by the municipal university.

(D) "Arts and sciences program" means both of the following:

(1) A curricular program of two years or less duration, provided within a community college, planned and intended to enable students to gain academic credit for courses generally comparable to courses offered in the first two years in accredited colleges and universities in the state, and designed either to enable students to transfer to such colleges and universities for the purpose of earning baccalaureate degrees or to enable students to terminate academic study after two years with a proportionate recognition of academic achievement.

(2) An applied bachelor's degree program approved and offered under section §3354.071 §3333.051 of the Revised Code.

(E) "Adult-education program" means the dissemination of post high school educational service and knowledge, by a community college, for the occupational, cultural, or general educational benefit of adult persons, such educational service and knowledge not being offered for the primary purpose of enabling such persons to obtain academic credit or other formal academic recognition.

(F) "Charter amendment" means a change in the official plan of a community college for the purpose of acquiring additional lands or structures, disposing of or transferring lands or structures, erection of structures, or creating or abolishing of one or more academic departments corresponding to generally recognized fields of academic study.

(G) "Technical program" means a post high school curricular program of two years or less duration, provided within a community college, planned and intended to enable students to gain academic credit for courses designed to prepare such students to meet the
occupational requirements of the community.

(H) "Operating costs" means all expenses for all purposes of the community college district except expenditures for permanent improvements having an estimated life of usefulness of five years or more as certified by the fiscal officer of the community college district.

(I) "Applied bachelor's degree" has the same meaning as in section 3333.051 of the Revised Code.

Sec. 3354.09. The board of trustees of a community college district may:

(A) Own and operate a community college, pursuant to an official plan prepared and approved in accordance with section 3354.07 of the Revised Code, or enter into a contract with a generally accredited public university or college for operation of such community college by such university or college pursuant to an official plan prepared and approved in accordance with section 3354.07 of the Revised Code;

(B) Hold, encumber, control, acquire by donation, purchase, or condemnation, construct, own, lease, use, and sell real and personal property as is necessary for the conduct of the program of the community college on whatever terms and for whatever consideration may be appropriate for the purpose of the college;

(C) Accept gifts, grants, bequests, and devises absolutely or in trust for support of the college during the existence of the college;

(D) Appoint the administrative officers, faculty, and staff, necessary and proper for such community college, and fix their compensation except in instances in which the board of trustees has delegated such powers to a college or university operating such community college pursuant to a contract entered into by the
board of trustees of the district;

(E) Provide for a community college necessary lands, buildings or other structures, equipment, means, and appliances;

(F) Develop and adopt, pursuant to the official plan, the curricular programs identified in section 3354.01 of the Revised Code as arts and sciences programs and technical programs, or either. Such programs may include adult-education programs.

(G) Except as provided in sections 3333.17 and 3333.32 of the Revised Code, establish schedules of fees and tuition for students who are residents of the district, residents of Ohio but not of the district, and students who are nonresidents of Ohio. The establishment of rules governing the determination of residence shall be subject to approval of the Ohio board of regents chancellor of higher education. Students who are nonresidents of Ohio shall be required to pay higher rates of fees and tuition than the rates required of students who are residents of Ohio but not of the district, and students who are residents of the district shall pay a smaller tuition and fee rate than the rate for either category of nonresident students.

(H) Authorize, approve, ratify, or confirm any agreement relating to any such community college with the United States government, acting through any agency of such government designated or created to aid in the financing of such projects, or with any person or agency offering grants in aid in financing such educational facilities or the operation of such facilities except as prohibited in division (K) of this section.

Such agreement may include a provision for repayment of advances, grants, or loans made to any community college district from funds which may become available to it.

When the United States government or its agent makes a grant of money to any community college district to aid in paying the
cost of any projects of such district, or enters into an agreement with the community college district for the making of any such grant of money, the amount thereof is deemed appropriated for such purpose by the community college district and is deemed in process of collection within the meaning of section 5705.41 of the Revised Code.

(I) Grant appropriate certificates of achievement or degrees to students successfully completing the community college programs;

(J) Prescribe rules for the effective operation of a community college and exercise such other powers as are necessary for the efficient management of such college;

(K) Receive and expend gifts or grants from the state for the payment of operating costs, for the acquisition, construction, or improvement of buildings or other structures, or for the acquisition or use of land. In no event shall state gifts or grants be expended for the support of adult-education programs. Gifts or grants from the state for operating costs shall not in any biennium exceed the amount recommended by the Ohio board of regents to the governor as provided in Chapter 3333. of the Revised Code. Such gifts or grants shall be distributed to such districts in equal quarter-annual payments, unless otherwise provided or authorized in any act appropriating moneys for such purposes, on or before the last day of February, May, August, and November in each year.

(L) Retain consultants in the fields of education, planning, architecture, law, engineering, or other fields of professional skill;

(M) Purchase:

(1) A policy or policies of insurance insuring the district against loss of or damage to property, whether real, personal, or
mixed, which is owned by the district or leased by it as lessee or
which is in the process of construction by or for the district;

(2) A policy or policies of fidelity insurance in such
amounts and covering such trustees, officers, and employees of the
district as it considers necessary or desirable;

(3) A policy or policies of liability insurance from an
insurer or insurers licensed to do business in this state insuring
its members, officers, and employees against all civil liability
arising from an act or omission by the member, officer, or
employee when the member, officer, or employee is not acting
manifestly outside the scope of employment or official
responsibilities with the institution, with malicious purpose or
bad faith, or in a wanton or reckless manner, or may otherwise
provide for the indemnification of such persons against such
liability. All or any portion of the cost, premium, or charge for
such a policy or policies or indemnification payment may be paid
from any funds under the institution's control. The policy or
policies of liability insurance or the indemnification policy of
the institution may cover any risks including, but not limited to,
damages resulting from injury to property or person, professional
liability, and other special risks, including legal fees and
expenses incurred in the defense or settlement of claims for such
damages.

(4) A policy or policies of insurance insuring the district
against any liabilities to which it may be subject on account of
damage or injury to persons or property, including liability for
wrongful death.

(N) Designate one or more employees of the institution as
state university law enforcement officers, to serve and have
duties as prescribed in section 3345.04 of the Revised Code.

Any instrument by which real property is acquired pursuant to
this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.

Sec. 3356.01. (A) There is hereby created Youngstown state university. The government of Youngstown state university is vested in a board of eleven trustees, who shall be appointed by the governor, with the advice and consent of the senate. Two of the trustees shall be students at Youngstown state university, and their selection and terms shall be in accordance with division (B) of this section. Except

Except as provided in division (C) of this section and except for the terms of student members, terms of office shall be for nine six years, commencing on the second day of May and ending on the first day of May. Each trustee shall hold office from the date of appointment until the end of the term for which the trustee was appointed. Any trustee appointed to fill a vacancy occurring prior to the expiration of the term for which the trustee's predecessor was appointed shall hold office for the remainder of such term. Any trustee shall continue in office subsequent to the expiration date of the trustee's term until the trustee's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. No person who has served a full nine-year term as a nonstudent member or more than six years two-thirds of such a term shall be eligible to reappointment until a period of four years has elapsed since the last day of the term for which the person previously served. The trustees shall receive no compensation for their services but shall be paid their reasonable necessary expenses while engaged in the discharge of their duties. A majority of the board constitutes a quorum.

(B) The student members of the board of trustees of Youngstown state university have no voting power on the board.
Student members shall not be considered as members of the board in determining whether a quorum is present. Student members shall not be entitled to attend executive sessions of the board. The student members of the board shall be appointed by the governor, with the advice and consent of the senate, from a group of five candidates selected pursuant to a procedure adopted by the university's student governments and approved by the university's board of trustees. The initial term of office of one of the student members shall commence on May 2, 1988 and shall expire on May 1, 1989, and the initial term of office of the other student member shall commence on May 2, 1988 and expire on May 1, 1990. Thereafter, terms of office of student members shall be for two years, each term ending on the same day of the same month of the year as the term it succeeds commencing on the second day of May and ending on the first day of May. In the event that a student member cannot fulfill a two-year term, a replacement shall be selected to fill the unexpired term in the same manner used to make the original selection.

(C) A nonstudent trustee who was appointed under this section as it existed prior to the effective date of this amendment shall serve for a nine-year term. A trustee appointed to fill the vacancy of a nine-year term shall serve for the remainder of that unexpired nine-year term. Except for a nonstudent trustee appointed to fill a vacancy for an unexpired nine-year term, terms of office for a nonstudent trustee appointed on and after the effective date of this amendment shall be for six years, as provided in division (A) of this section.

Sec. 3357.01. As used in this chapter:

(A) "Technical college" means an institution of education beyond the high school, including an institution of higher education, organized for the principal purpose of providing for
the residents of the technical college district, wherein such 34789
college is situated, any one or more of the instructional programs 34790
defined in this section as "technical college," or 34791
"adult-education technical programs," normally not exceeding two 34792
years' duration and not leading to a baccalaureate degree, except 34793
as provided in section 3333.051 of the Revised Code. 34794

(B) "Technical college district" means a political 34795
subdivision of the state and a body corporate with all the powers 34796
of a corporation, comprised of the territory of a city school 34797
district or a county, or two or more contiguous school districts 34798
or counties, which meets the standards prescribed by the Ohio 34799
board of regents chancellor of higher education pursuant to 34800
section 3357.02 of the Revised Code, and which is organized for 34801
the purpose of establishing, owning, and operating one or more 34802
technical colleges within the territory of such district. 34803

(C) "Contiguous school districts or counties" means school 34804
districts or counties so located that each such school district or 34805
county shares at least one boundary or a portion thereof in common 34806
with at least one other such school district or county in the 34807
group of school districts or counties referred to as being 34808
"contiguous."

(D) "Technical college program" means a post high school 34809
curricular program provided within a technical college, planned 34810
and intended to qualify students, after satisfactory completion of 34811
such a program normally two years in duration, to pursue careers 34812
in which they provide immediate technical assistance to 34813
professional or managerial persons generally required to hold 34814
baccalaureate or higher academic degrees in technical or 34815
professional fields. The technical and professional fields 34816
referred to in this section include, but are not limited to, 34817
engineering and physical, medical, or other sciences. 34818

(E) "Adult-education technical program" means the 34819
dissemination of post high school technical education service and knowledge, for the occupational, or general educational benefit of adult persons.

(F) "Charter amendment" means a change in the official plan of a technical college for the purpose of acquiring additional lands or structures, disposing of or transferring lands or structures, erecting structures, creating or abolishing technical college or adult education technical curricular programs.

(G) "Baccalaureate-oriented associate degree program" means a curricular program of not more than two years' duration that is planned and intended to enable students to gain academic credit for courses comparable to first- and second-year courses offered by accredited colleges and universities. The purpose of baccalaureate-oriented associate degree coursework in technical colleges is to enable students to transfer to colleges and universities and earn baccalaureate degrees or to enable students to terminate academic study after two years with a proportionate recognition of academic achievement through receipt of an associate degree.

(H) "Applied bachelor's degree" has the same meaning as in section 3333.051 of the Revised Code.

Sec. 3357.09. The board of trustees of a technical college district may:

(A) Own and operate a technical college, pursuant to an official plan prepared and approved in accordance with section 3357.07 of the Revised Code;

(B) Hold, encumber, control, acquire by donation, purchase, or condemnation, construct, own, lease, use, and sell, real and personal property as necessary for the conduct of the program of the technical college on whatever terms and for whatever
consideration may be appropriate for the purposes of the institution;

(C) Accept gifts, grants, bequests, and devises absolutely or in trust for support of the technical college;

(D) Appoint the president, faculty, and such other employees as necessary and proper for such technical college, and fix their compensation;

(E) Provide for a technical college necessary lands, buildings or other structures, equipment, means, and appliances;

(F) Develop and adopt, pursuant to the official plan, any one or more of the curricular programs identified in section 3357.01 of the Revised Code as technical-college programs, or adult-education technical programs, and applied bachelor's degree programs under section 3333.051 of the Revised Code;

(G) Except as provided in sections 3333.17 and 3333.32 of the Revised Code, establish schedules of fees and tuition for: students who are residents of the district; students who are residents of Ohio but not of the district; students who are nonresidents of Ohio. The establishment of rules governing the determination of residence shall be subject to approval of the Ohio board of regents chancellor of higher education. Students who are nonresidents of Ohio shall be required to pay higher rates of fees and tuition than the rates required of students who are residents of Ohio but not of the district, and students who are residents of the district shall pay smaller tuition and fee rates than the rates for either of the above categories of nonresident students, except that students who are residents of Ohio but not of the district shall be required to pay higher fees and tuition than students who are residents of the district only when a district tax levy has been adopted and is in effect under the authority of section 3357.11, 5705.19, or 5705.191 of the Revised
Code.

(H) Authorize, approve, ratify, or confirm, with approval of the Ohio board of regents chancellor, any agreement with the United States government, acting through any agency designated to aid in the financing of technical college projects, or with any person, organization, or agency offering grants-in-aid for technical college facilities or operation;

(I) Receive assistance for the cost of equipment and for the operation of such technical colleges from moneys appropriated for technical education or for matching of Title VIII of the "National Defense Education Act," 72 Stat. 1597 (1958), 20 U.S.C.A. 15a-15e. Moneys shall be distributed by the Ohio board of regents chancellor in accordance with rules which the board shall establish governing its allocations to technical colleges chartered under section 3357.07 of the Revised Code.

(J) Grant appropriate associate degrees to students successfully completing the technical college programs, appropriate applied bachelor's degrees to students successfully completing applied bachelor's degree programs, and certificates of achievement to those students who complete other programs;

(K) Prescribe rules for the effective operation of a technical college, and exercise such other powers as are necessary for the efficient management of such college;

(L) Enter into contracts and conduct technical college programs or technical courses outside the technical college district;

(M) Enter into contracts with the board of education of any local, exempted village, or city school district or the governing board of any educational service center to permit the school district or service center to use the facilities of the technical college district;
(N) Designate one or more employees of the institution as
state university law enforcement officers, to serve and have
duties as prescribed in section 3345.04 of the Revised Code;

(O) Subject to the approval of the Ohio board of regents
chancellor, offer technical college programs or technical courses
for credit at locations outside the technical college district.
For purposes of computing state aid, students enrolled in such
courses shall be deemed to be students enrolled in programs and
courses at off-campus locations in the district.

(P) Purchase a policy or policies of liability insurance from
an insurer or insurers licensed to do business in this state
insuring its members, officers, and employees against all civil
liability arising from an act or omission by the member, officer,
or employee, when the member, officer, or employee is not acting
manifestly outside the scope of the member's, officer's, or
employee's employment or official responsibilities with the
institution, with malicious purpose or bad faith, or in a wanton
or reckless manner, or may otherwise provide for the
indemnification of such persons against such liability. All or any
portion of the cost, premium, or charge for such a policy or
policies or indemnification payment may be paid from any funds
under the institution's control. The policy or policies of
liability insurance or the indemnification policy of the
institution may cover any risks including, but not limited to,
damages resulting from injury to property or person, professional
liability, and other special risks, including legal fees and
expenses incurred in the defense or settlement of claims for such
damages.

Any instrument by which real property is acquired pursuant to
this section shall identify the agency of the state that has the
use and benefit of the real property as specified in section
5301.012 of the Revised Code.
Sec. 3357.19. The Ohio board of regents chancellor of higher education shall:

(A) Promulgate rules, regulations, and standards in conformity with Chapter 119. of the Revised Code relative to the qualifications of teaching personnel in technical colleges, and require conformity to all such rules, regulations, and standards as a condition upon the issuance of a charter to any technical college and upon the continued operation of such colleges;

(B) Promulgate rules, regulations, and standards relative to the quality and content of instructional courses in technical colleges, and relative to the awarding of certificates of achievement or associate degrees to students in such colleges, and require conformity to all such rules, regulations, and standards as a condition upon the issuance of a charter to any technical college and upon the continued operation of such college;

(C) Conduct studies and examinations of the operation and facilities of technical colleges, and require reports from such colleges, from time to time as the board chancellor deems necessary, and revoke or suspend pursuant to Chapter 119. of the Revised Code, the charter of any technical college found to be in substantial violation of law, of rules, regulations, or standards of the board chancellor, or of the approved official plan of such college;

(D) Employ such professional, administrative, clerical, or secretarial personnel as may be found necessary to assist the board chancellor in the performance of its duties;

(E) Perform biennial examinations of the budget requirements of the technical colleges in the state, and present recommendations to the governor with respect to such budget requirements;
(F) Perform research studies relative to technical college education.

Sec. 3358.01. As used in sections 3358.01 to 3358.10 of the Revised Code:

(A) "State community college district" means a political subdivision composed of the territory of a county, or of two or more contiguous counties, in either case having a total population of at least one hundred fifty thousand, and organized for the purpose of establishing, owning, and operating a state community college within the district or a political subdivision created pursuant to division (A) of section 3358.02 of the Revised Code.

(B) "State community college" means a two-year institution, offering a baccalaureate-oriented program, technical education program, or an adult continuing education program. The extent to which the college offers baccalaureate-oriented and technical programs shall be determined in its charter. However, a state community college may offer applied bachelor's degree programs pursuant to section 3333.051 of the Revised Code.

(C) "Baccalaureate-oriented program" means a curricular program of not more than two years' duration that is planned and intended to enable students to gain academic credit for courses comparable to first- and second-year courses offered by accredited colleges and universities. The purpose of baccalaureate-oriented coursework in state community colleges is to enable students to transfer to colleges and universities and earn baccalaureate degrees or to enable students to terminate academic study after two years with a proportionate recognition of academic achievement through receipt of an associate degree.

(D) "Technical education program" means a post high school program of not more than two years' duration that is planned and intended to prepare students to pursue employment or improve
technical knowledge in careers generally but not exclusively at the semiprofessional level. Technical education programs include, but are not limited to, programs in the technologies of business, engineering, health, natural science, and public service and are programs which, after two years of academic study, result in proportionate recognition of academic achievement through receipt of an associate degree.

(E) "Adult continuing education program" means the offering of short courses, seminars, workshops, exhibits, performances, and other educational activities for the general educational or occupational benefit of adults.

(F) "Applied bachelor's degree" has the same meaning as in section 3333.051 of the Revised Code.

Sec. 3358.08. The board of trustees of a state community college district may:

(A) Own and operate a state community college;

(B) Hold, encumber, control, acquire by donation, purchase or condemn, construct, own, lease, use, and sell, real and personal property as necessary for the conduct of the program of the state community college on whatever terms and for whatever consideration may be appropriate for the purpose of the institution;

(C) Accept gifts, grants, bequests, and devises absolute or in trust for support of the state community college;

(D) Employ a president, and appoint or approve the appointment of other necessary administrative officers, full-time faculty members, and operating staff. The board may delegate the appointment of operating staff and part-time faculty members to the college president. The board shall fix the rate of compensation of the president and all officers and full-time employees as are necessary and proper for state community
colleges.

(E) Provide for the state community college necessary lands, buildings, or other structures, equipment, means, and appliances;

(F) Establish within the maximum amounts permitted by law, schedules of fees and tuition for students who are Ohio residents and students who are not;

(G) Grant appropriate associate degrees to students successfully completing the state community college's programs, and certificates of achievement to students who complete other programs;

(H) Prescribe policies for the effective operation of the state community college and exercise such other powers as are necessary for the efficient management of the college;

(I) Enter into contracts with neighboring colleges and universities for the conduct of state community college programs or technical courses outside the state community college district;

(J) Purchase:

(1) A policy or policies of insurance insuring the district against loss or damage to property, whether real, personal, or mixed, which is owned by the district or leased by it as lessee or which is in the process of construction by or for the district;

(2) A policy or policies of fidelity insurance in such amounts and covering such trustees, officers, and employees of the district as the board may consider necessary or desirable;

(3) A policy or policies of liability insurance from an insurer or insurers licensed to do business in this state insuring its members, officers, and employees against all civil liability arising from an act or omission by the member, officer, or employee, when the member, officer, or employee is not acting manifestly outside the scope of employment or official
responsibilities with the institution, with malicious purpose or
bad faith, or in a wanton or reckless manner, or may otherwise
provide for the indemnification of such persons against such
liability. All or any portion of the cost, premium, or charge for
such a policy or policies or indemnification payment may be paid
from any funds under the institution's control. The policy or
policies of liability insurance or the indemnification policy of
the institution may cover any risks including, but not limited to,
damages resulting from injury to property or person, professional
liability, and other special risks, including legal fees and
expenses incurred in the defense or settlement claims of such
damages.

(4) A policy or policies of insurance insuring the district
against any liabilities to which it may be subject on account of
damage or injury to persons or property, including liability for
wrongful death.

Any instrument by which real property is acquired pursuant to
this section shall identify the agency of the state that has the
use and benefit of the real property as specified in section
5301.012 of the Revised Code.

Sec. 3359.01. (A) There is hereby created a state university
to be known as "The University of Akron." The government of the
university of Akron is vested in a board of eleven trustees who
shall be appointed by the governor, with the advice and consent of
the senate. Two of the trustees shall be students at the
university of Akron, and their selection and terms shall be in
accordance with division (B) of this section. Except

Except as provided in division (C) of this section and except
for the terms of student members, terms of office shall be for
nine six years, commencing on the second day of July and ending on
the first day of July. Each trustee shall hold office from the
date of appointment until the end of the term for which the
trustee was appointed. Any trustee appointed to fill a vacancy
occurring prior to the expiration of the term for which the
trustee's predecessor was appointed shall hold office for the
remainder of such term. Any trustee shall continue in office
subsequent to the expiration date of the trustee's term until the
trustee's successor takes office, or until a period of sixty days
has elapsed, whichever occurs first. No person who has served a
full nine-year term as a nonstudent member or more than six years
two-thirds of such a term shall be eligible for reappointment
until a period of four years has elapsed since the last day of the
term for which the person previously served. The trustees shall
receive no compensation for their services but shall be paid their
reasonable necessary expenses while engaged in the discharge of
their official duties. A majority of the board constitutes a
quorum.

(B) The student members of the board of trustees of the
university of Akron have no voting power on the board. Student
members shall not be considered as members of the board in
determining whether a quorum is present. Student members shall not
be entitled to attend executive sessions of the board. The student
members of the board shall be appointed by the governor, with the
advice and consent of the senate, from a group of five candidates
selected pursuant to a procedure adopted by the university's
student governments and approved by the university's board of
trustees. The initial term of office of one of the student members
shall commence on July 2, 1988 and shall expire on July 1, 1989,
and the initial term of office of the other student member shall
commence on July 2, 1988 and expire on July 1, 1990. Thereafter,
terms Terms of office of student members shall be for two years,
each term ending on the same day of the same month of the year as
the term it succeeds commencing on the second day of July and
ending on the first day of July. In the event that a student
member cannot fulfill a two-year term, a replacement shall be selected to fill the unexpired term in the same manner used to make the original selection.

(C) A nonstudent trustee who was appointed under this section as it existed prior to the effective date of this amendment shall serve for a nine-year term. A trustee appointed to fill the vacancy of a nine-year term shall serve for the remainder of that unexpired nine-year term. Except for a nonstudent trustee appointed to fill a vacancy for an unexpired nine-year term, terms of office for a nonstudent trustee appointed on and after the effective date of this amendment shall be for six years, as provided in division (A) of this section.

Sec. 3361.01. (A) There is hereby created a state university to be known as the "university of Cincinnati." The government of the university of Cincinnati is vested in a board of eleven trustees who shall be appointed by the governor with the advice and consent of the senate. Two of the trustees shall be students at the university of Cincinnati, and their selection and terms shall be in accordance with division (B) of this section. The terms of the first nine members of the board of trustees shall commence upon the effective date of the transfer of assets of the state-affiliated university of Cincinnati to the university of Cincinnati hereby created. One of such trustees shall be appointed for a term ending on the first day of January occurring at least twelve months after such date of transfer, and each of the other trustees shall be appointed for respective terms ending on each succeeding first day of January, so that one term will expire on each first day of January after expiration of the shortest term. Except for the two student trustees, each successor trustee shall be
appointed for a term ending on the first day of January, nine six
years from the expiration date of the term the trustee succeeds,
except that any person appointed to fill a vacancy shall be
appointed to serve only for the unexpired term.

Any trustee shall continue in office subsequent to the
expiration date of the trustee's term until the trustee's
successor takes office, or until a period of sixty days has
elapsed, whichever occurs first.

No person who has served a full nine-year term as a
nonstudent member or longer or more than six years two-thirds of
such a term shall be eligible to reappointment until a period of
four years has elapsed since the last day of the term for which
the person previously served.

The trustees shall receive no compensation for their services
but shall be paid their reasonable necessary expenses while
engaged in the discharge of their official duties. A majority of
the board constitutes a quorum.

(B) The student members of the board of trustees of the
university of Cincinnati have no voting power on the board.
Student members shall not be considered as members of the board in
determining whether a quorum is present. Student members shall not
be entitled to attend executive sessions of the board. The student
members of the board shall be appointed by the governor, with the
advice and consent of the senate, from a group of five candidates
selected pursuant to a procedure adopted by the university's
student governments and approved by the university's board of
trustees. The initial term of office of one of the student members
shall commence on May 14, 1988 and shall expire on May 13, 1989,
and the initial term of office of the other student member shall
commence on May 14, 1988 and expire on May 13, 1990. Thereafter,
terms Terms of office of student members shall be for two years,
each term ending on the same day of the same month of the year as
the term it succeeds commencing on the fourteenth day of May and ending on the thirteenth day of May. In the event that a student cannot fulfill a two-year term, a replacement shall be selected to fill the unexpired term in the same manner used to make the original selection.

(C) A nonstudent trustee who was appointed under this section as it existed prior to the effective date of this amendment shall serve for a nine-year term. A trustee appointed to fill the vacancy of a nine-year term shall serve for the remainder of that unexpired nine-year term. Except for a nonstudent trustee appointed to fill a vacancy for an unexpired nine-year term, terms of office for a nonstudent trustee appointed on and after the effective date of this amendment shall be for six years, as provided in division (A) of this section.

Sec. 3362.01. (A) There is hereby created a state university to be known as "Shawnee state university." The government of Shawnee state university is vested in a board of eleven trustees who shall be appointed by the governor with the advice and consent of the senate. Two of the trustees shall be students at Shawnee state university, and their selection and terms shall be in accordance with division (B) of this section. The remaining trustees shall be appointed as follows: one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, one for a term of six years, one for a term of seven years, one for a term of eight years, and one for a term of nine years. Thereafter

Except as provided in division (C) of this section and except for the terms of student members, terms shall be for nine six years. All terms of office shall commence on the first day of July and end on the thirtieth day of June.

Each trustee shall hold office from the date of appointment
until the end of the term for which the trustee was appointed. Any trustee appointed to fill a vacancy occurring prior to the expiration of the term for which the trustee's predecessor was appointed shall hold office for the remainder of such term. Any trustee shall continue in office subsequent to the expiration date of the trustee's term until the trustee's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. No person who has served a full nine-year term as a nonstudent member or more than six years two-thirds of such a term shall be eligible for reappointment until a period of four years has elapsed since the last day of the term for which the person previously served.

The trustees shall receive no compensation for their services but shall be paid their reasonable and necessary expenses while engaged in the discharge of their official duties.

A majority of the board constitutes a quorum.

(B) The student members of the board of trustees of Shawnee state university have no voting power on the board. Student members shall not be considered as members of the board in determining whether a quorum is present. Student members shall not be entitled to attend executive sessions of the board. The student members of the board shall be appointed by the governor, with the advice and consent of the senate, from a group of five candidates selected pursuant to a procedure adopted by the university's student governments and approved by the university's board of trustees. The initial term of office of one of the student members shall commence on July 1, 1988, and shall expire on June 30, 1989, and the initial term of office of the other student member shall commence on July 1, 1988, and expire on June 30, 1990. Thereafter, terms of office of student members shall be for two years, each term ending on the same day of the same month of the year as the term it succeeds commencing on the first day of July and
ending on the thirtieth day of June. In the event a student member cannot fulfill a two-year term, a replacement shall be selected to fill the unexpired term in the same manner used to make the original selection.

(C) A nonstudent trustee who was appointed under this section as it existed prior to the effective date of this amendment shall serve for a nine-year term. A trustee appointed to fill the vacancy of a nine-year term shall serve for the remainder of that unexpired nine-year term. Except for a nonstudent trustee appointed to fill a vacancy for an unexpired nine-year term, terms of office for a nonstudent trustee appointed on and after the effective date of this amendment shall be for six years, as provided in division (A) of this section.

Sec. 3364.01. (A) The university of Toledo, as authorized under former Chapter 3360. of the Revised Code, and the medical university of Ohio at Toledo, as authorized under former sections 3350.01 to 3350.05 of the Revised Code, shall be combined as one state university to be known as the "university of Toledo."

(B)(1) The government of the combined university of Toledo is vested in a board of eleven trustees which, except as prescribed in division (B)(2) of this section, who shall be appointed by the governor with the advice and consent of the senate. The initial board of trustees of the combined university shall be as prescribed in division (B)(2) of this section. After the abolishment of offices as prescribed in division (B)(2)(a) of this section, the board of trustees of the combined university shall consist of nine voting members, who except as provided in division (C) of this section shall serve for terms of nine six years, and The board also shall consist of two nonvoting members, who shall be students of the combined university and who shall serve for terms of two years. Terms of office of trustees shall begin on the
second day of July and end on the first day of July.

(2) The initial board of trustees of the combined university shall consist of seventeen voting members who are the eight members who made up the board of trustees of the medical university of Ohio at Toledo prior to May 1, 2006, under former section 3350.01 of the Revised Code, and whose terms would expire under that section after May 1, 2006; the eight voting members who made up the board of trustees of the university of Toledo, under former section 3360.01 of the Revised Code, and whose terms would expire under that section after July 1, 2006; and one additional member appointed by the governor with the advice and consent of the senate. The terms of office, abolishment of office, and succession of the voting members of the initial board shall be as prescribed in division (B)(2)(a) of this section. The initial board also shall consist of two nonvoting members who are students of the combined university, as prescribed in division (B)(2)(b) of this section.

(a) The term of office of the voting member of the initial board of trustees of the combined university who was not formerly a member of either the board of trustees of the medical university of Ohio at Toledo or the board of trustees of the university of Toledo shall be for nine years, beginning on July 2, 2006, and ending on July 1, 2015.

The terms of office of the sixteen other voting members of the initial board of trustees shall expire on July 1 of the year they otherwise would expire under former section 3350.01 or 3360.01 of the Revised Code.

The office of one voting member whose term expires on July 1, 2007, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine-year term beginning on July 2, 2007.
The office of one voting member whose term expires on July 1, 2008, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine-year term beginning on July 2, 2008.

The office of one voting member whose term expires on July 1, 2009, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine-year term beginning on July 2, 2009.

The office of one voting member whose term expires on July 1, 2010, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine-year term beginning on July 2, 2010.

The office of one voting member whose term expires on July 1, 2011, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine-year term beginning on July 2, 2011.

The office of one voting member whose term expires on July 1, 2012, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine-year term beginning on July 2, 2012.

The office of one voting member whose term expires on July 1, 2013, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine-year term beginning on July 2, 2013.

The office of one voting member whose term expires on July 1,
2014, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine-year term beginning on July 2, 2014.

The governor, with the advice and consent of the senate, shall appoint a successor to the office of the voting member whose term expires on July 1, 2015, to a nine-year term beginning on July 2, 2015.

Thereafter the terms of office of all subsequent voting members of the board of trustees shall be for nine years beginning on the second day of July and ending on the first day of July.

(b) One of the student members of the initial board of trustees shall be the student member of the former university of Toledo board of trustees, appointed under former section 3360.01 of the Revised Code, whose term would expire under that section on July 1, 2007. The term of that student member shall expire on July 1, 2007. The other student member shall be a new appointee, representing the portion of the combined university that made up the former medical university of Ohio at Toledo, appointed to a two-year term beginning on July 2, 2006, and ending on July 1, 2008. That student trustee shall be appointed by the governor, with the advice and consent of the senate, from a group of three candidates selected pursuant to a procedure adopted by the university's student governments and approved by the university's board of trustees. Thereafter appointment and terms of office of student members of the board of trustees shall be as prescribed by division (B)(3) of this section.

(3) The student members of the board of trustees of the combined university shall be appointed by the governor, with the advice and consent of the senate, from a group of six candidates selected pursuant to a procedure adopted by the university's student governments and approved by the university's board of
trustees. Terms of office of student members shall be for two years, each term ending on the same day of the same month of the year as the term it succeeds. In the event that a student member cannot fulfill a two-year term, a replacement shall be selected to fill the unexpired term in the same manner used to make the original selection.

(4) Each trustee shall hold office from the date of appointment until the end of the term for which the trustee was appointed. Any trustee appointed to fill a vacancy occurring prior to the expiration of the term for which the trustee's predecessor was appointed shall hold office for the remainder of such term. Any trustee shall continue in office subsequent to the expiration date of the trustee's term until the trustee's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

(5) No person who has served as a voting member of the board of trustees for a full nine-year term as a nonstudent member or more than six years two-thirds of such a term and no person who is a voting member of the initial board of trustees as prescribed in division (B)(2)(a) of this section as it existed before the effective date of this amendment is eligible for reappointment to the board until a period of four years has elapsed since the last day of the term for which the person previously served.

No person who served as a voting member of the board of trustees of the former university of Toledo, as authorized under former Chapter 3360. of the Revised Code, for a full nine-year term or more than six years of such a term, and no person who served on the board of trustees of the former medical university of Ohio at Toledo, as authorized under former sections 3350.01 to 3350.05 of the Revised Code, for a full nine-year term or more than six years of such a term is eligible for appointment to the board of trustees of the combined university until a period of
four years has elapsed since the last day of the term for which
the person previously served.

(C) A nonstudent trustee who was appointed under this section
as it existed prior to the effective date of this amendment shall
serve for a nine-year term. A trustee appointed to fill the
vacancy of a nine-year term shall serve for the remainder of that
unexpired nine-year term. Except for a nonstudent trustee
appointed to fill a vacancy for an unexpired nine-year term, terms
of office for a nonstudent trustee appointed after the effective
date of this amendment shall be for six years, as provided in
division (B) of this section.

(D) The trustees shall receive no compensation for their
services but shall be paid their reasonable necessary expenses
while engaged in the discharge of their official duties. A
majority of the board constitutes a quorum. The student members of
the board have no voting power on the board. Student members shall
not be considered as members of the board in determining whether a
quorum is present. Student members shall not be entitled to attend
executive sessions of the board.

Sec. 3365.01. As used in this chapter:

(A) "Articulated credit" means post-secondary credit that is
reflected on the official record of a student at an institution of
higher education only upon enrollment at that institution after
graduation from a secondary school.

(B) "Default ceiling amount" means one of the following
amounts, whichever is applicable:

(1) For a participant enrolled in a college operating on a
semester schedule, the amount calculated according to the
following formula:
((0.83 \times \text{formula amount}) / 30)\
\times \text{number of enrolled credit hours}

(2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula:

\[
((0.83 \times \text{formula amount}) / 45) \\
\times \text{number of enrolled credit hours}
\]

(C) "Default floor amount" means twenty-five per cent of the default ceiling amount.

(D) "Eligible out-of-state college" means any institution of higher education that is located outside of Ohio and is approved by the chancellor of the Ohio board of regents to participate in the college credit plus program.

(E) "Fee" means any course-related fee and any other fee imposed by the college, but not included in tuition, for participation in the program established by this chapter.

(F) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.

(G) "Governing entity" means a board of education of a school district, a governing authority of a community school established under Chapter 3314., a governing body of a STEM school established under Chapter 3326., or a board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code.

(H) "Home-instructed participant" means a student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code, and is participating in the program established by this chapter.

(I) "Maximum per participant charge amount" means one of the...
following amounts, whichever is applicable:

(1) For a participant enrolled in a college operating on a semester schedule, the amount calculated according to the following formula:

\[
((\text{formula amount} / 30) \times \text{number of enrolled credit hours})
\]

(2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula:

\[
((\text{formula amount} / 45) \times \text{number of enrolled credit hours})
\]

(J) "Nonpublic secondary school" means a chartered school for which minimum standards are prescribed by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code.

(K) "Number of enrolled credit hours" means the number of credit hours for a course in which a participant is enrolled during the previous term after the date on which a withdrawal from a course would have negatively affected the participant's transcripted grade, as prescribed by the college's established withdrawal policy.

(L) "Parent" has the same meaning as in section 3313.64 of the Revised Code.

(M) "Participant" means any student enrolled in a college under the program established by this chapter.

(N) "Partnering college" means a college with which a public or nonpublic secondary school has entered into an agreement in order to offer the program established by this chapter.

(O) "Partnering secondary school" means a public or nonpublic secondary school with which a college has entered into an
agreement in order to offer the program established by this chapter.

(P) "Private college" means any of the following:

(1) A nonprofit institution holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code;

(2) An institution holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code;

(3) A private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code.

(Q) "Public college" means a "state institution of higher education" in section 3345.011 of the Revised Code, excluding the northeast Ohio medical university.

(R) "Public secondary school" means a school serving grades nine through twelve in a city, local, or exempted village school district, a joint vocational school district, a community school established under Chapter 3314., a STEM school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code.

(S) "School year" has the same meaning as in section 3313.62 of the Revised Code.

(T) "Secondary grade" means any of grades nine through twelve.

(U) "Standard rate" means the amount per credit hour assessed by the college for an in-state student who is enrolled in an undergraduate course at that college, but who is not participating in the college credit plus program, as prescribed by the college's established tuition policy.
(V) "Textbook" means any paper, electronic, or other purchased coursework material.

(W) "Transcripted credit" means post-secondary credit that is conferred by an institution of higher education and is reflected on a student's official record at that institution upon completion of a course.

Sec. 3365.03. (A) A student enrolled in a public or nonpublic secondary school during the student's ninth, tenth, eleventh, or twelfth grade school year; a student enrolled in a nonchartered nonpublic secondary school in the student's ninth, tenth, eleventh, or twelfth grade school year; or a student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code and is the equivalent of a ninth, tenth, eleventh, or twelfth grade student, may apply to and enroll in a college under the college credit plus program.

(1) In order for a public secondary school student to participate in the program, all of the following criteria shall be met:

(a) The student or the student's parent shall inform the principal, or equivalent, of the student's school by the first day of April of the student's intent to participate in the program during the following school year. Any student who fails to provide the notification by the required date may not participate in the program during the following school year without the written consent of the principal, or equivalent. If a student seeks consent from the principal after failing to provide notification by the required date, the principal shall notify the department of education of the student's intent to participate within ten days of the date on which the student seeks consent. If the principal does not provide written consent, the student may appeal the
principal's decision to the state board of education governing entity of the school, except for a student who is enrolled in a school district, who may appeal the decision to the district superintendent. Not later than thirty days after the notification of the appeal, the state board district superintendent or governing entity shall hear the appeal and shall make a decision to either grant or deny that student's participation in the program. The decision of the district superintendent or governing entity shall be final.

(b) The student shall both:

(i) Apply to a public or a participating private college, or an eligible out-of-state college participating in the program, in accordance with the college's established procedures for admission, pursuant to section 3365.05 of the Revised Code;

(ii) As a condition of eligibility, be remediation-free, in accordance with one of the assessments established under division (F) of section 3345.061 of the Revised Code. However, a student who scores within one standard error of measurement below the remediation-free threshold for one of those assessments shall be considered to have met this requirement if the student also either:

(I) Has a cumulative high school grade point average of at least 3.0. If the student is seeking to participate under section 3365.033 of the Revised Code, the student must have an equivalent cumulative grade point average in the applicable grade levels.

(II) Receives a recommendation from a school counselor, principal, or career-technical program advisor.

(iii) Meet the college's and relevant academic program's established standards for admission, enrollment, and for course placement, including course-specific capacity limitations, pursuant to section 3365.05 of the Revised Code.
(c) The student shall elect at the time of enrollment to participate under either division (A) or (B) of section 3365.06 of the Revised Code for each course under the program.

(d) The student and the student's parent shall sign a form, provided by the school, stating that they have received the counseling required under division (B) of section 3365.04 of the Revised Code and that they understand the responsibilities they must assume in the program.

(2) In order for a nonpublic secondary school student, a nonchartered nonpublic secondary school student, or a home-instructed student to participate in the program, both of the following criteria shall be met:

(a) The student shall meet the criteria in divisions (A)(1)(b) and (c) of this section.

(b)(i) If the student is enrolled in a nonpublic secondary school, that student shall send to the department of education a copy of the student's acceptance from a college and an application. The application shall be made on forms provided by the state board of education and shall include information about the student's proposed participation, including the school year in which the student wishes to participate; and the semesters or terms the student wishes to enroll during such year. The department shall mark each application with the date and time of receipt.

(ii) If the student is enrolled in a nonchartered nonpublic secondary school or is home-instructed, the parent or guardian of that student shall notify the department by the first day of April prior to the school year in which the student wishes to participate.

(B) Except as provided for in division (C) of this section and in sections 3365.031 and 3365.032 of the Revised Code:
(1) No public secondary school shall prohibit a student enrolled in that school from participating in the program if that student meets all of the criteria in division (A)(1) of this section.

(2) No participating nonpublic secondary school shall prohibit a student enrolled in that school from participating in the program if the student meets all of the criteria in division (A)(2) of this section and, if the student is enrolled under division (B) of section 3365.06 of the Revised Code, the student is awarded funding from the department in accordance with rules adopted by the chancellor of the Ohio board of regents, in consultation with the superintendent of public instruction, pursuant to section 3365.071 of the Revised Code.

(C) For purposes of this section, during the period of an expulsion imposed by a public secondary school, a student is ineligible to apply to enroll in a college under this section, unless the student is admitted to another public secondary or participating nonpublic secondary school. If a student is enrolled in a college under this section at the time the student is expelled, the student's status for the remainder of the college term in which the expulsion is imposed shall be determined under section 3365.032 of the Revised Code.

(D) Upon a student's graduation from high school, participation in the college credit plus program shall not affect the student's eligibility at any public college for scholarships or for other benefits or opportunities that are available to first-time college students and are awarded by that college, regardless of the number of credit hours that the student completed under the program.

Sec. 3365.04. Each public and participating nonpublic secondary school shall do all of the following with respect to the
college credit plus program:

(A) Provide information about the program prior to the first March day of February of each year to all students enrolled in grades six through eleven;

(B) Provide counseling services to students in grades six through eleven and to their parents before the students participate in the program under this chapter to ensure that students and parents are fully aware of the possible consequences and benefits of participation. Counseling information shall include:

(1) Program eligibility;

(2) The process for granting academic credits;

(3) Any necessary financial arrangements for tuition, textbooks, and fees;

(4) Criteria for any transportation aid;

(5) Available support services;

(6) Scheduling;

(7) Communicating the possible consequences and benefits of participation, including all of the following:

(a) The consequences of failing or not completing a course under the program, including the effect on the student's ability to complete the secondary school's graduation requirements;

(b) The effect of the grade attained in a course under the program being included in the student's grade point average, as applicable;

(c) The benefits to the student for successfully completing a course under the program, including the ability to reduce the overall costs of, and the amount of time required for, a college education.
(8) The academic and social responsibilities of students and parents under the program;

(9) Information about and encouragement to use the counseling services of the college in which the student intends to enroll;

(10) The standard packet of information for the program developed by the chancellor of the Ohio board of regents pursuant to section 3365.15 of the Revised Code;

For a participating nonpublic secondary school, counseling information shall also include an explanation that funding may be limited and that not all students who wish to participate may be able to do so.

(C) Promote the program on the school's web site, including the details of the school's current agreements with partnering colleges;

(D) Schedule at least one informational session per school year to allow each partnering college that is located within thirty miles of the school to meet with interested students and parents. The session shall include the benefits and consequences of participation and shall outline any changes or additions to the requirements of the program. If there are no partnering colleges located within thirty miles of the school, the school shall coordinate with the closest partnering college to offer an informational session.

(E) Implement a policy for the awarding of grades and the calculation of class standing for courses taken under division (A)(2) or (B) of section 3365.06 of the Revised Code. The policy adopted under this division shall be equivalent to the school's policy for courses taken under the advanced standing programs described in divisions (A)(2) and (3) of section 3313.6013 of the Revised Code or for other courses designated as honors courses by the school. If the policy includes awarding a weighted grade or
enhancing a student's class standing for these courses, the policy adopted under this section shall also provide for these procedures to be applied to courses taken under the college credit plus program.

(F) Develop model course pathways, pursuant to section 3365.13 of the Revised Code, and publish the course pathways among the school's official list of course offerings for the program.

(G) Annually collect, report, and track specified data related to the program according to data reporting guidelines adopted by the chancellor and the superintendent of public instruction pursuant to section 3365.15 of the Revised Code.

Sec. 3365.05. Each public and participating private college shall do all of the following with respect to the college credit plus program:

(A) Apply established standards and procedures for admission to the college and for course placement for participants. When determining admission and course placement, the college shall do all of the following:

(1) Consider all available student data that may be an indicator of college readiness, including grade point average and end-of-course examination scores, if applicable;

(2) Give priority to its current students regarding enrollment in courses. However, once a participant has been accepted into a course, the college shall not displace the participant for another student.

(3) Adhere to any capacity limitations that the college has established for specified courses.

(B) Send written notice to the participant, the participant's parent, and the participant's secondary school, and the superintendent of public instruction, not later than fourteen days prior to the start of classes.
calendar days prior to the first day of classes for that term, of
the participant's admission to the college and to specified
courses under the program.

(C) Provide both of the following, not later than twenty-one
calendar days after the first day of classes for that term, to
each participant, and the participant's secondary school, and the
superintendent of public instruction:

(1) The courses and hours of enrollment of the participant;

(2) The option elected by the participant under division (A)
or (B) of section 3365.06 of the Revised Code for each course.

The college shall also provide to each partnering school a
roster of participants from that school that are enrolled in the
college and a list of course assignments for each participant.

(D) Promote the program on the college's web site, including
the details of the college's current agreements with partnering
secondary schools.

(E) Coordinate with each partnering secondary school that is
located within thirty miles of the college to present at least one
informational session per school year for interested students and
parents. The session shall include the benefits and consequences
of participation and shall outline any changes or additions to the
requirements of the program. If there are no partnering schools
located within thirty miles of the college, the college shall
coordinate with the closest partnering school to offer an
informational session.

(F) Assign an academic advisor that is employed by the
college to each participant enrolled in that college. Prior to the
date on which a withdrawal from a course would negatively affect a
participant's transcripted grade, as prescribed by the college's
established withdrawal policy, the college shall ensure that the
academic advisor and the participant meet at least once to discuss
the program and the courses in which the participant is enrolled.

(G) Do both of the following with regard to high school teachers that are teaching courses for the college at a secondary school under the program:

(1) Provide at least one professional development session per school year;

(2) Conduct at least one classroom observation per school year for each course that is authorized by the college and taught by a high school teacher to ensure that the course meets the quality of a college-level course.

(H) Annually collect, report, and track specified data related to the program according to data reporting guidelines adopted by the chancellor and the superintendent of public instruction pursuant to section 3365.15 of the Revised Code.

(I) With the exception of divisions (D) and (E) of this section, any eligible out-of-state college participating in the college credit plus program shall be subject to the same requirements as a participating private college under this section.

Sec. 3365.06. The rules adopted under section 3365.02 of the Revised Code shall provide for participants to enroll in courses under either of the following options prescribed by division (A) or (B) of this section.

(A) The participant may elect at the time of enrollment to be responsible for payment of all tuition and the cost of all textbooks, materials, and fees associated with the course. The college shall notify the participant about payment of tuition and fees in the customary manner followed by the college. A participant electing this option also shall elect, at the time of enrollment, whether to receive only college credit or high school
credit and college credit for the course.

(1) The participant may elect to receive only college credit for the course. Except as provided in section 3365.032 of the Revised Code, if the participant successfully completes the course, the college shall award the participant full credit for the course, but the governing entity of a public secondary school or the governing body of a participating nonpublic secondary school shall not award the high school credit.

(2) The participant may elect to receive both high school credit and college credit for the course. Except as provided in section 3365.032 of the Revised Code, if the participant successfully completes the course, the college shall award the participant full credit for the course and the governing entity of a public school or the governing body of a participating nonpublic school shall award the participant high school credit.

(B) The If a course is eligible for funding under rules adopted pursuant to division (C)(1) of this section, the participant may elect at the time of enrollment for each the course to have the college reimbursed under section 3365.07 of the Revised Code. Except as provided in section 3365.032 of the Revised Code, if the participant successfully completes the course, the college shall award the participant full credit for the course and the governing entity of a public school or the governing body of a participating nonpublic school shall award the participant high school credit. If the participant elects to have the college reimbursed under this division, the department shall reimburse the college for the number of enrolled credit hours in accordance with section 3365.07 of the Revised Code.

(C)(1) The chancellor of higher education, in consultation with the superintendent of public instruction, shall adopt rules specifying which courses are eligible for funding under section 3365.07 of the Revised Code.
The rules shall address at least the following:

(a) Whether courses must be taken in a specified sequence;

(b) Whether to restrict funding and limit eligibility to certain types of courses, including (i) courses that are included in the statewide articulation and transfer system, established by the chancellor pursuant to section 3333.161 of the Revised Code; (ii) courses that may be applied to multiple degree pathways or are applicable to in-demand jobs; or (iii) other types of courses;

(c) Whether courses with private instruction, as defined by the chancellor, are eligible for funding.

The rules also shall specify the school year for which implementation of the rules adopted pursuant to this division shall first apply.

(2) In developing the rules, the chancellor, in consultation with the state superintendent, shall establish a process to receive input from public and nonpublic secondary schools, public and private colleges, and other interested parties.

(D) When determining a school district's enrollment under section 3317.03 of the Revised Code, the time a participant is attending courses under division (A) of this section shall be considered as time the participant is not attending or enrolled in school anywhere, and the time a participant is attending courses under division (B) of this section shall be considered as time the participant is attending or enrolled in the district's schools.

**Sec. 3365.07.** The department of education shall calculate and pay state funds to colleges for participants in the college credit plus program under division (B) of section 3365.06 of the Revised Code pursuant to this section. For a nonpublic secondary school participant, a nonchartered nonpublic secondary school participant, or a home-instructed participant, the department
shall pay state funds pursuant to this section only if that
participant is awarded funding according to rules adopted by the
chancellor of higher education, in consultation with the
superintendent of public instruction, pursuant to section 3365.071
of the Revised Code. The program shall be the sole mechanism by
which state funds are paid to colleges for students to earn
transcribed credit for college courses while enrolled in both a
secondary school and a college, with the exception of state funds
paid to colleges according to an agreement described in division
(A)(1) of section 3365.02 of the Revised Code.

Beginning with participation for the 2018-2019 school year,
section 3365.072 of the Revised Code shall govern all arrangements
for the provision and payment of textbooks under the program.

(A) For each public or nonpublic secondary school participant
enrolled in a public college:

(1) If no agreement has been entered into under division
(A)(2) of this section, both of the following shall apply:

(a) The department shall pay to the college the applicable
amount as follows:

(i) For a participant enrolled in a college course delivered
on the college campus, at another location operated by the
college, or online, the lesser of the default ceiling amount or
the college's standard rate;

(ii) For a participant enrolled in a college course delivered
at the participant's secondary school but taught by college
faculty, the lesser of fifty per cent of the default ceiling
amount or the college's standard rate;

(iii) For a participant enrolled in a college course
delivered at the participant's secondary school and taught by a
high school teacher who has met the credential requirements
established for purposes of the program in rules adopted by the chancellor, the default floor amount.

(b) The participant's secondary school shall pay for textbooks, and the college shall waive payment of all other fees related to participation in the program.

(2) The governing entity of a participant's secondary school and the college may enter into an agreement to establish an alternative payment structure for tuition, textbooks, and fees. Under such an agreement, payments for each participant made by the department shall be not less than the default floor amount, unless approved by the chancellor, and not more than either the default ceiling amount or the college's standard rate, whichever is less. The chancellor shall approve an agreement that includes a payment below the default floor amount, as long as the provisions of the agreement comply with all other requirements of this chapter to ensure program quality. If no agreement is entered into under division (A)(2) of this section, both of the following shall apply:

(a) The department shall pay to the college the applicable default amounts prescribed by division (A)(1)(a) of this section, depending upon the method of delivery and instruction.

(b) In accordance with division (A)(1)(b) of this section, the participant's secondary school shall pay for textbooks, and the college shall waive payment of all other fees related to participation in the program.

(3) No participant that is enrolled in a public college shall be charged for any tuition, textbooks, or other fees related to participation in the program.

(B) For each public secondary school participant enrolled in a private college:

(1) If no agreement has been entered into under division
(B)(2) of this section, the department shall pay to the college the applicable amount calculated in the same manner as in division (A)(1)(a) of this section.

(2) The governing entity of a participant's secondary school and the college may enter into an agreement to establish an alternative payment structure for tuition, textbooks, and fees. Under such an agreement, payments shall be not less than the default floor amount, unless approved by the chancellor, and not more than either the default ceiling amount or the college's standard rate, whichever is less.

If an agreement is entered into under division (B)(2) of this section, both of the following shall apply:

(a) The department shall make a payment to the college for each participant that is equal to the default floor amount, unless approved by the chancellor to pay an amount below the default floor amount. The chancellor shall approve an agreement that includes a payment below the default floor amount, as long as the provisions of the agreement comply with all other requirements of this chapter to ensure program quality.

(b) Payment for costs for the participant that exceed the amount paid by the department pursuant to division (B)(2)(a) of this section shall be negotiated by the school and the college. The agreement may include a stipulation permitting the charging of a participant.

However, under no circumstances shall:

(i) Payments for a participant made by the department under division (B)(2) of this section exceed the lesser of the default ceiling amount or the college's standard rate;

(ii) The amount charged to a participant under division (B)(2) of this section exceed the difference between the maximum per participant charge amount and the default floor amount;
(iii) The sum of the payments made by the department for a participant and the amount charged to that participant under division (B)(2) of this section exceed the following amounts, as applicable:

(I) For a participant enrolled in a college course delivered on the college campus, at another location operated by the college, or online, the maximum per participant charge amount;

(II) For a participant enrolled in a college course delivered at the participant's secondary school but taught by college faculty, one hundred twenty-five dollars;

(III) For a participant enrolled in a college course delivered at the participant's secondary school and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the chancellor, one hundred dollars.

(iv) A participant that is identified as economically disadvantaged according to rules adopted by the department be charged under division (B)(2) of this section for any tuition, textbooks, or other fees related to participation in the program.

(C) For each nonpublic secondary school participant enrolled in a private or eligible out-of-state college, the department shall pay to the college the applicable amount calculated in the same manner as in division (A)(1)(a) of this section. Payment for costs for the participant that exceed the amount paid by the department shall be negotiated by the governing body of the nonpublic secondary school and the college.

However, under no circumstances shall:

(1) The payments for a participant made by the department under this division exceed the lesser of the default ceiling amount or the college's standard rate.
(2) Any nonpublic secondary school participant, who is enrolled in that secondary school with a scholarship awarded under either the educational choice scholarship pilot program, as prescribed by sections 3310.01 to 3310.17, or the pilot project scholarship program, as prescribed by sections 3313.974 to 3313.979 of the Revised Code, and who qualifies as a low-income student under either of those programs, be charged for any tuition, textbooks, or other fees related to participation in the college credit plus program.

(D) For each nonchartered nonpublic secondary school participant and each home-instructed participant enrolled in a public, private, or eligible out-of-state college, the department shall pay to the college the lesser of the default ceiling amount or the college's standard rate, if that participant is enrolled in a college course delivered on the college campus, at another location operated by the college, or online.

(E) Not later than thirty days after the end of each term, each college expecting to receive payment for the costs of a participant under this section shall notify the department of the number of enrolled credit hours for each participant.

(F) Each January and July, or as soon as possible thereafter, the department shall make the applicable payments under this section to each college, which provided proper notification to the department under division (E) of this section, for the number of enrolled credit hours for participants enrolled in the college under division (B) of section 3365.06 of the Revised Code. The department shall not make any payments to a college under this section if a participant withdrew from a course prior to the date on which a withdrawal from the course would have negatively affected the participant's transcripted grade, as prescribed by the college's established withdrawal policy.

(1) Payments made for public secondary school participants
under this section shall be deducted from the school foundation payments made to the participant's school district or, if the participant is enrolled in a community school, a STEM school, or a college-preparatory boarding school, from the payments made to that school under section 3314.08, 3326.33, or 3328.34 of the Revised Code. If the participant is enrolled in a joint vocational school district, a portion of the amount shall be deducted from the payments to the joint vocational school district and a portion shall be deducted from the payments to the participant's city, local, or exempted village school district in accordance with the full-time equivalency of the student's enrollment in each district. Amounts deducted under division (F)(1) of this section shall be calculated in accordance with rules adopted by the chancellor, in consultation with the state superintendent, pursuant to division (B) of section 3365.071 of the Revised Code.

(2) Payments made for nonpublic secondary school participants, nonchartered nonpublic secondary school participants, and home-instructed participants under this section shall be deducted from moneys appropriated by the general assembly for such purpose. Payments shall be allocated and distributed in accordance with rules adopted by the chancellor, in consultation with the state superintendent, pursuant to division (A) of section 3365.071 of the Revised Code.

(G) Any public college that enrolls a student under division (B) of section 3365.06 of the Revised Code may include that student in the calculation used to determine its state share of instruction funds appropriated to the department of higher education by the general assembly.

**Sec. 3365.072.** This section applies only to participants who elect to participate under division (B) of section 3365.06 of the Revised Code. This section shall first apply to participation for
the 2018-2019 school year.

(A) The governing entity of each public secondary school and the governing body of each participating nonpublic secondary school and nonchartered nonpublic secondary school shall enter into an agreement with each college in which a participant from the school enrolls in courses under the college credit plus program for the provision of textbooks. The agreement shall be separate from any funding agreement entered into by the school and college under section 3365.07 of the Revised Code.

Each agreement entered into under division (A) of this section shall include the following provisions:

(1) The college shall provide each participant with all required textbooks for courses in which the participant is enrolled at the college. Unless otherwise specified in the agreement, the college may obtain required textbooks from any source offering the textbooks.

(2) The secondary school shall either:

(a) Pay the college an amount equal to ten dollars per credit hour of enrollment for each participant. Under this option, the college shall own the textbooks and the participant shall return the textbooks to the college upon completion of the course.

(b) Pay the college an amount agreed upon by both the secondary school and the college. Under this option, the secondary school and the college shall specify which entity owns the textbooks and to which entity the participant must return the textbooks upon completion of the course.

(3) No participant shall be charged for any textbooks required for courses in which the participant is enrolled under the program.

(4) The procedures established for the efficient distribution
of textbooks to participants. For this purpose, the agreement shall include the following information:

(a) The name and contact information of the person at the college and the person at the secondary school responsible for implementing the procedures described in the agreement;

(b) The entity and person responsible for ensuring that participants receive all required textbooks in a timely manner;

(c) The entity that owns the textbooks provided to participants, in accordance with the requirements of this section;

(d) Protocols and timelines for notifying the college of textbooks needed for participants;

(e) The responsibilities of participants for the acquisition and return of textbooks and the duties of each entity with regard to notifying participants of those responsibilities;

(f) Payment procedures for the textbooks, which shall require the college to submit a request for payment to the secondary school not earlier than fourteen days after the starting date of the applicable semester or quarter and shall require the school to remit payment to the college within sixty days of receipt of the request;

(g) Procedures for reimbursing a participant for the cost of a textbook if the participant, after a good faith effort to follow the agreement's procedures for acquiring the textbook, purchases the textbook at the participant's own expense to ensure having the textbook in time for the start of the course;

(h) If the secondary school and the college agreed to a payment amount in accordance with division (A)(2)(b) of this section, the textbook payment structure as agreed upon in the agreement and, if applicable, any options available for renting the textbooks.
(B) For textbooks that are required for courses delivered at the secondary school on a regular basis and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the chancellor of higher education, an agreement entered into under division (A) of this section may establish a payment structure and arrangements for multiple academic years.

(C) Each secondary school shall include information on the terms of the agreements entered into under division (A) of this section in the counseling information required under division (B) of section 3365.04 of the Revised Code.

(D) Each home-instructed participant shall select one of the following options for procuring the textbooks required for a course in which the participant is enrolled at a college under the program:

(1) The participant shall pay the college an amount equal to ten dollars per credit hour of enrollment to rent the textbooks from the college. Under this option, the college shall own the textbooks and the participant shall return the textbooks to the college upon completion of the course.

(2) The participant shall purchase the textbooks at the participant's expense. Under this option, the participant shall own the textbooks.

At the time of course registration, each home-instructed participant shall inform the college of which option the participant chooses to procure textbooks.

(E) The chancellor, in consultation with the superintendent of public instruction, shall establish a process for collecting regular feedback from secondary schools, public and private colleges, and other interested parties regarding the implementation of this section.
Sec. 3365.091. (A) The chancellor of higher education, in consultation with the superintendent of public instruction, shall adopt rules specifying the conditions under which an underperforming participant may continue to participate in the college credit plus program.

The rules shall address at least the following:

(1) The definition of an "underperforming participant";

(2) Any additional conditions that participants with repeated underperformance must satisfy;

(3) The timeframe for notifying an underperforming participant who is determined to be ineligible for participation of such ineligibility;

(4) Mechanisms available to assist underperforming participants;

(5) The role of school guidance counselors and college academic advisers in assisting underperforming participants;

(6) If an underperforming participant is determined to be ineligible for participation, any consequences that such ineligibility may have on the student's ability to complete the secondary school's graduation requirements.

The rules also shall specify the school year for which implementation of the rules adopted pursuant to division (A) of this section shall first apply.

(B) In developing the rules pursuant to division (A) of this section, the chancellor, in consultation with the state superintendent, shall establish a process to receive input from public and nonpublic secondary schools, public and private colleges, and other interested parties.

Sec. 3365.12. (A) All courses offered under the college
credit plus program shall be the same courses that are included in
the partnering college's course catalogue for college-level,
nonremedial courses and shall apply to at least one degree or
professional certification at the partnering college.

(B)(1) High school credit awarded for courses successfully
completed under this chapter shall count toward the graduation
requirements and subject area requirements of the public secondary
school or participating nonpublic secondary school. If a course
comparable to one a participant completed at a college is offered
by the school, the governing entity or governing body shall award
comparable credit for the course completed at the college. If no
comparable course is offered by the school, the governing entity
or governing body shall grant an appropriate number of elective
credits to the participant.

(2) If there is a dispute between a participant's school and
a participant regarding high school credits granted for a course,
the participant may appeal the decision to the state board
department of education. The state board's department's
decision regarding any high school credits granted under this section is
final.

(C) Evidence of successful completion of each course and the
high school credits awarded by the school shall be included in the
student's record. The record shall indicate that the credits were
earned as a participant under this chapter and shall include the
name of the college at which the credits were earned.

Sec. 3517.17. (A)(1) At the beginning of each calendar
quarter, after the costs of audits are deducted under division
(B)(1) of section 3517.16 of the Revised Code, the tax
commissioner shall divide distribute any remaining moneys that
have accrued in the Ohio political party fund during the previous
quarter equally among all qualified political parties in the
following manner. Of the public moneys to which a party is entitled:

(1) One-half shall be paid to the treasurer of the state executive committee of the party. Along with the distribution, the commissioner shall provide a list of amounts to be allocated to each county executive committee, which shall be determined by multiplying one-half of the total distribution by the ratio that the number of checkoffs in each county bears to the total number of checkoffs.

(2) One-half shall be distributed upon receiving a distribution of funds under division (A)(1) of this section, the treasurer of the state executive committee of the party shall distribute, from one-half of the received distribution of funds, an amount to the treasurer of each county executive committee of the various counties in accordance with the ratio that the number of checkoffs in each county bears to the total number of checkoffs, as determined list provided by the tax commissioner.

Each party treasurer receiving public moneys from the Ohio political party fund shall deposit those moneys into the party's restricted fund created under section 3517.1012 of the Revised Code, shall expend and maintain those moneys subject to the requirements of that section and section 3517.18 of the Revised Code, and shall file deposit and disbursement statements as required by division (B) of section 3517.1012 of the Revised Code. The auditor of state shall annually audit the deposit and disbursement statements of the state committee of a political party that is eligible to receive public moneys collected during the previous year, to ascertain that all moneys in the party's restricted fund are expended in accordance with law. The auditor of state shall audit the deposit and disbursement statements of each county committee of such a political party to ascertain that all moneys in the party's restricted fund are expended in
accordance with law at the time of the public office audit of that county under Chapter 117. of the Revised Code.

(B) Only major political parties, as defined in section 3501.01 of the Revised Code, may apply for public moneys from the Ohio political party fund. At the end of each even-numbered calendar year, the secretary of state shall announce the names of all such political parties, indicating that they may apply to receive such moneys during the ensuing two years. Any political party named at this time may, not later than the last day of January of the ensuing odd-numbered year, make application with the tax commissioner to receive public moneys. A political party that fails to make a timely application shall not receive public moneys during that two-year period. The tax commissioner shall prescribe an appropriate application form. Moneys from the fund shall be provided during the appropriate two-year period to each political party that makes a timely application in accordance with this division.

Sec. 3701.021. (A) The director of health shall adopt, in accordance with Chapter 119. of the Revised Code, such rules as are necessary to carry out sections 3701.021 to 3701.0210 of the Revised Code, including, but not limited to, rules to establish the following:

(1) Medical and financial eligibility requirements for the program for medically handicapped children;

(2) Eligibility requirements for providers of services for medically handicapped children;

(3) Procedures to be followed by the department of health in disqualifying providers for violating requirements adopted under division (A)(2) of this section;

(4) Procedures to be used by the department regarding
application for diagnostic services under division (C) of section 3701.023 of the Revised Code and payment for those services under division (F) of that section;

(5) Standards for the provision of service coordination by the department of health and city and general health districts;

(6) Procedures for the department to use to determine the amount to be paid annually by each county for services for medically handicapped children and to allow counties to retain funds under divisions (A)(2) and (3) of section 3701.024 of the Revised Code;

(7) Financial eligibility requirements for services for Ohio residents twenty-one years of age or older who have cystic fibrosis;

(8) Criteria for payment of approved providers who provide services for medically handicapped children;

(9) Criteria for the department to use in determining whether the payment of health insurance premiums of participants in the program for medically handicapped children is cost-effective;

(10) Procedures for appeal of denials of applications under divisions (A) and (E) of section 3701.023 of the Revised Code, disqualification of providers, and amounts paid for services;

(11) Terms of appointment for members of the medically handicapped children's medical advisory council created in section 3701.025 of the Revised Code;

(12) Eligibility requirements for the hemophilia program, including income and hardship requirements;

(13) If a manufacturer discount program is established under division (K)(1) of section 3701.023 of the Revised Code, procedures for administering the program, including criteria and other requirements for participation in the program by
manufacturers of drugs and nutritional formulas. 

(B) The department of health shall develop a manual of operational procedures and guidelines for the program for medically handicapped children to implement sections 3701.021 to 3701.0210 of the Revised Code.

Sec. 3701.022. As used in sections 3701.021 to 3701.0210 of the Revised Code:

(A) "Medically handicapped child" means an Ohio resident under twenty-one years of age who suffers primarily from an organic disease, defect, or a congenital or acquired physically handicapping and associated condition that may hinder the achievement of normal growth and development.

(B) "Provider" means a health professional, hospital, medical equipment supplier, and any individual, group, or agency that is approved by the department of health pursuant to division (D) of section 3701.023 of the Revised Code and that provides or intends to provide goods or services to a child who is eligible for the program for medically handicapped children.

(C) "Service coordination" means case management services provided to medically handicapped children that promote effective and efficient organization and utilization of public and private resources and ensure that care rendered is family-centered, community-based, and coordinated.

(D)(1) "Third party" means any person or government entity other than the following:

(a) A medically handicapped child participating in the program for medically handicapped children or the child's parent or guardian;

(b) The department or any program administered by the department, including the "Maternal and Child Health Block Grant,"

(c) The "caring program for children" operated by the nonprofit community mutual insurance corporation;

(d) The medicaid program on and after January 1, 2018.

(2) "Third party" includes all of the following:

(a) Any trust established to benefit a medically handicapped child participating in the program or the child's family or guardians, if the trust was established after the date the medically handicapped child applied to participate in the program;

(b) That portion of a trust designated to pay for the medical and ancillary care of a medically handicapped child, if the trust was established on or before the date the medically handicapped child applied to participate in the program;

(c) The program awarding reparations to victims of crime established under sections 2743.51 to 2743.72 of the Revised Code.

(E) "Third-party benefits" means any and all benefits, other than benefits paid under the medicaid program for services provided on or after January 1, 2018, paid by a third party to or on behalf of a medically handicapped child participating in the program or the child's parent or guardian for goods or services that are authorized by the department pursuant to division (B)-(C) or (D)-(E) of section 3701.023 of the Revised Code.

(F) "Hemophilia program" means the hemophilia program the department of health is required to establish and administer under section 3701.029 of the Revised Code.

Sec. 3701.023. (A) (1) The department of health shall review applications for eligibility for the program for medically handicapped children that are submitted to the department by city and general health districts and physician providers approved in
accordance with division (C)(D) of this section. The department shall, subject to division (A)(2) of this section, determine whether the applicants meet the medical and financial eligibility requirements established by the director of health pursuant to division (A)(1) of section 3701.021 of the Revised Code, and by the department in the manual of operational procedures and guidelines for the program for medically handicapped children developed pursuant to division (B) of that section. Referrals of potentially eligible children for the program may be submitted to the department on behalf of the child by parents, guardians, public health nurses, or any other interested person. The department of health may designate other agencies to refer applicants to the department of health program.

(2) Beginning January 1, 2018, enrollment in the program is subject to all of the following limitations:

(a) No nonmedicaid-eligible individual may continue to be enrolled in the program unless the individual was enrolled in the program on June 30, 2017, or had an application for the program pending on that date.

(b) No nonmedicaid-eligible individual may be initially enrolled in the program.

(c) No medicaid-eligible individual may continue to be enrolled in the program regardless of when the individual enrolled in the program or submitted an application for the program.

(d) No medicaid-eligible individual may be initially enrolled in the program.

(B) The department of health shall require an individual enrolled in the treatment and service coordination component of the program for medically handicapped children, or the individual's parent or guardian, to submit to a financial eligibility determination at the department's request, at least...
once annually.

(C) In accordance with the procedures established in rules adopted under division (A)(4) of section 3701.021 of the Revised Code, the department of health shall authorize a provider or providers to provide to any Ohio resident under twenty-one years of age who is enrolled in the diagnostic component of the program for medically handicapped children before January 1, 2018, without charge to the resident or the resident's family enrollee or the enrollee's family, diagnostic services necessary to determine whether the resident enrollee has a medically handicapping or potentially medically handicapping condition.

(D) The department of health shall review the applications of health professionals, hospitals, medical equipment suppliers, and other individuals, groups, or agencies that apply to become providers. The department shall enter into a written agreement with each applicant who is determined, pursuant to the requirements set forth in rules adopted under division (A)(2) of section 3701.021 of the Revised Code, to be eligible to be a provider in accordance with the provider agreement required by the medicaid program. No provider shall charge a medically handicapped child or the child's parent or guardian for services authorized by the department under division (B)(C) or (D)(E) of this section.

The department, in accordance with rules adopted under division (A)(3) of section 3701.021 of the Revised Code, may disqualify any provider from further participation in the program for violating any requirement set forth in rules adopted under division (A)(2) of that section. The disqualification shall not take effect until a written notice, specifying the requirement violated and describing the nature of the violation, has been delivered to the provider and the department has afforded the provider an opportunity to be heard.
provider an opportunity to appeal the disqualification under division (H)(I) of this section.

(E) The department of health shall evaluate applications from city and general health districts and approved physician providers for authorization to provide treatment services, service coordination, and related goods to children determined to be eligible for the treatment and service coordination component of the program for medically handicapped children pursuant to division (A) of this section. The department shall authorize necessary treatment services, service coordination, and related goods for each eligible child in accordance with an individual plan of treatment for the child. As an alternative, the department may authorize payment of health insurance premiums on behalf of eligible children when the department determines, in accordance with criteria set forth in rules adopted under division (A)(9) of section 3701.021 of the Revised Code, that payment of the premiums is cost-effective.

(F) The department of health shall pay, from appropriations to the department, any necessary expenses, including but not limited to, expenses for diagnosis, treatment, service coordination, supportive services, transportation, and accessories and their upkeep, provided to medically handicapped children, provided that the provision of the goods or services is authorized by the department under division (B)(C) or (D)(E) of this section. Money appropriated to the department of health may also be expended for reasonable administrative costs incurred by the program. The department of health also may purchase liability insurance covering the provision of services under the program for medically handicapped children by physicians and other health care professionals.

Payments made to providers by the department of health pursuant to this division for inpatient hospital care, outpatient...
care, and all other medical assistance furnished to eligible recipients enrollees of the program for medically handicapped children shall be made in accordance with rules adopted by the director of health pursuant to division (A) of section 3701.021 of the Revised Code.

The departments of health and medicaid shall jointly implement procedures to ensure that duplicate payments are not made under the program for medically handicapped children and the medicaid program and to identify and recover duplicate payments.

(F) (G) At the time of applying for participation in the program for medically handicapped children, a medically handicapped child or the child's parent or guardian shall disclose the identity of any third party against whom the child or the child's parent or guardian has or may have a right of recovery for goods and services provided under division (B)(C) or (D)(E) of this section. The department of health shall require a medically handicapped child who receives services from the program or the child's parent or guardian to apply for all third-party benefits for which the child may be eligible and require the child, parent, or guardian to apply all third-party benefits received to the amount determined under division (E)(F) of this section as the amount payable for goods and services authorized under division (B)(C) or (D)(E) of this section. The department is the payer of last resort and shall pay for authorized goods or services, up to the amount determined under division (E)(F) of this section for the authorized goods or services, only to the extent that payment for the authorized goods or services is not made through third-party benefits. When a third party fails to act on an application or claim for benefits by a medically handicapped child or the child's parent or guardian, the department shall pay for the goods or services only after ninety days have elapsed since the date the child, parents, or guardians made an application or
claim for all third-party benefits. Third-party benefits received shall be applied to the amount determined under division (E)(F) of this section. Third-party payments for goods and services not authorized under division (E)(C) or (D)(E) of this section shall not be applied to payment amounts determined under division (E)(F) of this section. Payment made by the department shall be considered payment in full of the amount determined under division (E)(F) of this section.

Medicaid payments for persons eligible for the medicaid program shall be considered payment in full of the amount determined under division (E) of this section.

(G) Subject to all provisions of this section, but not subject to section 3701.024 of the Revised Code, the department of health shall administer a program to provide services to Ohio residents who are twenty-one or more years of age who have cystic fibrosis and who meet the eligibility requirements established in rules adopted by the director of health pursuant to division (A)(7) of section 3701.021 of the Revised Code, subject to all provisions of this section, but not subject to section 3701.024 of the Revised Code. Beginning January 1, 2018, enrollment in the program is subject to all of the following limitations:

(1) No nonmedicaid-eligible individual may continue to be enrolled in the program unless the individual was enrolled in the program on June 30, 2017, or had an application for the program pending on that date.

(2) No nonmedicaid-eligible individual may be initially enrolled in the program.

(3) No medicaid-eligible individual may continue to be enrolled in the program regardless of when the individual enrolled in the program or submitted an application for the program.

(4) No medicaid-eligible individual may be initially enrolled
in the program.

(H)(I) The department of health shall provide for appeals, in accordance with rules adopted under section 3701.021 of the Revised Code, of denials of applications for the program for medically handicapped children under division (A) or (D)(E) of this section, disqualification of providers, or amounts paid under division (E)(F) of this section. Appeals under this division are not subject to Chapter 119. of the Revised Code.

The department may designate ombudspersons to assist medically handicapped children or their parents or guardians, upon the request of the children, parents, or guardians, in filing appeals under this division and to serve as children's, parents', or guardians' advocates in matters pertaining to the administration of the program for medically handicapped children and eligibility for program services. The ombudspersons shall receive no compensation but shall be reimbursed by the department, in accordance with rules of the office of budget and management, for their actual and necessary travel expenses incurred in the performance of their duties.

(J)(1) The department of health, and city and general health districts providing service coordination pursuant to division (A)(2) of section 3701.024 of the Revised Code, shall provide service coordination in accordance with the standards set forth in the rules adopted under section 3701.021 of the Revised Code, without charge, and without restriction as to economic status.

(K)(1) The department of health may establish a manufacturer discount program under which a manufacturer of a drug or nutritional formula is permitted to enter into an agreement with the department to provide a discount on the price of the drug or nutritional formula distributed to medically handicapped children participating in the program for medically handicapped children. The program shall be administered in accordance with
rules adopted under section 3701.021 of the Revised Code.

(2) If a manufacturer enters into an agreement with the department as described in division (J)(1) of this section, the manufacturer and the department may negotiate the amount and terms of the discount.

(3) In lieu of establishing a discount program as described in division (J)(1) of this section, the department and a manufacturer of a drug or nutritional formula may discuss a donation of drugs, nutritional formulas, or money by the manufacturer to the department.

(K) As used in this division "209(b) option" has the same meaning as in section 5166.01 of the Revised Code.

The program for medically handicapped children and the program the department of health administers pursuant to division (C) of this section shall continue to assist individuals who have cystic fibrosis and are enrolled in those programs in qualifying for medicaid under the spenddown process in the same manner it assists such individuals on the effective date of this amendment, regardless of whether the department of medicaid continues to implement the 209(b) option.

Sec. 3701.026. (A) The acceptance of assistance under the program for medically handicapped children gives a right of subrogation to the department of health against the liability of a third party for the costs of goods or services paid by the department under division (E)(F) of section 3701.023 of the Revised Code. The department's subrogation claim shall not exceed the total cost of the goods and services paid under division (E)(F) of section 3701.023 of the Revised Code.

(B) To enforce its subrogation rights, the department may do any of the following:
(1) Intervene or join in any action or proceeding brought by a medically handicapped child or his the child's parent or guardian against any third party who may be liable for the cost of goods and services paid under division (E)(F) of section 3701.023 of the Revised Code;

(2) Institute and pursue legal proceedings against any third party who may be liable for the cost of goods and services paid under division (E)(F) of section 3701.023 of the Revised Code;

(3) Initiate legal proceedings in conjunction with a medically handicapped child or his the child's parent or guardian against any third party who may be liable for the cost of goods and services paid under division (E)(F) of section 3701.023 of the Revised Code.

(C) When an action or claim is brought against a third party by a medically handicapped child participating in the program or his the child's parent or guardian, the entire amount of any settlement or compromise of the action or claim, or any court award or judgment, is subject to the subrogation right of the department. If all or part of settlement, compromise, award, or judgment is established in the form of a trust to benefit the child or his the child's family or guardians, the department may waive its right of subrogation against all or part of the trust. Any settlement, compromise, award, or judgment that excludes the costs of goods and services paid under division (E)(F) of section 3701.023 of the Revised Code shall not preclude the department from enforcing its subrogation right under this section.

(D) No settlement, compromise, judgment, or award or any recovery in any action or claim by a medically handicapped child or his the child's parent or guardian when the department has a right of subrogation shall be made final without first giving the department notice and the opportunity to perfect its right of subrogation. If the department is not given notice, the child,
parent, or guardian is liable to reimburse the department for the cost of goods and services paid under division (E)-(F) of section 3701.023 of the Revised Code out of any recovery received. The third party becomes liable to the department as soon as the third party is notified in writing of the valid claims for subrogation under this section.

(E) Subrogation does not apply to that portion of any judgment, award, settlement, or compromise of a claim, to the extent that attorney's fees, costs, or other expenses are incurred by a medically handicapped child or his the child's parent or guardian in securing the judgment, award, settlement, or compromise, or to the extent that the cost of goods and services specified in divisions (B)-(C) and (D)-(E) of section 3701.023 of the Revised Code are paid by the child, parent, or guardian. Attorney's fees and costs or other expenses in securing any recovery shall not be assessed against any subrogated claim of the department.

Sec. 3701.029. (A) Subject to available funds and division (B) of this section, the department of health shall establish and administer a hemophilia program to provide payment of health insurance premiums for Ohio residents who meet all of the following requirements:

(1) Have been diagnosed with hemophilia or a related bleeding disorder;

(2) Are at least twenty-one years of age;

(3) Meet the eligibility requirements established by rules adopted under division (A)(12) of section 3701.021 of the Revised Code.

(B) Beginning January 1, 2018, enrollment in the program is subject to all of the following limitations:
No nonmedicaid-eligible individual may continue to be enrolled in the program unless the individual was enrolled in the program on June 30, 2017, or had an application for the program pending on that date.

No nonmedicaid-eligible individual may be initially enrolled in the program.

No medicaid-eligible individual may continue to be enrolled in the program regardless of when the individual enrolled in the program or submitted an application for the program.

No medicaid-eligible individual may be initially enrolled in the program.

Sec. 3701.12. (A) As used in this section:

(1) "Third party" means any person or government entity other than the department of health or a program administered by the department.

(2) "Third party benefits" means any and all benefits paid by a third party to or on behalf of an individual or the individual's parent or guardian for goods or services the individual has received from the department of health or a grantee or contractor of the department.

(B) Except as provided in division (C) of this section, the department of health shall not, on or after January 1, 2018, pay for goods or services that are payable through third party benefits.

(C) The prohibition in division (B) of this section does not apply when expressly contrary to another provision of the Revised Code or when, as determined by the director of health, department of health funds are required to mitigate the spread of infectious disease or are needed for exceptional circumstances.
Sec. 3701.243. (A) Except as provided in this section or section 3701.248 of the Revised Code, no person or agency of state or local government that acquires the information while providing any health care service or while in the employ of a health care facility or health care provider shall disclose or compel another to disclose any of the following:

(1) The identity of any individual on whom an HIV test is performed;

(2) The results of an HIV test in a form that identifies the individual tested;

(3) The identity of any individual diagnosed as having AIDS or an AIDS-related condition.

(B)(1) Except as provided in divisions (B)(2), (C), (D), and (F) of this section, the results of an HIV test or the identity of an individual on whom an HIV test is performed or who is diagnosed as having AIDS or an AIDS-related condition may be disclosed only to the following:

(a) The individual who was tested or the individual's legal guardian, and the individual's spouse or any sexual partner;

(b) A person to whom disclosure is authorized by a written release, executed by the individual tested or by the individual's legal guardian and specifying to whom disclosure of the test results or diagnosis is authorized and the time period during which the release is to be effective;

(c) The individual's Any physician who treats the individual;

(d) The department of health or a health commissioner to which reports are made under section 3701.24 of the Revised Code;

(e) A health care facility or provider that procures, processes, distributes, or uses a human body part from a deceased individual, donated for a purpose specified in Chapter 2108. of
the Revised Code, and that needs medical information about the
deceased individual to ensure that the body part is medically
acceptable for its intended purpose;

(f) Health care facility staff committees or accreditation or
oversight review organizations conducting program monitoring,
program evaluation, or service reviews;

(g) A health care provider, emergency medical services
worker, or peace officer who sustained a significant exposure to
the body fluids of another individual, if that individual was
tested pursuant to division (E)(6) of section 3701.242 of the
Revised Code, except that the identity of the individual tested
shall not be revealed;

(h) To law enforcement authorities pursuant to a search
warrant or a subpoena issued by or at the request of a grand jury,
a prosecuting attorney, a city director of law or similar chief
legal officer of a municipal corporation, or a village solicitor,
in connection with a criminal investigation or prosecution.

(2) The results of an HIV test or a diagnosis of AIDS or an
AIDS-related condition may be disclosed to a health care provider,
or an authorized agent or employee of a health care facility or a
health care provider, if the provider, agent, or employee has a
medical need to know the information and is participating in the
diagnosis, care, or treatment of the individual on whom the test
was performed or who has been diagnosed as having AIDS or an
AIDS-related condition.

This division does not impose a standard of disclosure
different from the standard for disclosure of all other specific
information about a patient to health care providers and
facilities. Disclosure may not be requested or made solely for the
purpose of identifying an individual who has a positive HIV test
result or has been diagnosed as having AIDS or an AIDS-related
condition in order to refuse to treat the individual. Referral of
an individual to another health care provider or facility based on
reasonable professional judgment does not constitute refusal to
treat the individual.

(3) Not later than ninety days after November 1, 1989, each
health care facility in this state shall establish a protocol to
be followed by employees and individuals affiliated with the
facility in making disclosures authorized by division (B)(2) of
this section. A person employed by or affiliated with a health
care facility who determines in accordance with the protocol
established by the facility that a disclosure is authorized by
division (B)(2) of this section is immune from liability to any
person in a civil action for damages for injury, death, or loss to
person or property resulting from the disclosure.

(C)(1) Any person or government agency may seek access to or
government agency to disclose the HIV test records of an individual in
accordance with the following provisions:

(a) The person or government agency shall bring an action in
a court of common pleas requesting disclosure of or authority to
disclose the results of an HIV test of a specific individual, who
shall be identified in the complaint by a pseudonym but whose name
shall be communicated to the court confidentially, pursuant to a
court order restricting the use of the name. The court shall
provide the individual with notice and an opportunity to
participate in the proceedings if the individual is not named as a
party. Proceedings shall be conducted in chambers unless the
individual agrees to a hearing in open court.

(b) The court may issue an order granting the plaintiff
access to or authority to disclose the test results only if the
court finds by clear and convincing evidence that the plaintiff
has demonstrated a compelling need for disclosure of the
information that cannot be accommodated by other means. In
assessing compelling need, the court shall weigh the need for
disclosure against the privacy right of the individual tested and
against any disservice to the public interest that might result
from the disclosure, such as discrimination against the individual
or the deterrence of others from being tested.

(c) If the court issues an order, it shall guard against
unauthorized disclosure by specifying the persons who may have
access to the information, the purposes for which the information
shall be used, and prohibitions against future disclosure.

(2) A person or government agency that considers it necessary
to disclose the results of an HIV test of a specific individual in
an action in which it is a party may seek authority for the
disclosure by filing an in camera motion with the court in which
the action is being heard. In hearing the motion, the court shall
employ procedures for confidentiality similar to those specified
in division (C)(1) of this section. The court shall grant the
motion only if it finds by clear and convincing evidence that a
compelling need for the disclosure has been demonstrated.

(3) Except for an order issued in a criminal prosecution or
an order under division (C)(1) or (2) of this section granting
disclosure of the result of an HIV test of a specific individual,
a court shall not compel a blood bank, hospital blood center, or
blood collection facility to disclose the result of HIV tests
performed on the blood of voluntary donors in a way that reveals
the identity of any donor.

(4) In a civil action in which the plaintiff seeks to recover
damages from an individual defendant based on an allegation that
the plaintiff contracted the HIV virus as a result of actions of
the defendant, the prohibitions against disclosure in this section
do not bar discovery of the results of any HIV test given to the
defendant or any diagnosis that the defendant suffers from AIDS or
an AIDS-related condition.
(D) The results of an HIV test or the identity of an individual on whom an HIV test is performed or who is diagnosed as having AIDS or an AIDS-related condition may be disclosed to a federal, state, or local government agency, or the official representative of such an agency, for purposes of the medicaid program, the medicare program, or any other public assistance program.

(E) Any disclosure pursuant to this section shall be in writing and accompanied by a written statement that includes the following or substantially similar language: "This information has been disclosed to you from confidential records protected from disclosure by state law. You shall make no further disclosure of this information without the specific, written, and informed release of the individual to whom it pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is not sufficient for the purpose of the release of HIV test results or diagnoses."

(F) An individual who knows that the individual has received a positive result on an HIV test or has been diagnosed as having AIDS or an AIDS-related condition shall disclose this information to any other person with whom the individual intends to make common use of a hypodermic needle or engage in sexual conduct as defined in section 2907.01 of the Revised Code. An individual's compliance with this division does not prohibit a prosecution of the individual for a violation of division (B) of section 2903.11 of the Revised Code.

(G) Nothing in this section prohibits the introduction of evidence concerning an HIV test of a specific individual in a criminal proceeding.

Sec. 3701.65. (A) There is hereby created in the state treasury the "choose life" fund. The fund shall consist of the
contributions that are paid to the registrar of motor vehicles by applicants who voluntarily elect to obtain "choose life" license plates pursuant to section 4503.91 of the Revised Code and any money returned to the fund under division (E)(1)(d) of this section. All investment earnings of the fund shall be credited to the fund.

(B)(1) At least annually, the director of health shall distribute the money in the fund to any private, nonprofit organization that is eligible to receive funds under this section and that applies for funding under division (C) of this section.

(2) The director shall allocate the funds to each county in proportion to the number of "choose life" license plates issued during the preceding year to vehicles registered in each county. The director shall distribute funds allocated for a county as follows:

(a) To one or more eligible organizations located within the county;

(b) If no eligible organization located within the county applies for funding, to one or more eligible organizations located in contiguous counties;

(c) If no eligible organization located within the county or a contiguous county applies for funding, to one or more eligible organizations within any other county.

(3) The director shall ensure that any funds allocated for a county are distributed equally among eligible organizations that apply for funding within the county.

(C) Any organization seeking funds under this section annually shall apply for distribution of the funds based on the county in which the organization is located. An organization also may apply for funding in a county in which it is not located if it
demonstrates that it provides services for pregnant women residing in that county. The director shall develop an application form and may determine the schedule and procedures that an organization shall follow when annually applying for funds. The application shall inform the applicant of the conditions for receiving and using funds under division (E) of this section. The application shall require evidence that the organization meets all of the following requirements:

1. Is a private, nonprofit organization;
2. Is committed to counseling pregnant women about the option of adoption;
3. Provides services within the state to pregnant women who are planning to place their children for adoption, including counseling and meeting the material needs of the women;
4. Does not charge women for any services received;
5. Is not involved or associated with any abortion activities, including counseling for or referrals to abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising;
6. Does not discriminate in its provision of any services on the basis of race, religion, color, age, marital status, national origin, handicap, gender, or age;
7. If the organization is applying for funding in a county in which it is not located, provides services for pregnant women residing in that county.

(D) The director shall not distribute funds to an organization that does not provide verifiable evidence of the requirements specified in the application under division (C) of this section and shall not provide additional funds to any organization that fails to comply with division (E) of this
section in regard to its previous receipt of funds under this section.

(E)(1) An organization receiving funds under this section shall do all of the following:

(a) Use not more than sixty per cent of the funds distributed to it for the material needs of pregnant women who are planning to place their children for adoption or for infants awaiting placement with adoptive parents, including clothing, housing, medical care, food, utilities, and transportation;

(b) Use not more than forty per cent of the funds distributed to it for counseling, training, or advertising;

(c) Not use any of the funds distributed to it for administrative expenses, legal expenses, or capital expenditures;

(d) Annually return to the fund created under division (A) of this section any unused money that exceeds ten per cent of the money distributed to the organization.

(2) The organization annually shall submit to the director an audited financial statement verifying its compliance with division (E)(1) of this section.

(F) The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules to implement this section.

It is not the intent of the general assembly that the department create a new position within the department to implement and administer this section. It is the intent of the general assembly that the implementation and administration of this section be accomplished by existing department personnel.

(G) If funds that have been allocated to a county for any previous year have not been distributed to one or more eligible organizations, the director may distribute those funds in accordance with this section.
Sec. 3701.83. There is hereby created in the state treasury the general operations fund. Moneys in the fund shall be used for the purposes specified in sections 3701.04, 3701.344, 3702.20, 3710.15, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 3749.07, 4747.04, and 4769.09 of the Revised Code.

Sec. 3701.881. (A) As used in this section:

(1) "Applicant" means a person who is under final consideration for employment with a home health agency in a full-time, part-time, or temporary position that involves providing direct care to an individual or is referred to a home health agency by an employment service for such a position.

(2) "Community-based long-term care provider" means a provider as defined in section 173.39 of the Revised Code.

(3) "Community-based long-term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code.

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

(5) "Direct care" means any of the following:

(a) Any service identified in divisions (A)(8)(a) to (f) of this section that is provided in a patient's place of residence used as the patient's home;

(b) Any activity that requires the person performing the activity to be routinely alone with a patient or to routinely have access to a patient's personal property or financial documents regarding a patient;

(c) For each home health agency individually, any other routine service or activity that the chief administrator of the home health agency designates as direct care.
(6) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(7) "Employee" means a person employed by a home health agency in a full-time, part-time, or temporary position that involves providing direct care to an individual and a person who works in such a position due to being referred to a home health agency by an employment service.

(8) "Home health agency" means a person or government entity, other than a nursing home, residential care facility, hospice care program, or pediatric respite care program, that has the primary function of providing any of the following services to a patient at a place of residence used as the patient's home:

(a) Skilled nursing care;

(b) Physical therapy;

(c) Speech-language pathology;

(d) Occupational therapy;

(e) Medical social services;

(f) Home health aide services.

(9) "Home health aide services" means any of the following services provided by an employee of a home health agency:

(a) Hands-on bathing or assistance with a tub bath or shower;

(b) Assistance with dressing, ambulation, and toileting;

(c) Catheter care but not insertion;

(d) Meal preparation and feeding.

(10) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.
(11) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.

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

(13) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.

(14) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.

(15) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.

(16) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.

(17) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code.

(18) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.

(B) No home health agency shall employ an applicant or continue to employ an employee in a position that involves providing direct care to an individual if any of the following apply:

(1) A review of the databases listed in division (D) of this section reveals any of the following:

(a) That the applicant or employee is included in one or more of the databases listed in divisions (D)(1) to (5) of this section;

(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement...
detailing findings by the director of health that the applicant or employee abused, neglected, or exploited a long-term care facility or residential care facility resident or misappropriated property of such a resident;

(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules adopted under this section and the rules prohibit the home health agency from employing an applicant or continuing to employ an employee included in such a database in a position that involves providing direct care to an individual.

(2) After the applicant or employee is provided, pursuant to division (E)(2)(a) of this section, a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section, the applicant or employee fails to complete the form or provide the applicant's or employee's fingerprint impressions on the standard impression sheet.

(3) Except as provided in rules adopted under this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(C) Except as provided by division (F) of this section, the chief administrator of a home health agency shall inform each applicant of both of the following at the time of the applicant's initial application for employment or referral to the home health agency by an employment service for a position that involves providing direct care to an individual:

(1) That a review of the databases listed in division (D) of this section will be conducted to determine whether the home health agency is prohibited by division (B)(1) of this section
from employing the applicant in the position;

(2) That, unless the database review reveals that the applicant may not be employed in the position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check.

(D) As a condition of employing any applicant in a position that involves providing direct care to an individual, the chief administrator of a home health agency shall conduct a database review of the applicant in accordance with rules adopted under this section. If rules adopted under this section so require, the chief administrator of a home health agency shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a position that involves providing direct care to an individual. However, the chief administrator is not required to conduct a database review of an applicant or employee if division (F) of this section applies. A database review shall determine whether the applicant or employee is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to the "Social Security Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5;

(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of...
the Revised Code;

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;

(6) The state nurse aide registry established under section 3721.32 of the Revised Code;

(7) Any other database, if any, specified in rules adopted under this section.

(E)(1) As a condition of employing any applicant in a position that involves providing direct care to an individual, the chief administrator of a home health agency shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check of the applicant. If rules adopted under this section so require, the chief administrator of a home health agency shall request the superintendent to conduct a criminal records check of an employee at times specified in the rules as a condition of continuing to employ the employee in a position that involves providing direct care to an individual. However, the chief administrator is not required to request the criminal records check of the applicant or the employee if division (F) of this section applies or the home health agency is prohibited by division (B)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing direct care to an individual. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or does not provide evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of investigation in a criminal records check, the chief administrator shall request that the superintendent obtain information from the
federal bureau of investigation as a part of the criminal records
check. Even if an applicant or employee for whom a criminal
records check request is required by this section presents proof
that the applicant or employee has been a resident of this state
for that five-year period, the chief administrator may request
that the superintendent include information from the federal
bureau of investigation in the criminal records check.

(2) The chief administrator shall do all of the following:

(a) Provide to each applicant and employee for whom a
criminal records check request is required by this section a copy
of the form prescribed pursuant to division (C)(1) of section
109.572 of the Revised Code and a standard impression sheet
prescribed pursuant to division (C)(2) of that section;

(b) Obtain the completed form and standard impression sheet
from each applicant and employee;

(c) Forward the completed form and standard impression sheet
to the superintendent at the time the chief administrator requests
the criminal records check.

(3) A home health agency shall pay to the bureau of criminal
identification and investigation the fee prescribed pursuant to
division (C)(3) of section 109.572 of the Revised Code for each
criminal records check the agency requests under this section. A
home health agency may charge an applicant a fee not exceeding the
amount the agency pays to the bureau under this section if both of
the following apply:

(a) The home health agency notifies the applicant at the time
of initial application for employment of the amount of the fee and
that, unless the fee is paid, the applicant will not be considered
for employment.

(b) The medicaid program does not reimburse the home health
agency for the fee it pays to the bureau under this section.
(F) Divisions (C) to (E) of this section do not apply with regard to an applicant or employee if the applicant or employee is referred to a home health agency by an employment service that supplies full-time, part-time, or temporary staff for positions that involve providing direct care to an individual and both of the following apply:

1. The chief administrator of the home health agency receives from the employment service confirmation that a review of the databases listed in division (D) of this section was conducted with regard to the applicant or employee.

2. The chief administrator of the home health agency receives from the employment service, applicant, or employee a report of the results of a criminal records check of the applicant or employee that has been conducted by the superintendent within the one-year period immediately preceding the following:

   a. In the case of an applicant, the date of the applicant's referral by the employment service to the home health agency;

   b. In the case of an employee, the date by which the home health agency would otherwise have to request a criminal records check of the employee under division (E) of this section.

(G)(1) A home health agency may employ conditionally an applicant for whom a criminal records check request is required by this section before obtaining the results of the criminal records check if the agency is not prohibited by division (B) of this section from employing the applicant in a position that involves providing direct care to an individual and either of the following applies:

   a. The chief administrator of the home health agency requests the criminal records check in accordance with division (E) of this section not later than five business days after the applicant begins conditional employment.
(b) The applicant is referred to the home health agency by an employment service, the employment service or the applicant provides the chief administrator of the agency a letter that is on the letterhead of the employment service, the letter is dated and signed by a supervisor or another designated official of the employment service, and the letter states all of the following:

(i) That the employment service has requested the superintendent to conduct a criminal records check regarding the applicant;

(ii) That the requested criminal records check is to include a determination of whether the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense;

(iii) That the employment service has not received the results of the criminal records check as of the date set forth on the letter;

(iv) That the employment service promptly will send a copy of the results of the criminal records check to the chief administrator of the home health agency when the employment service receives the results.

(2) If a home health agency employs an applicant conditionally pursuant to division (G)(1)(b) of this section, the employment service, on its receipt of the results of the criminal records check, promptly shall send a copy of the results to the chief administrator of the agency.

(3) A home health agency that employs an applicant conditionally pursuant to division (G)(1)(a) or (b) of this section shall terminate the applicant's employment if the results of the criminal records check, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the
date the request for the criminal records check is made.

Regardless of when the results of the criminal records check are obtained, if the results indicate that the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense, the home health agency shall terminate the applicant's employment unless circumstances specified in rules adopted under this section that permit the agency to employ the applicant exist and the agency chooses to employ the applicant. Termination of employment under this division shall be considered just cause for discharge for purposes of division (D)(2) of section 4141.29 of the Revised Code if the applicant makes any attempt to deceive the home health agency about the applicant's criminal record.

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

1. The applicant or employee who is the subject of the criminal records check or the applicant's or employee's representative;

2. The home health agency requesting the criminal records check or its representative;

3. The administrator of any other facility, agency, or program that provides direct care to individuals that is owned or operated by the same entity that owns or operates the home health agency that requested the criminal records check;

4. The employment service that requested the criminal records check;

5. The director of health and the staff of the department of
health who monitor a home health agency's compliance with this section;

(6) The director of aging or the director's designee if either of the following apply:

(a) In the case of a criminal records check requested by a home health agency, the home health agency also is a community-based long-term care provider or community-based long-term care subcontractor;

(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a home health agency that also is a community-based long-term care provider or community-based long-term care subcontractor.

(7) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if either of the following apply:

(a) In the case of a criminal records check requested by a home health agency, the home health agency also is a waiver agency;

(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a home health agency that also is a waiver agency.

(8) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(a) A denial of employment of the applicant or employee;

(b) Employment or unemployment benefits of the applicant or employee;

(c) A civil or criminal action regarding the medicaid program.
(I) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a home health agency employs in a position that involves providing direct care to an individual, all of the following shall apply:

(1) If the home health agency employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the agency shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the home health agency employed the applicant in good faith on a conditional basis pursuant to division (G) of this section, the agency shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section.

(3) If the home health agency in good faith employed the applicant or employee according to the personal character standards established in rules adopted under this section, the agency shall not be found negligent solely because the applicant or employee had been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(J) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and criminal records checks under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;
(c) For the purpose of division (D)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The procedures for conducting database reviews under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a home health agency is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases;

(d) Circumstances under which a home health agency may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense but meets personal character standards.

Sec. 3702.304. (A)(1) The director of health may grant a variance from the written transfer agreement requirement of section 3702.303 of the Revised Code if the ambulatory surgical facility submits to the director a complete variance application, prescribed by the director, and the director determines after reviewing the application that the facility is capable of achieving the purpose of a written transfer agreement in the absence of one. The director's determination is final.

(2) Not later than sixty days after receiving a variance
application from an ambulatory surgical facility, the director shall grant or deny the variance. A variance application that has not been approved within sixty days is considered denied.

(B) A variance application is complete for purposes of division (A)(1) of this section if it contains or includes as attachments all of the following:

(1) A statement explaining why application of the requirement would cause the facility undue hardship and why the variance will not jeopardize the health and safety of any patient;

(2) A letter, contract, or memorandum of understanding signed by the facility and one or more consulting physicians who have admitting privileges at a minimum of one local hospital, memorializing the physician or physicians' agreement to provide back-up coverage when medical care beyond the level the facility can provide is necessary;

(3) For each consulting physician described in division (B)(2) of this section:

(a) A signed statement in which the physician attests that the physician is familiar with the facility and its operations, and agrees to provide notice to the facility of any changes in the physician's ability to provide back-up coverage;

(b) The estimated travel time from the physician's main residence or office to each local hospital where the physician has admitting privileges;

(c) Written verification that the facility has a record of the name, telephone numbers, and practice specialties of the physician;

(d) Written verification from the state medical board that the physician possesses a valid certificate of license to practice medicine and surgery or osteopathic medicine and surgery issued
under Chapter 4731. of the Revised Code;

(e) Documented verification that each hospital at which the physician has admitting privileges has been informed in writing by the physician that the physician is a consulting physician for the ambulatory surgical facility and has agreed to provide back-up coverage for the facility when medical care beyond the care the facility can provide is necessary.

(4) A copy of the facility's operating procedures or protocols that, at a minimum, do all of the following:

(a) Address how back-up coverage by consulting physicians is to occur, including how back-up coverage is to occur when consulting physicians are temporarily unavailable;

(b) Specify that each consulting physician is required to notify the facility, without delay, when the physician is unable to expeditiously admit patients to a local hospital and provide for continuity of patient care;

(c) Specify that a patient's medical record maintained by the facility must be transferred contemporaneously with the patient when the patient is transferred from the facility to a hospital.

(5) Any other information the director considers necessary.

(C) The director's decision to grant, refuse, or rescind a variance is final.

(D) The director shall consider each application for a variance independently without regard to any decision the director may have made on a prior occasion to grant or deny a variance to that ambulatory surgical facility or any other facility.

**Sec. 3702.307.** An ambulatory surgical facility shall notify the director of health when any of the following occurs:

(A) The facility modifies any provision of its most recent
written transfer agreement filed with the director under section 3702.303 of the Revised Code. Notification under these circumstances shall occur not later than the business day after the modification is finalized. As used in this division, "business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined in section 1.14 of the Revised Code.

(B) The facility modifies its operating procedures or protocols described in division (B)(4) of section 3702.304 of the Revised Code. Notification under these circumstances shall occur not later than forty-eight hours after the modification is made.

(C) The ambulatory surgical facility becomes aware of an event, including disciplinary action by the state medical board pursuant to section 4731.22 of the Revised Code, that may affect a consulting physician's certificate to practice medicine and surgery or osteopathic medicine and surgery or the physician's ability to admit patients to a hospital identified in a variance application, as described in division (B)(3)(e) of section 3702.304 of the Revised Code. Notification under these circumstances shall occur not later than one week after the facility becomes aware of the event's occurrence.

Sec. 3702.72. (A) A primary care physician who will not have an outstanding obligation for medical service to the federal government, a state, or other entity at the time of participation in the physician loan repayment program and meets one of the following requirements may apply for participation in the physician loan repayment program:

(1) The primary care physician is enrolled in the final year of an accredited program required for board certification in a primary care specialty.

(2) The primary care physician is enrolled in the final year of a fellowship program in a primary care specialty.
(3) The primary care physician holds a valid certificate license to practice medicine and surgery or osteopathic medicine and surgery issued under Chapter 4731. of the Revised Code.

(B) An application for participation in the physician loan repayment program shall be submitted to the director of health on a form that the director shall prescribe. The information required to be submitted with an application includes the following:

(1) The applicant's name, permanent address or address at which the applicant is currently residing if different from the permanent address, and telephone number;

(2) The applicant's primary care specialty or specialties;

(3) The medical school or osteopathic medical school the applicant attended, the dates of attendance, and verification of attendance;

(4) The facility or institution where the applicant's medical residency program was completed or is being performed, and, if completed, the date of completion;

(5) If applicable, the facility or institution where the applicant's fellowship was completed or is being performed, and, if completed, the date of completion;

(6) A summary and verification of the educational expenses for which the applicant seeks reimbursement under the program;

(7) Verification of the applicant's authorization under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(8) Verification of the applicant's United States citizenship or status as a legal alien.

Sec. 3704.01. As used in this chapter:

(A) "Administrator" means the administrator of the United
States environmental protection agency or the chief executive of any successor federal agency responsible for implementation of the federal Clean Air Act.

(B) "Air contaminant" means particulate matter, dust, fumes, gas, mist, radionuclides, smoke, vapor, or odorous substances, or any combination thereof, but does not mean emissions from agricultural production activities, as defined in section 929.01 of the Revised Code, that are consistent with generally accepted agricultural practices, were established prior to adjacent nonagricultural activities, have no substantial, adverse effect on the public health, safety, or welfare, do not result from the negligent or other improper operations of any such agricultural activities, and would not be required to obtain a Title V permit. For the purposes of this chapter, agricultural production activities do not include the installation and operation of off-farm facilities for the storage or processing of agricultural products, including, but not limited to, alfalfa dehydrating facilities, rendering plants, and feed and grain mills, elevators, and terminals.

(C) "Air contaminant source" means each separate operation or activity that results or may result in the emission of any air contaminant.

(D) "Air pollution" means the presence in the ambient air of one or more air contaminants or any combination thereof in sufficient quantity and of such characteristics and duration as is or threatens to be injurious to human health or welfare, plant or animal life, or property, or as unreasonably interferes with the comfortable enjoyment of life or property.

(E) "Ambient air" means that portion of the atmosphere outside of buildings and other enclosures, stacks, or ducts that surrounds human, plant, or animal life or property.
(F) "Best available technology" means any combination of work practices, raw material specifications, throughput limitations, source design characteristics, an evaluation of the annualized cost per ton of pollutant removed, and air pollution control devices that have been previously demonstrated to the director of environmental protection to operate satisfactorily in this state or other states with similar air quality on substantially similar air pollution sources.

(G) "Change within a permitted facility" means, within the context of the Title V permit program established under section 3704.036 of the Revised Code, a change that is limited by a federally enforceable provision of an applicable Title V permit and that does not include physical, production, or other changes that are neither addressed nor limited by the federally enforceable portion of a Title V permit unless the change would result in a violation of a federally enforceable requirement or a modification under Title I of the federal Clean Air Act or would be subject to any requirements under Title IV of that act.

(H) "Emit" or "emission" means the release into the ambient air of an air contaminant.

(I) "Emission limitation" and "emission standard" mean a requirement that limits the quantity, rate, or concentration of emissions of air contaminants, including any requirement relating to the operation or maintenance of an air contaminant source.

(J) "Facility," for the purposes of the Title V permit program established under section 3704.036 of the Revised Code, means all of the emitting activities that are located on contiguous or adjacent properties that are under the control of the same person or persons or are under common control and that are in the same major group as described in the standard Industrial Classification Manual, 1987.
(K) "Federal Clean Air Act" means "Air Quality Act of 1967," 81 Stat. 485, 42 U.S.C. 1857, as amended by "Clean Air Act Amendments of 1970," 84 Stat. 1676, 42 U.S.C. 1857, "Act of November 18, 1971," 85 Stat. 464, 42 U.S.C. 1857, "Act of April 9, 1973," 87 Stat. 11, 42 U.S.C. 1857, "Act of June 24, 1974," 88 Stat. 248, 42 U.S.C. 1857, "Clean Air Act Amendments of 1977," 91 Stat. 685, 42 U.S.C. 7401, "Safe Drinking Water Act Amendments of 1977," 91 Stat. 1393, 42 U.S.C. 7401, "Clean Air Act Amendments of 1990," 104 Stat. 2399, 42 U.S.C.A. 7401, and any other amendments that have been or may hereafter be adopted, or any supplements to those acts and laws of the United States that have been or may hereafter be enacted in substitution therefor, together with any regulations that have been or may hereafter be adopted by the administrator by virtue of and in accordance with those acts and laws. Reference to a particular title or section of the federal Clean Air Act includes any amendments that have been or may hereafter be enacted in substitution therefor and any regulations pertaining to the title or section that have been or may hereafter be adopted by the administrator by virtue of and in accordance with the federal Clean Air Act.

(L) "Hazardous air pollutant" means any pollutant listed under section 112(b) of the federal Clean Air Act.

(M) "Implementation plan" means a program for the prevention and abatement of air pollution in the state that has been promulgated or approved by the administrator pursuant to the federal Clean Air Act.

(N) "Local air pollution control authority" includes all of the following unless terminated by the political subdivisions represented thereby:

(1) All of the following agencies representing the following political subdivisions, as those agencies existed on the effective date of this section July 1, 1993:
(a) The Akron regional air quality management district representing Medina, Summit, and Portage counties;

(b) The Canton city health department representing Stark county;

(c) The Hamilton county department of environmental services, southwest Ohio air quality agency representing Butler, Warren, Hamilton, and Clermont counties;

(d) The city of Cleveland division of the environment representing the city of Cleveland Cuyahoga county;

(e) The regional air pollution control agency representing Darke, Preble, Miami, Montgomery, Clark, and Greene counties;

(f) The Lake county general health district representing Lake and Geauga counties;

(g) The Portsmouth city health department representing Brown, Adams, Scioto, and Lawrence counties;

(h) The north Ohio valley air authority representing Carroll, Jefferson, Columbiana, Harrison, Belmont, and Monroe counties;

(1) The city of Toledo division of pollution control representing Lucas county and the city of Rossford in Wood county;

(ii) The Mahoning-Trumbull air pollution control agency, city of Youngstown, representing Trumbull and Mahoning counties.

(2) Any successor to an existing local air pollution control authority listed in divisions (N)(1)(a) to (i) of this section that results from a change in the political subdivisions comprising the local air pollution control authority through the withdrawal of a political subdivision from membership in the local air pollution control authority or the inclusion of an additional political subdivision in the membership of the local air pollution control authority;

(3) Any new local air pollution control authority established
on or after the effective date of this section July 1, 1993, by one or more political subdivisions of this state for the purposes of exercising the powers reserved to political subdivisions of this state under division (A) of section 3704.11 of the Revised Code.

(0) "Person" means the federal government or any agency thereof, the state or any agency thereof, any political subdivision or any agency thereof, or any public or private corporation, individual, partnership, or other entity.

(P) "Research and development sources" means sources whose activities are conducted for nonprofit scientific or educational purposes; sources whose activities are conducted to test more efficient production processes or methods for preventing or reducing adverse environmental impacts, provided that the activities do not include the production of an intermediate or final product for sale or exchange for commercial profit, except in a de minimis manner; a research or laboratory source the primary purpose of which is to conduct research and development into new processes and products, that is operated under the close supervision of technically trained personnel, and that is not engaged in the manufacture of products for sale or exchange for commercial profit, except in a de minimis manner; the temporary use of normal production sources in a research and development mode to test the technical or commercial viability of alternative raw materials or production processes, provided that the use does not include the production of an intermediate or final product for sale or exchange for commercial profit, except in a de minimis manner; the experimental firing of any fuel or combination of fuels in a boiler, heater, furnace, or dryer for the purpose of conducting research and development of more efficient combustion or more effective prevention or control of air pollutant emissions, provided that, during those periods of research and
development, the heat generated is not used for normal production
purposes or for producing a product for sale or exchange for
commercial profit, except in a de minimis manner; and such other
similar sources as the director may prescribe by rule.

(Q) "Responsible official" means one of the following, as
applicable:

(1) For a corporation: a president, secretary, treasurer, or
vice-president of the corporation in charge of a principal
business function, any other person who performs similar policy or
decision-making functions for the corporation, or a duly
authorized representative of any such person if the representative
is responsible for the overall operation of one or more
manufacturing, production, or operating facilities applying for or
subject to a Title V permit and if one of the following applies:

(a) The facilities employ more than two hundred fifty
individuals or have gross annual sales or expenditures exceeding
twenty-five million dollars, in second quarter 1980 dollars;

(b) The delegation of authority to the representative is
approved in advance by the director.

(2) For a partnership or sole proprietorship: a general
partner or the proprietor, respectively.

(3) For the federal government or any agency thereof, the
state or any agency thereof, a political subdivision or any agency
thereof, or any other public agency, either a principal executive
officer or authorized elected official. For the purposes of this
division, a principal executive officer of a federal agency
includes the chief executive officer having responsibility for the
overall operation of a principal geographic unit of the agency.

(4) For affected sources, both of the following:

(a) The designated representative insofar as actions,
standards, requirements, or prohibitions under Title IV of the
federal Clean Air Act or regulations adopted under it are
concerned;

(b) The designated representative for any other purposes
under 40 C.F.R. part 70.

(R) "Small business stationary source" means any building,
structure, facility, or installation that emits any federally
regulated air pollutant and is owned or operated by a person who
employs one hundred or fewer individuals; is a small business
concern as defined in the "Small Business Act," 72 Stat. 384
(1958), 15 U.S.C.A. 632, as amended; is not a major stationary
source as defined in section 302(j) of the federal Clean Air Act;
does not emit fifty tons or more per year of any federally
regulated air pollutant or any hazardous air pollutant; and emits
less than seventy-five tons per year of all federally regulated
air pollutants.

(S) "Title V permit" means an operating permit required to be
issued by the state under section 502 of the federal Clean Air Act
and issued under section 3704.036 of the Revised Code and rules
adopted under it.

(T) For the purposes of the Title V permit program
established under this chapter and rules adopted under it, all
terms defined in 40 C.F.R. part 70 have the same meaning as in
that part.

Sec. 3704.035. (A) There is hereby created in the state
treasury the Title V clean air fund. Except as otherwise provided
in division (K) of section 3745.11 of the Revised Code, all moneys
collected under division (B) of that section, and any gifts,
grants, or contributions received by the director of environmental
protection for the purposes of the fund, shall be credited to the
fund.
The director shall expend all moneys credited to the fund solely to administer and enforce the Title V program pursuant to the federal Clean Air Act, this chapter, and rules adopted under it, except as costs relating to enforcement are limited by the federal Clean Air Act. The director shall establish separate and distinct accounting for all such moneys.

(B) There is hereby created in the state treasury the non-Title V clean air fund. All money collected under section 3710.15 and divisions (D), (F), (G), (H), (I), and (J) of section 3745.11 of the Revised Code shall be credited to the fund. In addition, any gifts, grants, or contributions received by the director for the purposes of the fund shall be credited to the fund.

The director shall expend money in the fund exclusively to pay the cost of administering and enforcing the laws of this state pertaining to the prevention, control, and abatement of air pollution, the prevention, control, and abatement of asbestos, rules adopted under those laws, and terms and conditions of permits, variances, and orders issued under those laws, and asbestos abatement licensure and certification issued under those laws. However, the director shall not expend money credited to the fund for the administration and enforcement of the Title V permit program established under this chapter and rules adopted under it or motor vehicle inspection and maintenance programs established under sections 3704.14, 3704.141, 3704.16, 3704.161, and 3704.162 of the Revised Code.

(C) The director shall report biennially to the general assembly the amounts of fees and other moneys credited to the funds under this section and the amounts expended from them for each of the various air pollution control programs.

Sec. 3704.111. (A) Not later than October 1, 1993, the
director of environmental protection shall enter into a delegation agreement with each local air pollution control authority listed in divisions (J) (N) (1) (a) to (j) (i) of section 3704.01 of the Revised Code under which the local air pollution control authority agrees to perform on behalf of the environmental protection agency air pollution control regulatory services within the political subdivision represented by the local air pollution control authority. The director may enter into such a delegation agreement with a local air pollution control authority established on or after the effective date of this section, subject to the condition established in division (B) of this section. Each delegation agreement shall be self-renewing on an annual basis on the first day of October of each year. The terms of each such delegation agreement shall remain unchanged from year to year unless they are amended by mutual agreement of the director and the local air pollution control authority.

(B) The director may conduct a periodic performance evaluation of the air pollution control program operated by each local air pollution control authority. Based upon the findings of such a performance evaluation, the director may terminate or refuse to renew the delegation agreement with a local air pollution control authority if the director determines that the local air pollution control authority is not adequately performing its obligations under the agreement.

(C) The director may enter into contracts for payments to local air pollution control authorities from moneys credited to the clean air fund created in section 3704.035 of the Revised Code, subject to the limitation specified in that section, and any other moneys appropriated by the general assembly for that purpose. The director shall distribute the moneys available for making payments to the local air pollution control authorities pursuant to such contracts equitably among the local air pollution authorities.
control authorities based upon the amount of local funding and the workload of each local air pollution control authority, including, without limitation, population served, number of air permits issued for both new and existing sources, land area, and number of air contaminant sources. The director biennially shall review the workload of each local air pollution control authority and shall determine the percentage of the moneys available for the purpose of making payments under the contracts. In determining the percentage of those moneys that is to be so distributed, the director shall consider the recommendations of the local air pollution control authorities.

(D) The director may modify a contract between the director and a local air pollution control authority to authorize the local air pollution control authority to perform air pollution control activities outside the geographic boundaries of that local air pollution control authority.

Sec. 3705.07. (A) The local registrar of vital statistics shall number consecutively the birth, each fetal death, and death certificates in three separate series, beginning with "number one" for the first birth, the first fetal death, and the first death registered in each calendar year certificate printed on paper that the local registrar receives from the electronic death registration system (EDRS) maintained by the department of health. The number assigned to each certificate shall be the one provided by EDRS. Such local registrar shall sign the local registrar's name in attest to the date of filing in the local office. The local registrar shall make a complete and accurate copy of each birth, fetal death, and death certificate registered printed on paper that is filed. Each paper copy shall be filed and permanently preserved as the local record of such birth, fetal death, or death except as provided in sections 3705.09, 3705.12, and 3705.124 of the Revised Code until the electronic information
regarding the event has been completed and made available in EDRS and EDRS is capable of issuing a complete and accurate electronic copy of the certificate. The local record may be a typewritten, photographic, electronic, or other reproduction. On or before the tenth day of each month, the The local registrar shall transmit to the state office of vital statistics all original birth, death, and military service certificates received, and all social security numbers obtained under section 3705.09, 3705.10, or 3705.16 of the Revised Code, during the preceding month using the state transmittal schedule specified by the department of health. The local registrar shall immediately notify the health commissioner with jurisdiction in the registration district of the receipt of a death certificate attesting that death resulted from a communicable disease.

The office of vital statistics shall carefully examine the records and certificates received from local registrars of vital statistics and shall secure any further information that may be necessary to make each record and certificate complete and satisfactory. It shall arrange and preserve the records and certificates, or reproductions of them produced pursuant to section 3705.03 of the Revised Code, in a systematic manner and shall maintain a permanent index of all births, fetal deaths, and deaths registered, which shall show the name of the child or deceased person, place and date of birth or death, and number of the record or certificate, and the volume in which it is contained.

(B)(1) The office of vital statistics shall make available to the division of child support in the department of job and family services all social security numbers that were furnished to a local registrar of vital statistics accompanying a birth certificate submitted for filing under division (I)(H) of section 3705.09 or under section 3705.10 or 3705.16 of the Revised Code and that were
transmitted to the office under division (A) of this section or that accompany a death certificate registered under section 3705.16 of the Revised Code.

(2) The office of vital statistics also shall make available to the division of child support in the department of job and family services any other information recorded in the birth record that may enable the division to use the social security numbers provided under division (B)(1) of this section to obtain the location of the father of the child whose birth certificate was accompanied by the social security number or to otherwise enforce a child support order pertaining to that child or any other child.

Sec. 3705.08. (A) The director of health, by rule, shall prescribe the form of records and certificates required by this chapter. Records and certificates shall include the items and information prescribed by the director, including the items recommended by the national center for health statistics of the United States department of health and human services, subject to approval of and modification by the director.

(B) All birth certificates shall include a statement setting forth the names of the child's parents and a line for the mother's and the father's signature.

(C) All death certificates shall include, in the medical certification portion of the certificate, a space to indicate, if the deceased individual is female and the manner of death is determined to be a suspicious or violent death, whether any of the following conditions apply to the individual:

(1) Not pregnant within the past year;
(2) Pregnant at the time of death;
(3) Not pregnant, but had been pregnant within forty-two days prior to the time of death;
(4) Not pregnant, but had been pregnant within forty-three days to one year prior to the time of death;

(5) Unknown whether pregnant within the past year.

(D)(1) The director shall prescribe electronic methods, and forms, and blanks and shall furnish necessary postage, forms, and blanks for obtaining registration of births, deaths, and other vital statistics in each registration district, and for preserving the records of the office of vital statistics, and no forms or blanks shall be used other than those prescribed by the director.

(2) All birth, fetal death, and death records and certificates shall be signed certified. Except as provided in division (G) of section 3705.09, section 3705.12, 3705.121, 3705.122, or 3705.124, division (D) of section 3705.15, or section 3705.16 of the Revised Code, a birth, fetal death, or death certificate shall be signed by the person required to sign the certificate. Certificate requiring signature may be electronically certified by the person in charge of the institution or that person's designee. A death certificate may be electronically certified by the individual who attests to the facts of death.

(3) All vital records shall contain the date received for registration filing.

(4) Information and signatures required in certificates, records, or reports authorized by this chapter may be filed and registered by photographic, electronic, or other means as prescribed by the director.

Sec. 3705.09. (A) A birth certificate for each live birth in this state shall be filed in the registration district in which it occurs within ten calendar days after such birth and shall be registered if it has been completed and filed in accordance with this section.
(B) When a birth occurs in or en route to an institution, the person in charge of the institution or a designated representative shall obtain the personal data, prepare the certificate, secure the signatures required, and file complete and certify the facts of birth on the certificate within ten calendar days with the local registrar of vital statistics. The physician or certified nurse-midwife in attendance shall provide the medical information required by the certificate and certify to the facts of birth within seventy-two hours after the birth be listed on the birth record.

(C) When a birth occurs outside an institution, the birth certificate shall be prepared and filed by one of the following in the indicated order of priority:

1. The physician or certified nurse-midwife in attendance at or immediately after the birth;

2. Any other person in attendance at or immediately after the birth;

3. The father;

4. The mother;

5. The person in charge of the premises where the birth occurred.

(D) Either of the parents of the child or other informant shall attest to the accuracy of the personal data entered on the birth certificate in time to permit the filing of the certificate within the ten days prescribed in this section.

(E) When a birth occurs in a moving conveyance within the United States and the child is first removed from the conveyance in this state, the birth shall be registered in this state and the place where it is first removed shall be considered the place of birth. When a birth occurs on a moving conveyance while in
international waters or air space or in a foreign country or its 
air space and the child is first removed from the conveyance in 
this state, the birth shall be registered in this state but the 
record shall show the actual place of birth insofar as can be 
determined.

(F)(1) If the mother of a child was married at the time of 
either conception or birth or between conception and birth, the 
child shall be registered in the surname designated by the mother, 
and the name of the husband shall be entered on the certificate as 
the father of the child. The presumption of paternity shall be in 
accordance with section 3111.03 of the Revised Code.

(2) If the mother was not married at the time of conception 
or birth or between conception and birth, the child shall be 
registered by the surname designated by the mother. The name of 
the father of such child shall also be inserted on the birth 
certificate if both the mother and the father sign an 
acknowledgement of paternity affidavit before the birth record has 
been sent to the local registrar. If the father is not named on 
the birth certificate pursuant to division (F)(1) or (2) of this 
section, no other information about the father shall be entered on 
the record.

(G) When a man is presumed, found, or declared to be the 
father of a child, according to section 2105.26, sections 3111.01 
to 3111.18, former section 3111.21, or sections 3111.38 to 3111.54 
of the Revised Code, or the father has acknowledged the child as 
his child in an acknowledgment of paternity, and the 
acknowledgment has become final pursuant to section 2151.232, 
3111.25, or 3111.821 of the Revised Code, and documentary evidence 
of such fact is submitted to the department of health in such form 
as the director may require, a new birth record shall be issued by 
the department which shall have the same overall appearance as the 
record which would have been issued under this section if a
marriage had occurred before the birth of such child. Where handwriting is required to effect such appearance, the department shall supply it. Upon the issuance of such new birth record, the original birth record shall cease to be a public record. Except as provided in division (C) of section 3705.091 of the Revised Code, the original record and any documentary evidence supporting the new registration of birth shall be placed in an envelope which shall be sealed by the department and shall not be open to inspection or copy unless so ordered by a court of competent jurisdiction.

The department shall then promptly forward a copy of the new birth record to the local registrar of vital statistics of the district in which the birth occurred, and such local registrar shall file a copy of such new birth record along with and in the same manner as the other copies of birth records in such local registrar's possession. All copies of the original birth record in the possession of the local registrar or the probate court, as well as any and all index references to it, shall be destroyed. Such new birth record, as well as any certified or exact copy of it, when properly authenticated by a duly authorized person shall be prima-facie evidence in all courts and places of the facts stated in it.

(H) When a woman who is a legal resident of this state has given birth to a child in a foreign country that does not have a system of registration of vital statistics, a birth record may be filed in the office of vital statistics on evidence satisfactory to the director of health.

(I)(H) Every birth certificate filed under this section on or after July 1, 1990, shall be accompanied by all social security numbers that have been issued to the parents of the child, unless the division of child support in the department of job and family services, acting in accordance with regulations prescribed under
the "Family Support Act of 1988," 102 Stat. 2353, 42 U.S.C.A. 405, as amended, finds good cause for not requiring that the numbers be furnished with the certificate. The parents' social security numbers shall not be recorded on the certificate. The local registrar of vital statistics shall transmit the social security numbers to the state office of vital statistics in accordance with section 3705.07 of the Revised Code. No social security number obtained under this division shall be used for any purpose other than child support enforcement.

Sec. 3705.10. Any birth certificate submitted for filing eleven or more days after the birth occurred constitutes a delayed birth registration. A delayed birth certificate may be filed in accordance with rules which shall be adopted by the director of health. The rules shall include, but not be limited to, all of the following requirements for each delayed birth certificate filed on or after July 1, 1990:

(A) The certificate shall be accompanied by all social security numbers that have been issued to the parents of the child, unless the division of child support in the department of job and family services, acting in accordance with regulations prescribed under the "Family Support Act of 1988," 102 Stat. 2353, 42 U.S.C.A. 405, as amended, finds good cause for not requiring that the numbers be furnished with the certificate.

(B) The parents' social security numbers shall not be recorded on the certificate.

(C) The local registrar of vital statistics shall transmit the social security numbers to the state office of vital statistics in accordance with section 3705.07 of the Revised Code.

(D) No social security number obtained under this section shall be used for any purpose other than child support enforcement.
Sec. 3706.05. The Ohio air quality development authority may at any time issue revenue bonds and notes of the state in such principal amount as, in the opinion of the authority, are necessary for the purpose of paying any part of the cost of one or more air quality projects or parts thereof, including one or more payments pursuant to a commodity contract entered into in connection with the acquisition or construction of air quality facilities. The authority may at any time issue renewal notes, issue bonds to pay such notes and whenever it deems refunding expedient, refund any bonds by the issuance of air quality revenue refunding bonds of the state, whether the bonds to be refunded have or have not matured, and issue bonds partly to refund bonds then outstanding, and partly for any other authorized purpose. The refunding bonds shall be sold and the proceeds applied to the purchase, redemption, or payment of the bonds to be refunded. Except as may otherwise be expressly provided by the authority, every issue of its bonds or notes shall be general obligations of the authority payable solely out of the revenues of the authority that are pledged for such payment, without preference or priority of the first bonds issued, subject only to any agreements with the holders of particular bonds or notes pledging any particular revenues. Such pledge shall be valid and binding from the time the pledge is made and the revenues so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge is valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the authority.

Whether or not the bonds or notes are of such form and
character as to be negotiable instruments, the bonds or notes shall have all the qualities and incidents of negotiable instruments, subject only to the provisions of the bonds or notes for registration.

The bonds and notes shall be authorized by resolution of the authority, shall bear such date or dates, and shall mature at such time or times, in the case of any such note or any renewals thereof not exceeding five years from the date of issue of such original note and in the case of any such bond not exceeding forty years from the date of issue, as such resolution or resolutions may provide. The bonds and notes shall bear interest at such rate or rates, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption as the authority may authorize. The bonds and notes of the authority may be sold by the authority, at public or private sale, at or at not less than such price or prices as the authority determines. The bonds and notes shall be executed by the chairperson and vice-chairperson of the authority, either or both of whom may use a facsimile signature, the official seal of the authority or a facsimile thereof shall be affixed thereto or printed thereon and attested, manually or by facsimile signature, by the secretary-treasurer of the authority, and any coupons attached thereto shall bear the signature or facsimile signature of the chairperson of the authority. In case any officer whose signature, or a facsimile of whose signature, appears on any bonds, notes or coupons ceases to be such officer before delivery of bonds or notes, such signature or facsimile shall nevertheless be sufficient for all purposes the same as if the officer had remained in office until such delivery, and in case the seal of the authority has been changed after a facsimile has been imprinted on such bonds or notes, such facsimile seal will continue to be sufficient for all purposes.
Any resolution or resolutions authorizing any bonds or notes or any issue thereof may contain provisions, subject to such agreements with bondholders or noteholders as may then exist, which provisions shall be a part of the contract with the holders thereof, as to: the pledging of all or any part of the revenues of the authority to secure the payment of the bonds or notes or of any issue thereof; the use and disposition of revenues of the authority; a covenant to fix, alter, and collect rentals and other charges so that pledged revenues will be sufficient to pay costs of operation, maintenance, and repairs, pay principal of and interest on bonds or notes secured by the pledge of such revenues, and provide such reserves as may be required by the applicable resolution or trust agreement; the setting aside of reserve funds, sinking funds, or replacement and improvement funds and the regulation and disposition thereof; the crediting of the proceeds of the sale of bonds or notes to and among the funds referred to or provided for in the resolution authorizing the issuance of the bonds or notes; the use, lease, sale, or other disposition of any air quality project or any other assets of the authority; limitations on the purpose to which the proceeds of sale of bonds or notes may be applied and the pledging of such proceeds to secure the payment of the bonds or notes or of any issue thereof; as to notes issued in anticipation of the issuance of bonds, the agreement of the authority to do all things necessary for the authorization, issuance, and sale of such bonds in such amounts as may be necessary for the timely retirement of such notes; limitations on the issuance of additional bonds or notes; the terms upon which additional bonds or notes may be issued and secured; the refunding of outstanding bonds or notes; the procedure, if any, by which the terms of any contract with bondholders or noteholders may be amended or abrogated, the amount of bonds or notes the holders of which must consent thereto, and the manner in which such consent may be given; limitations on the
amount of moneys to be expended by the authority for operating, administrative, or other expenses of the authority; securing any bonds or notes by a trust agreement in accordance with section 3706.07 of the Revised Code; any other matters, of like or different character, that in any way affect the security or protection of the bonds or notes.

Neither the members of the authority nor any person executing the bonds or notes shall be liable personally on the bonds or notes or be subject to any personal liability or accountability by reason of the issuance thereof.

Sec. 3706.27. (A) There is hereby created in the state treasury the advanced energy research and development fund to provide grants for advanced energy projects. There is hereby created in the state treasury the advanced energy research and development taxable fund to provide loans for advanced energy projects.

(B)(1) The advanced energy research and development fund and the advanced energy research and development taxable fund shall consist of the proceeds of obligations that were issued prior to the effective date of this amendment under section 166.08 of the Revised Code. Money shall be credited to the respective funds in the proportion that the executive director of the Ohio air quality development authority, with the affirmative vote of a majority of the members of the authority, determines appropriate.

(2) Any investment earnings from the money in the advanced energy research and development fund and in the advanced energy research and development taxable fund shall be credited to those funds, respectively. Any repayment of loans made from money in the advanced energy research and development taxable fund shall be credited to the alternative fuel transportation fund created in section 122.075 of the Revised Code.
(C) The director of budget and management shall establish and maintain records or accounts for or within these funds in such a manner as to show the amounts credited to the funds pursuant to section 166.08 of the Revised Code and that the amounts so credited have been expended for the purposes set forth in Section 2p or 13 of Article VIII, Ohio Constitution, and sections 166.08 and 166.30 of the Revised Code and former section 3706.26 of the Revised Code.

Sec. 3709.29. (A) If the estimated amount of money necessary to meet the expenses of a general health district program, other than one formed under section 3709.10 of the Revised Code, will not be forthcoming to the district board of health of such district out of the district health fund because the taxes within the ten-mill limitation will be insufficient, the board of health shall certify the fact of such insufficiency to the board of county commissioners of the county in which such the district is located. Such board of county commissioners is hereby ordained to be, which shall proceed as provided in division (B) of this section. In the case of a general health district formed under section 3709.10 of the Revised Code, the board of health may adopt a resolution as provided under section 5705.191 of the Revised Code in its capacity as a taxing authority under that section.

(B) A board of county commissioners to which a certification is made by a board of health under division (A) of this section is a special taxing authority for the purposes of this section only, and, notwithstanding any other law to the contrary, the board of county commissioners of any county in which a general health district is located is the taxing authority for such special levy outside the ten-mill limitation. The board of county commissioners shall thereupon, in the year preceding that in which such the health program will be effective, the board, by vote of two-thirds of all the its members of that body, shall declare by resolution
that the amount of taxes which may be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the necessary requirements of such the district within the county, and that it is necessary to levy a tax in excess of such that limitation in order to provide the board of health with sufficient funds to carry out such the health program. Such The resolution shall be filed with the board of elections not later than four p.m. of the ninetieth day before the day of the election.

Such The resolution shall specify the amount of increase in rate which it is necessary to levy and the number of years during which such the increase shall be in effect, which shall not be for a longer period than ten years.

The resolution shall conform to section 5705.191 of the Revised Code and be certified and submitted in the manner provided in section 5705.25 of the Revised Code, provided that the proposal shall be placed on the ballot at the next primary or general election occurring more than ninety days after the resolution is filed with the board of elections.

Sec. 3710.01. As used in this chapter:

(A) "Asbestos" means the asbestiform varieties of chrysotile or serpentine, amosite or cummingtonite-grunerite, crocidolite or riebeckite, actinolite, tremolite, and anthophylite serpentine (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, anthophylite, and actinolite-tremolite as determined using the method specified in 40 C.F.R. Part 763, Subpart E, Appendix E, Section 1, Polarized Light Microscopy (PLM).

(B) "Asbestos hazard abatement activity" means any activity involving the removal, renovation, enclosure, repair, or encapsulation of reasonably related friable asbestos-containing materials in an amount greater than fifty linear feet or fifty square feet. "Asbestos hazard abatement activity" also includes
any such activity involving such asbestos-containing materials in
an amount of fifty linear or fifty square feet or less if, when
combined with any other reasonably related activity in terms of
time and location of the activity, the total amount is in an
amount greater than fifty linear or fifty square feet.

(C) "Asbestos hazard abatement contractor" means a business
entity or public entity that engages in or intends to engage in
asbestos hazard abatement activities and that employs or
supervises one or more asbestos hazard abatement specialists for
asbestos hazard abatement activities. "Asbestos hazard abatement
contractor" does not mean an employee of an asbestos hazard
abatement contractor, a general contractor who subcontracts to an
asbestos hazard abatement contractor an asbestos hazard abatement
activity, or any individual who engages in asbestos hazard
abatement activity in the individual's own home.

(D) "Asbestos hazard abatement project" means one or more
asbestos hazard abatement activities that are conducted by one
asbestos hazard abatement contractor and that are reasonably
related to each other.

(E) "Asbestos hazard abatement specialist" means a person
with responsibility for the oversight or supervision of asbestos
hazard abatement activities, including asbestos hazard abatement
project managers, hazard abatement project supervisors and
foremen, and employees of school districts or other governmental
or public entities who coordinate or directly supervise or oversee
asbestos hazard abatement activities performed by school district,
governmental, or other public employees in school district,
governmental, or other public buildings.

(F) "Asbestos hazard evaluation specialist" means a person
responsible for the identification, detection, and assessment of
asbestos-containing materials, the determination of appropriate
response actions, or the preparation of asbestos management plans.
for the purpose of protecting the public health from the hazards associated with exposure to asbestos, including the performance of air and bulk sampling. This category of specialists includes management planners, health professionals, industrial hygienists, private consultants, or other individuals involved in asbestos risk identification or assessment or regulatory activities.

(G) "Business entity" means a partnership, firm, association, corporation, sole proprietorship, or other business concern.

(H) "Public entity" means the state or any of its political subdivisions or any agency or instrumentality of either.

(I) "License" means a document issued by the director of environmental protection to a business entity or public entity affirming that the entity has met the requirements set forth in this chapter to engage in asbestos hazard abatement activities as an asbestos hazard abatement contractor.

(J) "Certificate" means:

1. A document issued by the director to an individual affirming that the individual has successfully completed the training and other requirements set forth in this chapter to qualify as an asbestos hazard abatement specialist, an asbestos hazard evaluation specialist, an asbestos hazard abatement worker, an asbestos hazard abatement project designer, an asbestos hazard abatement air-monitoring technician, an approved asbestos hazard training provider, or other category of asbestos hazard specialist that the director establishes by rule; or

2. A document issued by a training institution in accordance with rules adopted by the director affirming that an individual has successfully completed the instruction required in all categories as provided in sections 3710.07 and 3710.10 of the
Revised Code.

(K) "Person" means any individual, business entity, governmental body, or other public or private entity.

(L) "Encapsulate" means to coat, bind, or resurface walls, ceilings, pipes, or other structures to prevent friable asbestos for asbestos-containing materials with suitable products to prevent friable asbestos from becoming airborne.

(M) "Friable asbestos-containing material" means any material that contains more than one per cent asbestos by weight and that can be crumbled, pulverized, or reduced to powder, when dry, by hand pressure friable asbestos material as defined in rules adopted under Chapter 3704. of the Revised Code.

(N) "Enclosure" means the permanent confinement of friable asbestos-containing materials with an airtight barrier in an area not used as an air plenum.

(O) "Renovation" means the removal or stripping of friable asbestos-containing materials used on any pipe, duct, boiler, tank, reactor, turbine, furnace, or load supporting member altering a facility or one or more facility components in any way, including the stripping or removal of friable asbestos-containing material from a facility component.

(P) "Asbestos hazard abatement worker" means the person responsible in a nonsupervisory capacity for the performance of an asbestos hazard abatement activity.

(Q) "Asbestos hazard abatement project designer" means the person responsible for the determination of the workscope, work sequence, or performance standards for an asbestos hazard abatement activity, including preparation of specifications, plans, and contract documents.

(R) "Director" means the director of health or the director's
authorized representative.

(5) "Clearance air sampling" means an air sampling performed after the completion of any asbestos hazard abatement activity and prior to the reoccupation of the contained work area by the public and conducted for the purpose of protecting the public from the health hazards associated with exposure to friable asbestos-containing material.

(5) "Asbestos hazard abatement air-monitoring technician" means the person who is responsible for environmental monitoring or work area clearance air sampling, including air monitoring performed to determine completion of response actions under the rules set forth in 40 C.F.R. 763 Subpart E, adopted by the United States environmental protection agency pursuant to the "Asbestos Hazard Emergency Response Act of 1986," Pub. L. 99-519, 100 Stat. 2970. "Asbestos hazard abatement air-monitoring technician" does not mean an industrial hygienist or industrial hygienist in training, certified by the American board of industrial hygiene.

Sec. 3710.02. (A) In accordance with Chapter 119. of the Revised Code, the director of health shall, as the director determines necessary, adopt rules to carry out this chapter. The rules shall include all of the following:

(1) Criteria and procedures for the certification of asbestos hazard abatement specialists, asbestos hazard evaluation specialists, asbestos hazard abatement workers, asbestos hazard abatement project designers, and asbestos hazard abatement air-monitoring technicians by the director of health;

(2) Criteria and procedures for the director to examine the records of licensees, certificate holders, and asbestos hazard abatement training schools;

(3) Procedures and criteria in addition to those provided in
this chapter for the approval of courses for asbestos hazard training;

(4) Fees for licenses, certifications, and course approvals in excess of the levels set in section 3710.05 of the Revised Code and fees for the certification of asbestos hazard abatement air-monitoring technicians;

(5) Levels of asbestos exposure or other circumstances constituting a public health emergency that authorize the director to issue an emergency order under division (B) of section 3710.13 of the Revised Code;

(6) Employee training standards, work practices that reduce the risk of contamination and recontamination of the environment, record-keeping requirements, action levels, project clearance levels, and other requirements that asbestos hazard abatement contractors, asbestos hazard abatement specialists, asbestos hazard evaluation specialists, asbestos hazard abatement project designers, asbestos hazard abatement air-monitoring technicians, asbestos hazard abatement workers, and other persons involved with asbestos hazard abatement activities must follow for the prevention of hazard to the public;

(7) Worker protection equipment and practices and other health and safety standards for employees and agents of public entities coming in contact with asbestos through asbestos hazard abatement activity;

(8) Standards of acceptable conduct for licensees and certificate holders engaged in asbestos hazard abatement or evaluation activities and acts and omissions that constitute grounds for the suspension or revocation of a license or certificate, or the denial of an application or renewal of a license or certificate in addition to those otherwise provided in this chapter;
(9) Training requirements for asbestos hazard abatement project designers and asbestos hazard abatement air-monitoring technicians;

(10)(a) Subject to the condition specified in division (A)(10)(b) of this section, a standard requiring that the amount of asbestos contained in the air in areas accessible to the public in buildings that are owned, operated, or leased by a public entity be not more than ten thousand asbestos fibers longer than five microns per cubic meter of air calculated as an eight-hour time-weighted average, which is measured during periods of normal building occupancy, and a requirement that measurement of airborne asbestos be made by either or both of the following methods, provided that results derived by use of the method described in division (A)(10)(a)(i) of this section supersede results derived by use of the method described in division (A)(10)(a)(ii) of this section if both methods are used and the methods yield conflicting results concerning the presence of fibers in the tested air that may not be asbestos:

(i) Transmission electron microscopy in the manner described in the measurement protocol established by the United States environmental protection agency as set forth in 40 C.F.R. 763;

(ii) Optical phase contrast microscopy in the manner described in the measurement protocol established by the United States occupational safety and health administration as set forth in 29 C.F.R. 1910.

(b) The director periodically shall review the standard required by division (A)(10)(a) of this section and determine whether and how it should be amended and how it shall be used in conjunction with visual and physical assessment of asbestos-containing materials located in buildings that are owned, operated, or leased by a public entity to determine appropriate and cost-effective response actions to such asbestos-containing
materials and shall amend the standard if it determines that such action is necessary.

(11) Other rules that the director determines necessary for the implementation of this chapter and to protect the public health from the hazards associated with exposure to asbestos.

(B) The director shall do all of the following:

(1) Administer and enforce this chapter and the rules adopted pursuant thereto;

(2) Develop comprehensive programs and policies for the control and prevention of nonoccupational exposure of the public to friable asbestos-containing materials;

(3) Ensure that persons are trained and licensed or certified, where appropriate, in accordance with this chapter and the rules adopted pursuant thereto;

(4) Examine those records of licensed asbestos hazard abatement contractors, certified asbestos hazard abatement specialists, asbestos hazard evaluation specialists, asbestos hazard abatement project designers, asbestos hazard abatement air-monitoring technicians, and asbestos hazard training courses in accordance with rules adopted by the director as the director determines necessary to determine compliance with this chapter and the rules adopted pursuant thereto;

(5) Prohibit and prevent improper asbestos hazard abatement procedures and require the modification or alteration of asbestos abatement procedures as they relate to this chapter and the rules adopted pursuant thereto;

(6) Collect and disseminate health education information relating to safe management of asbestos hazards;

(7) Accept and administer grants from the federal government and other sources, both public and private, for carrying out any
of the director's functions;

(8) As the director determines appropriate, conduct on-site inspections at any location where an asbestos hazard abatement activity is planned, in progress, or has been completed, at any location where a public environmental health emergency involving asbestos may occur, is occurring, or has occurred, or to evaluate the performance or compliance of any person subject to this chapter;

(9) Conduct an on-site audit of each asbestos hazard training provider approved pursuant to this chapter, at least once biennially, during an actual course conducted by the provider within the state;

(10) Cooperate and assist in investigations, as such relate to this chapter, conducted by local law enforcement agencies, the Ohio environmental protection agency, the United States occupational safety and health administration, and other local, state, and federal agencies.

Sec. 3710.04. (A) To qualify for an asbestos hazard abatement contractor's license, a business entity or public entity shall meet the requirements of this section.

(B) Each employee or agent of the business entity or public entity applying for a license who will come in contact with asbestos or will be responsible for an asbestos hazard abatement project shall:

(1) Be familiar with all applicable state and federal standards for asbestos hazard abatement projects;

(2) Have successfully completed the course of instruction on asbestos hazard abatement activities, for their particular certification, approved by the department of health Ohio environmental protection agency pursuant to section 3710.10 of the
Revised Code, have passed an examination approved by the department agency, and demonstrate to the department agency that the employee or agent is capable of complying with all applicable standards of this state, the United States environmental protection agency, and the United States occupational safety and health administration.

(C) A business entity or public entity applying for an asbestos hazard abatement contractor's license shall, in addition to the other requirements of this section, provide at least one asbestos hazard abatement specialist, certified pursuant to this chapter and the rules adopted under it, for each asbestos hazard abatement project, and demonstrate to the satisfaction of the department Ohio environmental protection agency that the applicant:

(1) Has access to at least one asbestos disposal site approved by the Ohio environmental protection agency that is sufficient for the deposit of all asbestos waste that the applicant will generate during the term of the license;

(2) Is sufficiently qualified to safely remove asbestos, demonstrated by reliability as an asbestos hazard abatement contractor, possesses a work program that prevents the contamination or recontamination of the environment and protects the public health from the hazards of exposure to asbestos, possesses evidence of certification of each individual employee or agent who will be responsible for others who may come in contact with friable asbestos-containing materials, possesses evidence of training of workers required by section 3710.07 of the Revised Code, and has prior successful experience in asbestos hazard abatement projects or equivalent qualifications as determined in accordance with rules adopted by the director of health environmental protection;

(3) Possesses a worker protection program consistent with

...
requirements established by the director if the contractor is a public entity, and a worker protection program consistent with the requirements of the United States occupational safety and health administration if the contractor is a business entity;

(4) Is registered as a business entity with the secretary of state.

(D) No applicant for licensure as an asbestos hazard abatement contractor, in order to meet the requirements of this chapter, shall list an employee of another contractor.

(E) The business entity or public entity shall meet any other standards that the director, by rule, sets.

(F) Nothing in this chapter or the rules adopted pursuant thereto relating to asbestos hazard abatement project designers shall be interpreted as authorizing or permitting an individual who is certified as an asbestos hazard abatement project designer to perform the services of a registered architect or professional engineer unless that person is registered under Chapter 4703. or 4733. of the Revised Code to perform such services.

Sec. 3710.05. (A) Except as otherwise provided in this chapter, no person shall engage in any asbestos hazard abatement activities in this state unless licensed or certified pursuant to this chapter.

(B) To apply for licensure as an asbestos abatement contractor or certification as an asbestos hazard abatement specialist, an asbestos hazard evaluation specialist, an asbestos hazard abatement project designer, or an asbestos hazard abatement air-monitoring technician, a person shall do all of the following:

(1) Submit a completed application to the director of health environmental protection, on a form provided by the department agency;
(2) Pay the requisite fee as provided in division (D) of this section;

(3) Submit any other information the director of health by rule requires.

(C) The application form for a business entity or public entity applying for an asbestos hazard abatement contractor's license shall include all of the following:

(1) A description of the protective clothing and respirators that the public entity will use to comply with rules adopted by the director and that the business entity will use to comply with requirements of the United States occupational safety and health administration;

(2) A description of procedures the business entity or public entity will use for the selection, utilization, handling, removal, and disposal of clothing to prevent contamination or recontamination of the environment and to protect the public health from the hazards associated with exposure to asbestos;

(3) The name and address of each asbestos disposal site that the business entity or public entity might use during the year;

(4) A description of the site decontamination procedures that the business entity or public entity will use;

(5) A description of the asbestos hazard abatement procedures that the business entity or public entity will use;

(6) A description of the procedures that the business entity or public entity will use for handling waste containing asbestos;

(7) A description of the air-monitoring procedures that the business entity or public entity will use to prevent contamination or recontamination of the environment and to protect the public health from the hazards of exposure to asbestos;

(8) A description of the final clean-up procedures that the
business entity or public entity will use;

(9) A list of all partners, owners, and officers of the business entity along with their social security numbers;

(10) The federal tax identification number of the business entity or the public entity.

(D) The fees to be charged to each public entity, except for the agency, and each business entity and their employees and agents for licensure, certification, approval, and renewal of licenses, certifications, and approvals granted under this chapter, subject to division (A)(4) of section 3710.02 of the Revised Code, are:

(1) Seven hundred fifty dollars for asbestos hazard abatement contractors;

(2) Two hundred dollars for asbestos hazard abatement project designers;

(3) Fifty dollars for asbestos hazard abatement workers;

(4) Two hundred dollars for asbestos hazard abatement specialists;

(5) Two hundred dollars for asbestos hazard evaluation specialists; and

(6) Nine hundred dollars for approval or renewal of asbestos hazard training providers.

(E) Notwithstanding division (A) of this section, no business entity which engages in asbestos hazard abatement activities solely at its own place of business is required to be licensed as an asbestos hazard abatement contractor provided that the business entity is required to and does comply with all applicable standards of the United States environmental protection agency and the United States occupational safety and health administration and provided further that all persons employed by the business...
entity on the activity meet the requirements of this chapter.

Sec. 3710.051. No person shall enter into an agreement to perform any aspect of an asbestos hazard abatement project unless the agreement is written and contains at least all of the following:

(A) A requirement that all persons working on the project are licensed or certified by the department of health director of environmental protection as required by this chapter; 

(B) A requirement that all project clearance levels and sampling be in accordance with rules adopted by the director of health;

(C) A requirement that all clearance air-monitoring be conducted by asbestos hazard abatement air-monitoring technicians or asbestos hazard evaluation specialists certified by the department director.

Sec. 3710.06. (A) Within fifteen business days after receiving an application, the department of health director of environmental protection shall acknowledge receipt of the application and notify the applicant of any deficiency in the application. Within sixty calendar days after receiving a completed application, including all additional information requested by the department director, the department director shall issue a license or certificate or deny the application. The department director shall issue only one license or certificate that is in effect at one time to a business entity and its principal officers and a public entity and its principal officers.

(B)(1) The department director shall deny an application if it determines that the applicant has not demonstrated the ability to comply fully with all applicable federal and state requirements and all requirements, procedures, and standards established by the
director of health in this chapter, Chapter 3704. of the Revised Code, or rules adopted under those chapters, as those chapters and rules pertain to asbestos.

(2) The department director shall deny any application for an asbestos hazard abatement contractor's license if the applicant or an officer or employee of the applicant has been convicted of a felony under any state or federal law designed to protect the environment.

(3) The department director shall send all denials of an application by certified mail to the applicant. If the department director receives a timely request for a hearing from the applicant on the proposed denial of an application, as provided in division (D) of section 3710.13 of the Revised Code, the department director shall hold a hearing in accordance with Chapter 119. of the Revised Code, as provided in division (A) of section 3710.13 of the Revised Code.

(C) In an emergency that results from a sudden, unexpected event that is not a planned asbestos hazard abatement project, the department director may waive the requirements for a license or certificate. For the purposes of this division, "emergency" includes operations necessitated by nonroutine failures of equipment or by actions of fire and emergency medical personnel pursuant to duties within their official capacities. Any person who performs an asbestos hazard abatement activity under emergency conditions shall notify the director within three days after performance thereof.

(D) Each license or certificate issued under this chapter expires one year after the date of issue, but each licensee or certificate holder may apply to the department environmental protection agency for the extension of the holder's license or certificate under the standard renewal procedures of Chapter 4745. of the Revised Code.
To qualify for renewal of a license or certificate issued under this chapter, each licensee or certificate holder shall send the appropriate renewal fee set forth in division (D) of section 3710.05 of the Revised Code or as adopted by rule by the director pursuant to division (A)(4) of section 3710.02 of the Revised Code.

Certificate holders also shall successfully complete an annual renewal course approved by the department agency pursuant to section 3710.10 of the Revised Code.

(E) The department director may charge a fee in addition to those specified in division (D) of section 3710.05 of the Revised Code or in rules adopted by the director pursuant to division (A)(4) of section 3710.02 of the Revised Code if the licensee or certificate holder applies for renewal after the expiration thereof or requests a reissuance of any license or certificate, provided that no such fee shall exceed the original fees by more than fifty per cent.

Sec. 3710.07. (A) Prior to engaging in any asbestos hazard abatement project, an asbestos hazard abatement contractor shall do all of the following:

(1) Prepare a written respiratory protection program as defined by the director of health environmental protection pursuant to rule, and make the program available to the department of health environmental protection agency, and workers at the job site if the contractor is a public entity or prepare a written respiratory protection program, consistent with 29 C.F.R. 1910.134 and make the program available to the department agency, and workers at the job site if the contractor is a business entity;

(2) Ensure that each worker who will be involved in any asbestos hazard abatement project has been examined within the preceding year and has been declared by a physician to be
physically capable of working while wearing a respirator;

(3) Ensure that each of the contractor's employees or agents who will come in contact with asbestos-containing materials or will be responsible for an asbestos hazard abatement project receives the appropriate certification or licensure required by this chapter and the following training:

(a) An initial course approved by the department agency pursuant to section 3710.10 of the Revised Code, completed before engaging in any asbestos hazard abatement project; and

(b) An annual review course approved by the department agency pursuant to section 3710.10 of the Revised Code.

(B) After obtaining or renewing a license, an asbestos hazard abatement contractor shall notify the department of health, on a form approved by the director, at least ten days before beginning each asbestos hazard abatement project conducted during the term of the contractor's license.

(C) In addition to any other fee imposed under this chapter, an asbestos hazard abatement contractor shall pay, at the time of providing notice under division (B) of this section, the department agency a fee of sixty-five dollars for each asbestos hazard abatement project conducted.

Sec. 3710.08. (A) An asbestos hazard abatement contractor engaging in any asbestos hazard abatement project shall, during the course of the project:

(1) Conduct each project in a manner that is in compliance with the requirements the director of environmental protection adopts pursuant to section 3704.03 of the Revised Code and the asbestos requirements of the United States occupational safety and health administration set forth in 29 C.F.R. 1926.58 1926.1101;

(2) Comply with all applicable rules adopted by the director.
of health environmental protection pursuant to section sections 3704.03 and 3710.02 of the Revised Code.

(B) An asbestos hazard abatement contractor that is a public entity shall:

(1) Provide workers with protective clothing and equipment and ensure that the workers involved in any asbestos hazard abatement project use the items properly. Protective clothing and equipment shall include:

(a) Respirators approved by the national institute of occupational safety and health. These respirators shall be fit tested in accordance with requirements of the United States occupational safety and health administration set forth in 29 C.F.R. 1926.58(h) 1926.1101. At the request of an employee, the asbestos hazard abatement contractor shall provide the employee with a powered air purifying respirator, in which case, the testing requirements of division (B)(1)(a) of this section do not apply.

(b) Items required by the director of health by rule as provided in division (A)(7) of section 3710.02 of the Revised Code.

(2) Comply with all applicable standards of conduct and requirements adopted by the director of health pursuant to section 3710.02 of the Revised Code.

(C) An asbestos hazard abatement specialist engaging in any asbestos hazard abatement project shall, during the course of the project:

(1) Conduct each project in a manner that will meet decontamination procedures, project containment procedures, and asbestos fiber dispersal methods as provided in division (A)(6) of section 3710.02 of the Revised Code;
(2) Ensure that workers utilize, handle, remove, and dispose of the disposable clothing provided by abatement contractors in a manner that will prevent contamination or recontamination of the environment and protect the public health from the hazards of exposure to asbestos;

(3) Ensure that workers utilize protective clothing and equipment and comply with the applicable health and safety standards set forth in division (A) of section 3710.08 of the Revised Code;

(4) Ensure that there is no smoking, eating, or drinking in the work area;

(5) Comply with all applicable standards of conduct and requirements adopted by the director of health pursuant to section sections 3704.03 and 3710.02 of the Revised Code.

(D) An asbestos hazard evaluation specialist engaged in the identification, detection, and assessment of asbestos-containing materials, the determination of appropriate response actions, or other activities associated with an abatement project or the preparation of management plans, shall comply with the applicable standards of conduct and requirements adopted by the director of health pursuant to section sections 3704.03 and 3710.02 of the Revised Code.

(E) Every asbestos hazard abatement worker shall comply with all applicable standards adopted by the director of health pursuant to section sections 3704.03 and 3710.02 of the Revised Code.

(F) The department director may, on a case-by-case basis, approve an alternative to the worker protection requirements of divisions (A), (B), and (C) of this section for an asbestos hazard abatement project conducted by a public entity, provided that the asbestos hazard abatement contractor submits the alternative
procedure to the department director in writing and demonstrates to the satisfaction of the department director that the proposed alternative procedure provides equivalent worker protection.

Sec. 3710.09. (A) As a means of protecting the public, each asbestos hazard abatement contractor licensed under this chapter shall maintain records of all asbestos hazard abatement projects which the contractor performs and make these records available to the department of health the director of environmental protection upon request. The licensee shall maintain the records for at least thirty years.

(B) The records required by this section shall include all of the following:

(1) The name, social security number, and address of the person who supervised the asbestos hazard abatement project;

(2) The names and social security numbers of all workers at the job site;

(3) The location and description of the asbestos hazard abatement project and the amount of asbestos-containing material that was removed;

(4) The starting and completion dates of each asbestos hazard abatement project;

(5) A summary of the procedures that were used to comply with all applicable federal, state, and local standards;

(6) The name and address of each asbestos disposal site where the waste containing asbestos was deposited;

(7) Any other information that the director of health, by rule, requires.

Sec. 3710.10. (A) No person other than the department of health director of environmental protection shall conduct or offer
to conduct any initial or review training course or examination required by this chapter unless that person is approved to sponsor the courses and examinations under this section. In conducting any such course or examination, the department director and the approved person shall administer the courses and examinations according to the United States environmental protection agency "Model Accreditation Plan," 40 C.F.R. 763, Subpart E, Appendix C, and the rules of the director of health adopted pursuant to division (A)(3) of section 3710.02 of the Revised Code. A person may apply for approval or renewal of a course on the health and safety aspects of asbestos hazard abatement activities which meets the requirements of division (A)(3) of section 3710.07 of the Revised Code by submitting a written application on forms provided by the department director.

(B) In order to obtain or renew department approval, a person sponsoring a course shall substantially satisfy all of the following criteria:

(1) Provide courses of instruction and examinations that meet the requirements of division (A) of this section;

(2) Ensure that instruction is given or supervised by personnel with sufficient education and experience as determined in rules adopted by the director;

(3) Maintain lists of students trained and the dates on which training occurred for at least twenty years, and make this information available to the department director upon request.

(C) In order to obtain or renew department approval, a person sponsoring an initial course or a review course annually shall apply to the department director for approval. In applying, the person shall submit the fee set forth in division (D) of section 3710.05 of the Revised Code along with any increase in fee adopted pursuant to division (A)(4) of section 3710.02 of the Revised
Code.

(D)(1) The department director shall act or acknowledge receipt of an application within ten working days after receiving the application.

(2) The department director shall act on the application within ninety days after it is complete.

(3) The department director shall grant contingent approval of an application if the department director determines the course substantially satisfies or will substantially satisfy the criteria in this chapter and the rules adopted by the director.

(4) The department director may deny or revoke approval of a course if the department director determines the course does not or will not substantially satisfy the criteria in this chapter or the rules adopted by the director.

(5) The department director shall grant final approval of a course only after an on-site audit by the department director which reveals that the course substantially satisfies the criteria in this chapter and the rules adopted by the director. Course approvals expire one year from the date of final approval under division (D)(5) of this section.

(E) Each course approval issued under this section expires one year after the date of issue, but a person who received approval may apply to the department director for renewal under the standard renewal procedures of Chapter 4745. of the Revised Code. The fee prescribed in section 3710.05 of the Revised Code must accompany the application.

Sec. 3710.11. Persons licensed, certified, or otherwise approved under the laws of another state to perform functions substantially similar to those of an asbestos hazard abatement contractor, asbestos hazard abatement specialist, asbestos hazard

evaluation specialist, asbestos hazard abatement project designer, or asbestos hazard abatement air-monitoring technician, may apply to the director of health for licensure or certification. The director shall license or certify persons under this section upon a determination that the standards for certification, licensure, or approval in the other state are at least substantially equivalent to those established by this chapter and the rules adopted thereunder. The director may require an examination before licensure or certification under this section.

Persons certified or licensed under this section are subject to the same duties and requirements for renewal as other persons certified or licensed pursuant to this chapter and the rules adopted thereunder.

Sec. 3710.12. Subject to the hearing provisions of this chapter section 3710.13 of the Revised Code, the department of health may deny, suspend, or revoke any license or certificate, or renewal thereof, if the licensee or certificate holder:

(A) Fraudulently or deceptively obtains or attempts to obtain a license or certificate;

(B) Fails at any time to meet the qualifications for a license or certificate;

(C) Is violating or threatening to violate any provisions of any of the following:

(1) This chapter, Chapters 3704. and 3745. of the Revised Code, or the rules of the director of health adopted pursuant thereto to those chapters, as those chapters and rules pertain to asbestos;

(2) The "National Emission Standard for Hazardous Air
Pollutants" regulations of the United States environmental protection agency as the regulations pertain to asbestos;

(3) The regulations of the United States occupational safety and health administration as the regulations pertain to asbestos.

Sec. 3710.13. (A) Except as otherwise provided in Chapter 119. of the Revised Code or this section, before the department of health director of environmental protection takes any action under section 3710.12 of the Revised Code, the director shall give the license applicant, licensee, or certificate holder against whom action is contemplated an opportunity for a hearing.

Except as otherwise provided in this section, the department director shall give notice and hold the hearing in accordance with Chapter 119. of the Revised Code.

(B) The department director, without notice or hearing and in accordance with rules adopted by the director of health, may issue an order requiring any action necessary to meet a public an environmental health emergency involving asbestos. Any person to whom an order is directed shall immediately comply with the order. Upon application to the director of health, the person shall be afforded a hearing as soon as possible, but no more than twenty days after receipt of the application by the director.

(C) If the director determines, pursuant to division (B) of this section, that a public an environmental health emergency involving asbestos exists, the director may order, without a hearing, the denial, suspension, or revocation of any license or certificate issued under this chapter of the parties involved, provided that an opportunity for a hearing is provided to the affected party as soon as reasonably possible.

(D) All proceedings under this chapter are subject to Chapter
119. of the Revised Code, except that:

(1) Upon the request of a licensee or certificate holder, the location of an adjudicatory hearing is the county seat of the county in which the licensee or certificate holder conducts business.

(2) The director shall notify, by certified mail or personal delivery, a licensee or certificate holder that the licensee or certificate holder is entitled to a hearing if the licensee or certificate holder requests it, in writing, within ten days of the time that the licensee or certificate holder receives the notice. If the licensee or certificate holder requests such a hearing, the director shall set the hearing date no later than ten days after the director receives the request.

(3) The director shall not apply for or receive a postponement or continuation of an adjudication hearing. If a licensee or certificate holder requests a postponement or continuation of an adjudication hearing, the director only shall grant the request if the licensee or certificate holder demonstrates extreme hardship in complying with the hearing date. If the director grants a postponement or continuation on the grounds of extreme hardship, the director shall include in the record of the case, the nature and cause of the extreme hardship.

(4) In lieu of an adjudicatory hearing required by this chapter, a licensee or certificate holder, by no later than the date set for a hearing pursuant to division (A)(3) of this section, may by written request to the director, request that the matter be resolved by the licensee or certificate holder submitting documents, papers, and other written evidence to the director to support the licensee's or certificate holder's claim.

(5) If the director appoints a referee or an examiner to conduct a hearing, all of the following apply:
(a) The examiner or referee shall serve, by certified mail and within three business days of the conclusion of the hearing, a copy of the written adjudication report and the referee's or examiner's recommendations, on the director and the affected licensee or certificate holder or the licensee's or certificate holder's attorney or other representative of record.

(b) The licensee or certificate holder, within three business days of receipt of the report under division (D)(5)(a) of this section, may file with the director written objections to the report and recommendations.

(c) The director shall consider any objections received under division (D)(5)(b) of this section prior to approving, modifying, or disapproving the report and recommendations. Within six business days of receiving the report under division (D)(5)(a) of this section, the director shall serve the director's order, by certified mail, on the affected licensee or certificate holder or the licensee's or certificate holder's attorney or other representative of record.

(6) If the director conducts an adjudicatory hearing under this chapter, the director shall serve the director's decision, by certified mail and within three business days of the conclusion of the hearing, on the affected licensee or certificate holder or the licensee's or certificate holder's attorney or other representative of record.

(7) If no hearing is held, the director shall issue an order, by certified mail and within three business days of the last date possible for a hearing, based upon the record available to the director, to the affected licensee or certificate holder or the licensee's or certificate holder's attorney or other representative of record.

(8) A licensee or certificate holder shall file a notice of
appeal to an adverse adjudication decision within fifteen days after receipt of the director's order.

Sec. 3710.14. (A) At the request of the director of health environmental protection, the attorney general may commence a civil action for civil penalties and injunctions, in a court of common pleas, against any person who has violated, is violating, or is threatening to violate this chapter, any rule adopted under this chapter, or any license or certificate issued under this chapter.

(B) The court of common pleas in which an action for injunctive relief is filed has jurisdiction to, and shall grant, preliminary and permanent injunctive relief upon a showing that the person against whom the action is brought has violated, is violating, or is threatening to violate any provision of this chapter, any rule adopted under this chapter, or any license or certificate issued under this chapter.

(C) Upon a finding of a violation, the court shall assess a civil penalty of not more than five thousand dollars against the person.

(D) Each day a violation continues is a separate violation under this section.

(E) The remedies provided in Chapter 3710. of the Revised Code are in addition to remedies otherwise available under any federal, state, or local law.

Sec. 3710.15. All civil and criminal penalties ordered pursuant to this chapter and paid as provided in the chapter, and all fees and other moneys collected pursuant to the chapter, shall be deposited in the non-title V clean air fund created in section 3704.035 of the Revised Code and shall be used for the sole purpose of administering and enforcing this
chapter and the rules adopted under it.

Sec. 3710.17. (A) Where any person is certified or licensed by the department of health director of environmental protection to engage in asbestos hazard abatement or evaluation activity pursuant to this chapter, the liability of that person when performing such activity in accordance with procedures established pursuant to state or federal law for an injury to any individual or property caused or related to this activity shall be limited to acts or omissions of the person during the course of performing the activity which can be shown, based on a preponderance of the evidence, to have been negligent. For the purposes of this section, the demonstration that acts or omissions of a person performing asbestos hazard abatement or evaluation activities were in accordance with generally accepted practice and with procedures established by state or federal law at the time the abatement or evaluation activity was performed creates a rebuttable presumption that the acts or omissions were not negligent.

(B) Where any person contracts with a certified asbestos hazard abatement specialist, asbestos hazard evaluation specialist, or other category of asbestos hazard specialist established by the director of health, or a licensed asbestos hazard abatement contractor, the liability of that person for asbestos-related injuries caused by the person's contractee in the performance of asbestos hazard abatement or evaluation activities shall be limited to those asbestos-related injuries arising from acts which the person knew or could reasonably have been expected to know were not in accordance with generally accepted practice or with procedures established by state or federal law at the time the abatement activity took place.

(C) Notwithstanding any other provisions of the Revised Code or rules of a court to the contrary, this section governs all
claims for asbestos-related injuries arising from asbestos hazard abatement or evaluation activities.

**Sec. 3710.19.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the department of health director of environmental protection shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license or certificate issued pursuant to this chapter.

**Sec. 3710.99.** (A) At the request of the director of health environmental protection, a prosecuting attorney, city director of law, or similar chief legal officer may commence a criminal action, in a court of this state, against any person who violates any provision of Chapter 3710 of the Revised Code this chapter, any rule adopted under this chapter, any license or certificate issued under the this chapter, or any order issued pursuant to the this chapter.

(B) Upon conviction, the person is subject to:

1. A fine of at least ten thousand dollars but not more than twenty-five thousand dollars or imprisonment at least one year but not more than two years, or both, for a first offense; or

2. A fine of at least twenty thousand dollars but not more than forty thousand dollars or imprisonment of at least two years but not more than four years or both for a second or subsequent offense.

**Sec. 3713.04.** (A) In accordance with Chapter 119. of the Revised Code, the superintendent of industrial compliance shall:

1. Adopt rules pertaining to the definition, name, and description of materials necessary to carry out this chapter;

2. Determine the testing standards, fees, and charges to be
paid for making any test or analysis required pursuant to section 3713.08 of the Revised Code.

(B) In accordance with Chapter 119. of the Revised Code, the superintendent may adopt rules regarding the following:

(1) Establishing an initial application fee or an annual registration renewal fee not more than fifty per cent higher than the fees set forth in section 4713.05 of the Revised Code;

(2) Establishing standards, on a reciprocal basis, for the acceptance of labels and laboratory analyses from other states where the labeling requirements and laboratory analysis standards are substantially equal to the requirements of this state, provided the other state extends similar reciprocity to labels and laboratory analysis conducted under this chapter;

(3) Any other rules necessary to administer and carry out this chapter.

(C) The superintendent may do any of the following:

(1) Issue administrative orders, conduct hearings, and take all actions necessary under the authority of Chapter 119. of the Revised Code for the administration of this chapter. The authority granted under this division shall include the authority to suspend, revoke, or deny registration under this chapter.

(2) Establish and maintain facilities within the department of commerce to make tests and analysis of materials used in the manufacture of bedding and stuffed toys. The superintendent also may designate established laboratories in various sections of the state that are qualified to make these tests. These laboratories may be used for making any test or analysis of materials used in the manufacture of bedding and stuffed toys. If the superintendent exercises this authority, the superintendent shall adopt rules to determine the fees and charges to be paid for making the tests or analyses authorized under this section.
(3) Exercise such other powers and duties as are necessary to carry out the purpose and intent of this chapter.

Sec. 3715.041. (A)(1) As used in this section, "food processing establishment" has the same meaning as in section 3715.021 of the Revised Code.

(2) A person that operates a food processing establishment shall register the establishment annually with the director of agriculture. The person shall submit an application for registration or renewal on a form prescribed and provided by the director. Except as provided in division (G) of this section, an application for registration or renewal shall be accompanied by a registration fee in an amount established in rules adopted under this section. If a person files an application for registration on or after the first day of August of any year, the fee shall be one-half of the annual registration fee.

(B)(1) The director shall inspect the food processing establishment for which an application for initial registration has been submitted. If, upon inspection, the director finds that the establishment is in compliance with this chapter and Chapter 911., 913., 915., or 925. of the Revised Code, as applicable, or applicable rules adopted under those chapters, the director shall issue a certificate of registration to the food processing establishment. A food processing establishment registration expires on the thirty-first day of January and is valid until that date unless it is suspended or revoked under this section.

(2) A person that is operating a food processing establishment on the effective date of this section shall apply to the director for a certificate of registration not later than ninety days after the effective date of this section not later than a date specified by the director in rules adopted under this section. If an application is not filed with the director or
postmarked on or before ninety days after the effective date of this section that date, the director shall assess a late fee in an amount established in rules adopted under this section.

(C)(1) A food processing establishment registration may be renewed by the director. A person seeking registration renewal shall submit an application for renewal to the director not later than the thirty-first day of January. The director shall issue a renewed certificate of registration on receipt of a complete renewal application except as provided in division (C)(2) of this section.

(2) If a renewal application is not filed with the director or postmarked on or before the thirty-first day of January, the director shall assess a late fee in an amount established in rules adopted under this section. The director shall not renew the registration until the applicant pays the late fee.

(D) A copy of the food processing establishment registration certificate shall be conspicuously displayed in an area of the establishment to which customers of the establishment have access.

(E)(1) The director or the director's designee may issue an order suspending or revoking a food processing establishment registration upon determining that the registration holder is in violation of this chapter or Chapter 911., 913., 915., or 925. of the Revised Code, as applicable, or applicable rules adopted under those chapters. Except as provided in division (E)(2) of this section, a registration shall not be suspended or revoked until the registration holder is provided an opportunity to appeal the suspension or revocation in accordance with Chapter 119. of the Revised Code.

(2) If the director determines that a food processing establishment presents an immediate danger to the public health, the director may issue an order immediately suspending the
establishment's registration without affording the registration holder an opportunity for a hearing. The director then shall afford the registration holder a hearing in accordance with Chapter 119. of the Revised Code not later than ten days after the date of suspension.

(3) If the director finds that a person is operating a food processing establishment without registering the establishment under this section, the director shall issue a letter of warning to the person giving the person ten days to register the establishment. If the person fails to register the establishment within that ten-day time period, the director may assess a civil penalty against the person. If the director assesses a civil penalty, the director shall do so as follows:

(a) If, within five years of the issuance of the letter of warning to the person, the director has not previously assessed a civil penalty against the person under this section, in an amount not exceeding five hundred dollars;

(b) If, within five years of the issuance of the letter of warning to the person, the director has previously assessed one civil penalty against the person under this section, in an amount not exceeding one thousand five hundred dollars;

(c) If, within five years of the issuance of the letter of warning to the person, the director has previously assessed two or more civil penalties against the person under this section, in an amount not exceeding five thousand dollars.

(F) The director shall adopt rules in accordance with Chapter 119. of the Revised Code that establish all of the following:

(1) The date by which a person that is operating a food processing establishment must submit an application for a food processing establishment registration;

(2) The amount of the registration fee that must be submitted
with an application for a food processing establishment registration and with an application for renewal;

(2) The amount of the late fee that is required in division (B)(2) of this section;

(3) The amount of the fee for the late renewal of a food processing establishment registration that is required in division (C)(2) of this section;

(4) Any other procedures and requirements that are necessary to administer and enforce this section.

(G) The following are not required to pay any registration fee that is otherwise required in this section:

(1) Home bakeries registered under section 911.02 of the Revised Code;

(2) Canneries licensed under section 913.02 of the Revised Code;

(3) Soft drink plants licensed under section 913.23 of the Revised Code;

(4) Cold-storage warehouses licensed under section 915.02 of the Revised Code;

(5) Persons licensed under section 915.15 of the Revised Code;

(6) Persons that are engaged in egg production and that maintain annually five hundred or fewer laying hens.

(H) All money that is collected under this section shall be credited to the food safety fund created in section 915.24 of the Revised Code.

Sec. 3719.04. (A) A licensed manufacturer or wholesaler of controlled substances person identified in division (B)(1)(a) of section 4729.52 of the Revised Code who holds a category III
license under that section may sell at wholesale controlled
substances to any of the following persons and subject to the
following conditions:

(1) To a licensed manufacturer or wholesaler of controlled
substances another person who holds a category III license under
section 4729.50 of the Revised Code, or a terminal distributor of
dangerous drugs having a category III license under section
4729.54 of the Revised Code;

(2) To a person in the employ of the United States government
or of any state, territorial, district, county, municipal, or
insular government, purchasing, receiving, possessing, or
dispensing controlled substances by reason of official duties;

(3) To a master of a ship or a person in charge of any
aircraft upon which no physician is regularly employed, for the
actual medical needs of persons on board the ship or aircraft,
when not in port; provided such controlled substances shall be
sold to the master of the ship or person in charge of the aircraft
only in pursuance of a special official written order approved by
a commissioned medical officer or acting assistant surgeon of the
United States public health service;

(4) To a person in a foreign country, if the federal drug
abuse control laws are complied with.

(B) An official written order for any schedule II controlled
substances shall be signed in triplicate by the person giving the
order or by the person's authorized agent. The original shall be
presented to the person who sells or dispenses the schedule II
controlled substances named in the order and, if that person
accepts the order, each party to the transaction shall preserve
the party's copy of the order for a period of three years in such
a way as to be readily accessible for inspection by any public
officer or employee engaged in the enforcement of Chapter 3719. of
the Revised Code. Compliance with the federal drug abuse control
laws, respecting the requirements governing the use of a special
official written order constitutes compliance with this division.

Sec. 3719.07. (A) As used in this section, "description"
means the dosage form, strength, and quantity, and the brand name,
if any, or the generic name, of a drug or controlled substance.

(B)(1) Every licensed health professional authorized to
prescribe drugs shall keep a record of all controlled substances
received and a record of all controlled substances administered,
dispensed, or used other than by prescription. Every other person,
except a pharmacist or a manufacturer, or wholesaler, or other
person licensed under section 4729.52 of the Revised Code, who is
authorized to purchase and use controlled substances shall keep a
record of all controlled substances purchased and used other than
by prescription. The records shall be kept in accordance with
division (C)(1) of this section.

(2) Manufacturers and wholesalers, and other persons
licensed under section 4729.52 of the Revised Code shall keep
records of all controlled substances compounded, mixed,
cultivated, grown, or by any other process produced or prepared by
them, and of all controlled substances received or sold by them.
The records shall be kept in accordance with division (C)(2) of
this section.

(3) Every category III terminal distributor of dangerous
drugs shall keep records of all controlled substances received or
sold. The records shall be kept in accordance with division (C)(3)
of this section.

(4) Every person who sells or purchases for resale schedule V
controlled substances exempted by section 3719.15 of the Revised
Code shall keep a record showing the quantities and kinds thereof
received or sold. The records shall be kept in accordance with
divisions (C)(1), (2), and (3) of this section.

(C)(1) The records required by divisions (B)(1) and (4) of
this section shall contain the following:

(a) The description of all controlled substances received,
the name and address of the person from whom received, and the
date of receipt;

(b) The description of controlled substances administered,
dispensed, purchased, sold, or used; the date of administering,
dispensing, purchasing, selling, or using; the name and address of
the person to whom, or for whose use, or the owner and species of
the animal for which the controlled substance was administered,
dispensed, purchased, sold, or used.

(2) The records required by divisions (B)(2) and (4) of this
section shall contain the following:

(a) The description of all controlled substances produced or
prepared, the name and address of the person from whom received,
and the date of receipt;

(b) The description of controlled substances sold, the name
and address of each person to whom a controlled substance is sold,
the amount of the controlled substance sold to each person, and
the date it was sold.

(3) The records required by divisions (B)(3) and (4) of this
section shall contain the following:

(a) The description of controlled substances received, the
name and address of the person from whom controlled substances are
received, and the date of receipt;

(b) The name and place of residence of each person to whom
controlled substances, including those otherwise exempted by
section 3719.15 of the Revised Code, are sold, the description of
the controlled substances sold to each person, and the date the
controlled substances are sold to each person.

(D) Every record required by this section shall be kept for a period of three years.

The keeping of a record required by or under the federal drug abuse control laws, containing substantially the same information as specified in this section, constitutes compliance with this section.

Every person who purchases for resale or who sells controlled substance preparations exempted by section 3719.15 of the Revised Code shall keep the record required by or under the federal drug abuse control laws.

Sec. 3719.08. (A) Whenever As used in this division, "repackager" and "outsourcing facility" have the same meanings as in section 4729.01 of the Revised Code.

Whenever a manufacturer sells a controlled substance, and whenever a wholesaler, repackager, or outsourcing facility sells a controlled substance in a package the wholesaler, repackager, or outsourcing facility has prepared, the manufacturer or the wholesaler, repackager, or outsourcing facility, as the case may be, shall securely affix to each package in which the controlled substance is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of controlled substance contained therein. No person, except a pharmacist for the purpose of dispensing a controlled substance upon a prescription shall alter, deface, or remove any label so affixed.

(B) Except as provided in division (C) of this section, when a pharmacist dispenses any controlled substance on a prescription for use by a patient, or supplies a controlled substance to a licensed health professional authorized to prescribe drugs for use...
by the professional in personally furnishing patients with controlled substances, the pharmacist shall affix to the container in which the controlled substance is dispensed or supplied a label showing the following:

(1) The name and address of the pharmacy dispensing or supplying the controlled substance;

(2) The name of the patient for whom the controlled substance is prescribed and, if the patient is an animal, the name of the owner and the species of the animal;

(3) The name of the prescriber;

(4) All directions for use stated on the prescription or provided by the prescriber;

(5) The date on which the controlled substance was dispensed or supplied;

(6) The name, quantity, and strength of the controlled substance and, if applicable, the name of the distributor or manufacturer.

(C) The requirements of division (B) of this section do not apply when a controlled substance is prescribed or supplied for administration to an ultimate user who is institutionalized.

(D) A licensed health professional authorized to prescribe drugs who personally furnishes a controlled substance to a patient shall comply with division (A) of section 4729.291 of the Revised Code with respect to labeling and packaging of the controlled substance.

(E) No person shall alter, deface, or remove any label affixed pursuant to this section as long as any of the original contents remain.

(F) Every label for a schedule II, III, or IV controlled substance shall contain the following warning:
"Caution: federal law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed."

Sec. 3721.031. (A) The director of health may investigate any complaint the director receives concerning a home.

(1) Except as required by court order, as necessary for the administration or enforcement of any statute relating to homes, or as provided in division (C) of this section, the director and any employee of the department of health shall not release any of the following information without the permission of the individual or of the individual's legal representative:

(a) The identity of any patient or resident;

(b) The identity of any individual who submits a complaint about a home;

(c) The identity of any individual who provides the director with information about a home and has requested confidentiality;

(d) Any information that reasonably would tend to disclose the identity of any individual described in division (A)(1)(a) to (c) of this section.

(2) An agency or individual to whom the director is required, by court order or for the administration or enforcement of a statute relating to homes, to release information described in division (A)(1) of this section shall not release the information without the permission of the individual who would be or would reasonably tend to be identified, or of the individual's legal representative, unless the agency or individual is required to release it by division (C) of this section, by court order, or for the administration or enforcement of a statute relating to homes.

(B) Except as provided in division (C) of this section, any record that identifies an individual described in division (A)(1)(a) to (c) of this section or that reasonably would tend to
identify such an individual is not a public record for the purposes of section 149.43 of the Revised Code, and is not subject to inspection and copying under section 1347.08 of the Revised Code.

(C)(1) If the director, or an agency or individual to whom the director is required by court order or for administration or enforcement of a statute relating to homes to release information described in division (A)(1) of this section, uses information in any administrative or judicial proceeding against a home that reasonably would tend to identify an individual described in division (A)(1)(a) to (c) of this section, the director, agency, or individual shall disclose that information to the home. However, the director, agency, or individual shall not disclose information that directly identifies an individual described in divisions (A)(1)(a) to (c) of this section, unless the individual is to testify in the proceedings.

(2)(a) On the request of the director of aging or the director's designee and subject to division (C)(2)(b) of this section, the director of health may release to the department of aging the identity of a patient or resident of a home who receives assisted living services pursuant to sections 173.54 to 173.548 of the Revised Code.

(b) The department of aging shall not use information obtained under division (C)(2)(a) for any purpose other than monitoring the well-being of patients or residents who receive assisted living services.

(D) No person shall knowingly register a false complaint about a home with the director, or knowingly swear or affirm the truth of a false complaint, when the complaint is made for the purpose of incriminating another.

(E) An individual who in good faith submits a complaint under
this section or any other provision of the Revised Code regarding
a violation of this chapter, or participates in any investigation,
administrative proceeding, or judicial proceeding resulting from
the complaint, has the full protection against retaliatory action
provided by sections 4113.51 to 4113.53 of the Revised Code.

Sec. 3721.033. (A) As used in this section, "real and present
danger" means imminent danger of serious physical or
life-threatening harm to one or more occupants of a residential
care facility.

(B) If the director of health finds that a residential care
facility violated a provision of this chapter or a rule adopted
under it, all of the following apply:

(1) The director may require the facility to submit to the
department of health for its approval a plan of correction that
includes all of the following:

(a) Detailed descriptions of the actions the facility will
take to correct the violation;

(b) The date by which the violation will be corrected;

(c) A detailed description of an ongoing monitoring process
to be used at the facility that is focused on preventing any
recurrence of the violation.

(2) If the violation has not resulted in actual harm and has
the potential to cause more than minimal harm that does not
constitute a real and present danger and the director has found
that the facility has committed another violation in the preceding
fifteen months, the director may impose a civil penalty of not
less than one thousand dollars and not more than two thousand
dollars.

(3) If the violation has resulted in actual harm that does
not constitute a real and present danger, the director may impose
a civil penalty of not less than two thousand dollars and not more than six thousand dollars.

(4) If the violation constitutes a real and present danger, the director may impose a civil penalty of not less than six thousand dollars and not more than ten thousand dollars.

(C) Enforcement actions taken by the director under division (B) of this section shall be taken pursuant to an adjudication conducted under Chapter 119. of the Revised Code.

(D) The enforcement actions authorized by this section are in addition to those that may be taken under section 3721.03 of the Revised Code.

(E) All amounts collected from the imposition of civil penalties under this section shall be deposited into the state treasury to the credit of the general operations fund created under section 3701.83 of the Revised Code for use in the administration and enforcement of this chapter and the rules adopted under it.

Sec. 3721.081. (A) If the director of health determines that immediate action is necessary to protect the health or safety of one or more residents of a home and the home has failed to act with sufficient promptness or efficiency to protect resident health or safety, the director may issue an order requiring the home to immediately address the issue. The order may specify the measures that the home must take to protect resident health or safety.

(B)(1) If the director determines that a home has failed to comply with an order issued under division (A) of this section, the director may do either of the following:

(a) Take any action and incur necessary expenses to protect the health or safety of the home's residents;
(b) Transfer one or more residents to other homes or other appropriate care settings until the conditions giving rise to the director's order are corrected.

(2) Any costs the director incurs pursuant to division (B)(1) of this section shall be the obligation of the home. The director shall issue an order requiring a home to reimburse the department of health for any expenses incurred in taking any such action.

(C) If a home fails to comply with an order issued by the director pursuant to division (A) of this section, the director shall impose a civil penalty of not more than two hundred fifty thousand dollars. The department shall collect interest on the fine, at the rate per annum prescribed by section 5703.47 of the Revised Code, accruing beginning on the day the order is issued.

(D) Any order issued or civil penalty imposed pursuant to this section shall be done pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code.

Notwithstanding section 119.06 of the Revised Code, the director may issue an order pursuant to this section prior to affording the home an opportunity for a hearing. If the director does so, the director shall issue the order in writing and cause it to be delivered in accordance with section 119.07 of the Revised Code. The home may request a hearing within thirty days after receiving the written order. If the home requests a hearing, the date set for the hearing shall be within thirty days but not earlier than fifteen days after the home makes the request, unless another date is agreed to by both the home and the director. The order shall remain in effect, unless reversed by the director, until a final adjudication order issued by the director pursuant to this section and Chapter 119. of the Revised Code becomes effective. The director shall issue a final adjudication order not later than ninety days after completion of the hearing.
A final adjudication order issued under this section shall not be subject to suspension by the court while an appeal filed under section 119.12 of the Revised Code is pending.

(E) The actions described in this section are in addition to any that may be taken under sections 3721.03 and 3721.08 of the Revised Code.

(F) All amounts collected under this section shall be deposited into the state treasury to the credit of the general operations fund created under section 3701.83 of the Revised Code.

Sec. 3721.21. As used in sections 3721.21 to 3721.34 of the Revised Code:

(A) "Long-term care facility" means either of the following:

(1) A nursing home as defined in section 3721.01 of the Revised Code;

(2) A facility or part of a facility that is certified as a skilled nursing facility or a nursing facility under Title XVIII or XIX of the "Social Security Act."

(B) "Residential care facility" has the same meaning as in section 3721.01 of the Revised Code.

(C) "Abuse" means knowingly causing physical harm or recklessly causing serious physical harm to a resident by physical contact with the resident or by use of physical or chemical restraint, medication, or isolation as punishment, for staff convenience, excessively, as a substitute for treatment, or in amounts that preclude habilitation and treatment any of the following:

(1) Physical abuse;

(2) Psychological abuse;

(3) Sexual abuse.
(D) "Neglect" means recklessly failing to provide a resident with any treatment, care, goods, or service necessary to maintain the health or safety of the resident when the failure results in serious physical harm to the resident. "Neglect" does not include allowing a resident, at the resident's option, to receive only treatment by spiritual means through prayer in accordance with the tenets of a recognized religious denomination.

(E) "Exploitation" means taking advantage of a resident, regardless of whether the action was for personal gain, whether the resident knew of the action, or whether the resident was harmed.

(F) "Misappropriation" means depriving, defrauding, or otherwise obtaining the real or personal property of a resident by any means prohibited by the Revised Code, including violations of Chapter 2911. or 2913. of the Revised Code.

(F)(G) "Resident" includes a resident, patient, former resident or patient, or deceased resident or patient of a long-term care facility or a residential care facility.

(H) "Physical abuse" means knowingly causing physical harm or recklessly causing serious physical harm to a resident through either of the following:

(1) Physical contact with the resident;

(2) The use of physical restraint, chemical restraint, medication that does not constitute a chemical restraint, or isolation, if the restraint, medication, or isolation is excessive, for punishment, for staff convenience, a substitute for treatment, or in an amount that precludes habilitation and treatment.

(I) "Psychological abuse" means knowingly or recklessly causing psychological harm to a resident, whether verbally or by action.
"Sexual abuse" means sexual conduct or sexual contact with a resident, as those terms are defined in section 2907.01 of the Revised Code.

"Physical restraint" has the same meaning as in section 3721.10 of the Revised Code.

"Chemical restraint" has the same meaning as in section 3721.10 of the Revised Code.

"Nursing and nursing-related services" means the personal care services and other services not constituting skilled nursing care that are specified in rules the director of health shall adopt in accordance with Chapter 119. of the Revised Code.

"Personal care services" has the same meaning as in section 3721.01 of the Revised Code.

Except as provided in division (O)(2) of this section, "nurse aide" means an individual who provides nursing and nursing-related services to residents in a long-term care facility, either as a member of the staff of the facility for monetary compensation or as a volunteer without monetary compensation.

"Nurse aide" does not include either of the following:

(a) A licensed health professional practicing within the scope of the professional's license;

(b) An individual providing nursing and nursing-related services in a religious nonmedical health care institution, if the individual has been trained in the principles of nonmedical care and is recognized by the institution as being competent in the administration of care within the religious tenets practiced by the residents of the institution.

"Licensed health professional" means all of the following:
(1) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;

(2) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;

(3) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;

(4) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;

(5) A registered nurse or licensed practical nurse licensed under Chapter 4723. of the Revised Code;

(6) A social worker or independent social worker licensed under Chapter 4757. of the Revised Code or a social work assistant registered under that chapter;

(7) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;

(8) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;

(9) An optometrist licensed under Chapter 4725. of the Revised Code;

(10) A pharmacist licensed under Chapter 4729. of the Revised Code;

(11) A psychologist licensed under Chapter 4732. of the Revised Code;

(12) A chiropractor licensed under Chapter 4734. of the Revised Code;

(13) A nursing home administrator licensed or temporarily licensed under Chapter 4751. of the Revised Code;

(14) A licensed professional counselor or licensed
professional clinical counselor licensed under Chapter 4757. of the Revised Code;

(15) A marriage and family therapist or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code.

(14) "Religious nonmedical health care institution" means an institution that meets or exceeds the conditions to receive payment under the medicare program established under Title XVIII of the "Social Security Act" for inpatient hospital services or post-hospital extended care services furnished to an individual in a religious nonmedical health care institution, as defined in section 1861(ss)(1) of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395x(ss)(1), as amended.

(15) "Competency evaluation program" means a program through which the competency of a nurse aide to provide nursing and nursing-related services is evaluated.

(15) "Training and competency evaluation program" means a program of nurse aide training and evaluation of competency to provide nursing and nursing-related services.

Sec. 3721.22. (A)(1) No licensed health professional person identified in division (P)(1) to (12), (14), or (15) of section 3721.21 of the Revised Code who knows or suspects that a resident has been abused or neglected, or exploited, or that a resident's property has been misappropriated, by any individual used by a long-term care facility or residential care facility to provide services to residents, shall fail to report that knowledge or suspicion to the director of health facility.

(2) No nursing home administrator licensed or temporarily licensed under Chapter 4751. of the Revised Code, and no administrator of a residential care facility, who knows or
suspects that a resident has been abused, neglected, or exploited, or that a resident's property has been misappropriated, by any individual used by a long-term care facility or residential care facility to provide services to residents, shall fail to report that knowledge or suspicion to the director of health.

(B) Any person, including a resident, who knows or suspects that a resident has been abused, neglected, or exploited, or that a resident's property has been misappropriated, by any individual used by a long-term care facility or residential care facility to provide services to residents, may report that knowledge or suspicion to the director of health.

(C) Any person who in good faith reports suspected abuse, neglect, exploitation, or misappropriation to a facility or the director of health, provides information during an investigation of suspected abuse, neglect, exploitation, or misappropriation conducted by the director, or participates in a hearing conducted under section 3721.23 of the Revised Code is not subject to criminal prosecution, liable in damages in a tort or other civil action, or subject to professional disciplinary action because of injury or loss to person or property allegedly arising from the making of the report, provision of information, or participation in the hearing.

(D) If the director has reason to believe that a violation of division (A) of this section has occurred, the director may report the suspected violation to the appropriate professional licensing authority and to the attorney general, county prosecutor, or other appropriate law enforcement official.

(E) No person shall knowingly make a false allegation of abuse, neglect, or exploitation of a resident or misappropriation of a resident's property, or knowingly swear or affirm the truth of a false allegation, when the allegation is made for the purpose of incriminating another.
Sec. 3721.23. (A) The director of health shall receive, review, and investigate allegations of abuse, neglect, or exploitation of a resident or misappropriation of the property of a resident by any individual used by a long-term care facility or residential care facility to provide services to residents.

(B) The director shall make findings regarding alleged abuse, neglect, exploitation, or misappropriation of property after doing both of the following:

(1) Investigating the allegation and determining that there is a reasonable basis for it;

(2) Giving notice to the individual named in the allegation and affording the individual a reasonable opportunity for a hearing.

Notice to the person named in an allegation shall be given and the hearing shall be conducted pursuant to rules adopted by the director under section 3721.26 of the Revised Code. For purposes of conducting a hearing under this section, the director may issue subpoenas compelling attendance of witnesses or production of documents. The subpoenas shall be served in the same manner as subpoenas and subpoenas duces tecum issued for a trial of a civil action in a court of common pleas. If a person who is served a subpoena fails to attend a hearing or to produce documents, or refuses to be sworn or to answer any questions, the director may apply to the common pleas court of the county in which the person resides, or the county in which the long-term care facility or residential care facility is located, for a contempt order, as in the case of a failure of a person who is served a subpoena issued by the court to attend or to produce documents or a refusal of such person to testify.

(C)(1) If the director finds that an individual used by a long-term care facility or residential care facility has abused,
neglected, or abused exploited a resident or misappropriated property of a resident, the director shall notify do both of the following:

(a) Notify the individual, the facility using the individual, and the attorney general, county prosecutor, or other appropriate law enforcement official. The director also shall do the following:

(a) If the individual is used by a long-term care facility as a nurse aide, the director shall, in accordance with section 3721.32 of the Revised Code, include in the nurse aide registry established under that section a statement detailing the findings pertaining to the individual.

(b) If the individual is a licensed health professional used by a long-term care facility or residential care facility to provide services to residents, the director shall notify, and, if applicable, the appropriate professional licensing authority established under Title XLVII of the Revised Code.

(c) If the individual is used by a long-term care facility and is neither a nurse aide nor a licensed health professional, or is used by a residential care facility and is not a licensed health professional, the director shall, in:

(b) In accordance with section 3721.32 of the Revised Code, include in the nurse aide registry established under that section a statement detailing the findings pertaining to the individual.

(2) A nurse aide or other An individual about whom a statement is required by this division to be included in the nurse aide registry may provide the director with a statement disputing the director's findings and explaining the circumstances of the allegation. The statement shall be included in the nurse aide registry with the director's findings.

(D)(1) If the director finds that alleged abuse, neglect, or
abuse, exploitation of a resident or misappropriation of property of a resident cannot be substantiated, the director shall notify the individual and expunge all files and records of the investigation and the hearing by doing all of the following:

(a) Removing and destroying the files and records, originals and copies, and deleting all index references;

(b) Reporting to the individual the nature and extent of any information about the individual transmitted to any other person or government entity by the director of health;

(c) Otherwise ensuring that any examination of files and records in question show no record whatever with respect to the individual.

(2)(a) If, in accordance with division (C)(1)(a) or (c) of this section, the director includes in the nurse aide registry a statement of a finding of neglect, the individual found to have neglected a resident may, not earlier than one year after the date of the finding, petition the director to rescind the finding and remove the statement and any accompanying information from the nurse aide registry. The director shall consider the petition. If, in the judgment of the director, the neglect was a singular occurrence and the employment and personal history of the individual does not evidence abuse, exploitation, or any other incident of neglect of residents, the director shall notify the individual and remove the statement and any accompanying information from the nurse aide registry. The director shall expunge all files and records of the investigation and the hearing, except the petition for rescission of the finding of neglect and the director's notice that the rescission has been approved.

(b) A petition for rescission of a finding of neglect and the director's notice that the rescission has been approved are not
public records for the purposes of section 149.43 of the Revised Code.

(3) When files and records have been expunged under division (D)(1) or (2) of this section, all rights and privileges are restored, and the individual, the director, and any other person or government entity may properly reply to an inquiry that no such record exists as to the matter expunged.

**Sec. 3721.24.** (A) No person or government entity shall retaliate against an employee or another individual used by the person or government entity to perform any work or services who, in good faith, makes or causes to be made a report of suspected abuse, neglect, or exploitation of a resident or misappropriation of the property of a resident; indicates an intention to make such a report; provides information during an investigation of suspected abuse, neglect, exploitation, or misappropriation conducted by the director of health; or participates in a hearing conducted under section 3721.23 of the Revised Code or in any other administrative or judicial proceedings pertaining to the suspected abuse, neglect, exploitation, or misappropriation. For purposes of this division, retaliatory actions include discharging, demoting, or transferring the employee or other person, preparing a negative work performance evaluation of the employee or other person, preparing a negative work performance evaluation of the employee or other person, reducing the benefits, pay, or work privileges of the employee or other person, and any other action intended to retaliate against the employee or other person.

(B)(1) No person or government entity shall retaliate against a resident who reports or causes to be reported suspected abuse, neglect, exploitation, or misappropriation; indicates an intention to make such a report; provides information during an investigation of alleged abuse, neglect, exploitation, or
misappropriation conducted by the director; or participates in a
hearing under section 3721.23 of the Revised Code or in any other
administrative or judicial proceeding pertaining to the suspected
abuse, neglect, exploitation, or misappropriation; or on whose
behalf any other person or government entity takes any of those
actions. For

(2) No person or government entity shall retaliate against a
resident whose family member, guardian, sponsor, or personal
representative reports or causes to be reported suspected abuse,
neglect, exploitation, or misappropriation; indicates an intention
to make such a report; provides information during an
investigation of alleged abuse, neglect, exploitation, or
misappropriation conducted by the director; or participates in a
hearing under section 3721.23 of the Revised Code or in any other
administrative or judicial proceeding pertaining to the suspected
abuse, neglect, exploitation, or misappropriation; or on whose
behalf any other person or government entity takes any of those
actions.

(3) For purposes of this division divisions (B)(1) and (2) of
this section, retaliatory actions include abuse, verbal threats or
other harsh language, change of room assignment, withholding of
services, failure to provide care in a timely manner, and any
other action intended to retaliate against the resident.

(C) Any person has a cause of action against a person or
government entity for harm resulting from violation of division
(A) or (B) of this section. If it finds that a violation has
occurred, the court may award damages and order injunctive relief.
The court may award court costs and reasonable attorney's fees to
the prevailing party.

Sec. 3721.25. (A)(1) Except as required by court order, as
necessary for the administration or enforcement of any statute or
rule relating to long-term care facilities or residential care facilities, or as provided in division (D) of this section, the director of health shall not disclose any of the following without the consent of the individual or the individual's legal representative:

(a) The name of an individual who reports suspected abuse or neglect, or exploitation of a resident or misappropriation of a resident's property to the facility or director;

(b) The name of an individual who provides information during an investigation of suspected abuse, neglect, exploitation, or misappropriation conducted by the director;

(c) Any information that would tend to disclose the identity of an individual described in division (A)(1)(a) or (b) of this section.

(2) An agency or individual to whom the director is required, by court order or for the administration or enforcement of a statute relating to long-term care facilities or residential care facilities, to release information described in division (A)(1) of this section shall not release the information without the permission of the individual who would be or would reasonably tend to be identified, or of the individual's legal representative, unless the agency or individual is required to release it by division (D) of this section, by court order, or for the administration or enforcement of a statute relating to long-term care facilities or residential care facilities.

(B) Except as provided in division (D) of this section, any record that identifies an individual described in division (A)(1)(a) or (b) of this section, or that would tend to disclose the identity of such an individual, is not a public record for the purposes of section 149.43 of the Revised Code, and is not subject to inspection or copying under section 1347.08 of the Revised Code.
Code.

(C) Except as provided in division (B) of this section and division (D) of section 3721.23 of the Revised Code, the records of a hearing conducted under section 3721.23 of the Revised Code are public records for the purposes of section 149.43 of the Revised Code and are subject to inspection and copying under section 1347.08 of the Revised Code.

(D) If the director, or an agency or individual to whom the director is required by court order or for administration or enforcement of a statute relating to long-term care facilities or residential care facilities to release information described in division (A)(1) of this section, uses information in any administrative or judicial proceeding against a long-term care facility or residential care facility that reasonably would tend to identify an individual described in division (A)(1)(a) or (b) of this section, the director, agency, or individual shall disclose that information to the facility. However, the director, agency, or individual shall not disclose information that directly identifies an individual described in division (A)(1)(a) or (b) of this section, unless the individual is to testify in the proceedings.

Sec. 3721.32. (A) The director of health shall establish a state nurse aide registry listing all individuals who have done any of the following:

(1) Were used by a long-term care facility as nurse aides on a full-time, temporary, per diem, or other basis at any time during the period commencing July 1, 1989, and ending January 1, 1990, and successfully completed, not later than October 1, 1990, a competency evaluation program approved by the director under division (A) of section 3721.31 of the Revised Code or conducted by the director under division (C) of that section;
(2) Successfully completed a training and competency evaluation program approved by the director under division (A) of section 3721.31 of the Revised Code or met the conditions specified in division (F) of section 3721.28 of the Revised Code, and, if the training and competency evaluation program or the training, instruction, or education the individual completed in meeting the conditions specified in division (F) of section 3721.28 of the Revised Code was conducted in or by a long-term care facility, or if the director so required pursuant to division (E) of section 3721.31 of the Revised Code, has successfully completed a competency evaluation program conducted by the director;

(3) Successfully completed a training and competency evaluation program conducted by the director under division (C) of section 3721.31 of the Revised Code;

(4) Successfully completed, prior to July 1, 1989, a program that the director has determined under division (B)(3) of section 3721.28 of the Revised Code included a competency evaluation component no less stringent than the competency evaluation programs approved or conducted by the director under section 3721.31 of the Revised Code, and was otherwise comparable to the training and competency evaluation program being approved by the director under section 3721.31 of the Revised Code;

(5) Are listed in a nurse aide registry maintained by another state that certifies that its program for training and evaluation of competency of nurse aides complies with Titles XVIII and XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, or regulations adopted thereunder;

(6) Were found competent, as provided in division (B)(5) of section 3721.28 of the Revised Code, prior to July 1, 1989, after the completion of a course of nurse aide training of at least one hundred hours' duration;
(7) Are enrolled in a prelicensure program of nursing education approved by the board of nursing or by an agency of another state that regulates nursing education, have provided the long-term care facility with a certificate from the program indicating that the individual has successfully completed the courses that teach basic nursing skills including infection control, safety and emergency procedures, and personal care, and have successfully completed a competency evaluation program conducted by the director under division (A) of section 3721.31 of the Revised Code;

(8) Have the equivalent of twelve months or more of full-time employment in the five years preceding listing in the registry as a hospital aide or orderly and have successfully completed a competency evaluation program conducted by the director under division (C) of section 3721.31 of the Revised Code.

(B) In addition to the list of individuals required by division (A) of this section, the registry shall include both of the following:

(1) The statement required by section 3721.23 of the Revised Code detailing findings by the director under that section regarding alleged abuse, neglect, or exploitation of a resident or misappropriation of resident property;

(2) Any statement provided by an individual under section 3721.23 of the Revised Code disputing the director's findings.

Whenever an inquiry is received as to the information contained in the registry concerning an individual about whom a statement required by section 3721.23 of the Revised Code is included in the registry, the director shall disclose the statement or a summary of the statement together with any statement provided by the individual under section 3721.23 or a clear and accurate summary of that statement.
(C) The director may by rule specify additional information that must be provided to the registry by long-term care facilities and persons or government agencies conducting approved competency evaluation programs and training and competency evaluation programs.

(D) Information contained in the registry is a public record for the purposes of section 149.43 of the Revised Code, and is subject to inspection and copying under section 1347.08 of the Revised Code.

**Sec. 3727.45.** The director of health may apply to the court of common pleas of the county in which a hospital is located for a temporary or permanent injunction restraining the hospital from failure to comply with sections 3727.33, 3727.34, and section 3727.42 of the Revised Code.

**Sec. 3734.02.** (A) The director of environmental protection, in accordance with Chapter 119. of the Revised Code, shall adopt and may amend, suspend, or rescind rules having uniform application throughout the state governing solid waste facilities and the inspections of and issuance of permits and licenses for all solid waste facilities in order to ensure that the facilities will be located, maintained, and operated, and will undergo closure and post-closure care, in a sanitary manner so as not to create a nuisance, cause or contribute to water pollution, create a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 257.3-8, as amended. The rules may include, without limitation, financial assurance requirements for closure and post-closure care and corrective action and requirements for taking corrective action in the event of the surface or subsurface discharge or migration of explosive gases or leachate from a solid waste facility, or of ground water contamination resulting from the transfer or disposal of solid wastes at a facility, beyond the
boundaries of any area within a facility that is operating or is undergoing closure or post-closure care where solid wastes were disposed of or are being disposed of. The rules shall not concern or relate to personnel policies, salaries, wages, fringe benefits, or other conditions of employment of employees of persons owning or operating solid waste facilities. The director, in accordance with Chapter 119. of the Revised Code, shall adopt and may amend, suspend, or rescind rules governing the issuance, modification, revocation, suspension, or denial of variances from the director's solid waste rules, including, without limitation, rules adopted under this chapter governing the management of scrap tires.

Variances shall be issued, modified, revoked, suspended, or rescinded in accordance with this division, rules adopted under it, and Chapter 3745. of the Revised Code. The director may order the person to whom a variance is issued to take such action within such time as the director may determine to be appropriate and reasonable to prevent the creation of a nuisance or a hazard to the public health or safety or the environment. Applications for variances shall contain such detail plans, specifications, and information regarding objectives, procedures, controls, and other pertinent data as the director may require. The director shall grant a variance only if the applicant demonstrates to the director's satisfaction that construction and operation of the solid waste facility in the manner allowed by the variance and any terms or conditions imposed as part of the variance will not create a nuisance or a hazard to the public health or safety or the environment. In granting any variance, the director shall state the specific provision or provisions whose terms are to be varied and also shall state specific terms or conditions imposed upon the applicant in place of the provision or provisions.

The director may hold a public hearing on an application for a variance or renewal of a variance at a location in the county...
where the operations that are the subject of the application for
the variance are conducted. The director shall give not less than
twenty days' notice of the hearing to the applicant by certified
mail or by another type of mail accompanied by a receipt and shall
publish at least one notice of the hearing in a newspaper with
general circulation in the county where the hearing is to be held.
The director shall make available for public inspection at the
principal office of the environmental protection agency a current
list of pending applications for variances and a current schedule
of pending variance hearings. The director shall make a complete
stenographic record of testimony and other evidence submitted at
the hearing.

Within ten days after the hearing, the director shall make a
written determination to issue, renew, or deny the variance and
shall enter the determination and the basis for it into the record
of the hearing. The director shall issue, renew, or deny an
application for a variance or renewal of a variance within six
months of the date upon which the director receives a complete
application with all pertinent information and data required. No
variance shall be issued, revoked, modified, or denied until the
director has considered the relative interests of the applicant,
other persons and property affected by the variance, and the
general public. Any variance granted under this division shall be
for a period specified by the director and may be renewed from
time to time on such terms and for such periods as the director
determines to be appropriate. No application shall be denied and
no variance shall be revoked or modified without a written order
stating the findings upon which the denial, revocation, or
modification is based. A copy of the order shall be sent to the
applicant or variance holder by certified mail or by another type
of mail accompanied by a receipt.

(B) The director shall prescribe and furnish the forms
necessary to administer and enforce this chapter. The director may cooperate with and enter into agreements with other state, local, or federal agencies to carry out the purposes of this chapter. The director may exercise all incidental powers necessary to carry out the purposes of this chapter.

(C) Except as provided in this division and divisions (N)(2) and (3) of this section, no person shall establish a new solid waste facility or infectious waste treatment facility, or modify an existing solid waste facility or infectious waste treatment facility, without submitting an application for a permit with accompanying detail plans, specifications, and information regarding the facility and method of operation and receiving a permit issued by the director, except that no permit shall be required under this division to install or operate a solid waste facility for sewage sludge treatment or disposal when the treatment or disposal is authorized by a current permit issued under Chapter 3704. or 6111. of the Revised Code.

No person shall continue to operate a solid waste facility for which the director has denied a permit for which an application was required under division (A)(3) of section 3734.05 of the Revised Code, or for which the director has disapproved plans and specifications required to be filed by an order issued under division (A)(5)(3) of that section 3734.05 of the Revised Code, after the date prescribed for commencement of closure of the facility in the order issued under division (A)(6)(4) of that section 3734.05 of the Revised Code denying the permit application or approval.

On and after the effective date of the rules adopted under division (A) of this section and division (D) of section 3734.12 of the Revised Code governing solid waste transfer facilities, no person shall establish a new, or modify an existing, solid waste transfer facility without first submitting an application for a
permit with accompanying engineering detail plans, specifications, and information regarding the facility and its method of operation to the director and receiving a permit issued by the director.

No person shall establish a new compost facility or continue to operate an existing compost facility that accepts exclusively source separated yard wastes without submitting a completed registration for the facility to the director in accordance with rules adopted under divisions (A) and (N)(3) of this section.

This division does not apply to a generator of infectious wastes that does any of the following:

1. Treats, by methods, techniques, and practices established by rules adopted under division (B)(2)(a) of section 3734.021 of the Revised Code, any of the following:
   a. Infectious wastes that are generated on any premises that are owned or operated by the generator;
   b. Infectious wastes that are generated by a generator who has staff privileges at a hospital as defined in section 3727.01 of the Revised Code;
   c. Infectious wastes that are generated in providing care to a patient by an emergency medical services organization as defined in section 4765.01 of the Revised Code.

2. Holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717. and a permit issued under Chapter 3704. of the Revised Code;

3. Treats or disposes of dead animals or parts thereof, or the blood of animals, and is subject to any of the following:
   b. Chapter 918. of the Revised Code;
   c. Chapter 953. of the Revised Code.
(D) Neither this chapter nor any rules adopted under it apply to single-family residential premises; to infectious wastes generated by individuals for purposes of their own care or treatment; to the temporary storage of solid wastes, other than scrap tires, prior to their collection for disposal; to the storage of one hundred or fewer scrap tires unless they are stored in such a manner that, in the judgment of the director or the board of health of the health district in which the scrap tires are stored, the storage causes a nuisance, a hazard to public health or safety, or a fire hazard; or to the collection of solid wastes, other than scrap tires, by a political subdivision or a person holding a franchise or license from a political subdivision of the state; to composting, as defined in section 1511.01 of the Revised Code, conducted in accordance with section 1511.022 of the Revised Code; or to any person who is licensed to transport raw rendering material to a compost facility pursuant to section 953.23 of the Revised Code.

(E)(1) As used in this division:

(a) "On-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated on the premises of the facility.

(b) "Off-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated off the premises of the facility and includes such a facility that is also an on-site facility.

(c) "Satellite facility" means any of the following:

(i) An on-site facility that also receives hazardous waste from other premises owned by the same person who generates the waste on the facility premises;

(ii) An off-site facility operated so that all of the hazardous waste it receives is generated on one or more premises.
owned by the person who owns the facility;

(iii) An on-site facility that also receives hazardous waste that is transported uninterruptedly and directly to the facility through a pipeline from a generator who is not the owner of the facility.

(2) Except as provided in division (E)(3) of this section, no person shall establish or operate a hazardous waste facility, or use a solid waste facility for the storage, treatment, or disposal of any hazardous waste, without a hazardous waste facility installation and operation permit issued in accordance with section 3734.05 of the Revised Code and subject to the payment of an application fee not to exceed one thousand five hundred dollars, payable upon application for a hazardous waste facility installation and operation permit and upon application for a renewal permit issued under division (H) of section 3734.05 of the Revised Code, to be credited to the hazardous waste facility management fund created in section 3734.18 of the Revised Code. The term of a hazardous waste facility installation and operation permit shall not exceed ten years.

In addition to the application fee, there is hereby levied an annual permit fee to be paid by the permit holder upon the anniversaries of the date of issuance of the hazardous waste facility installation and operation permit and of any subsequent renewal permits and to be credited to the hazardous waste facility management fund. Annual permit fees totaling forty thousand dollars or more for any one facility may be paid on a quarterly basis with the first quarterly payment each year being due on the anniversary of the date of issuance of the hazardous waste facility installation and operation permit and of any subsequent renewal permits. The annual permit fee shall be determined for each permit holder by the director in accordance with the following schedule:
<table>
<thead>
<tr>
<th>TYPE OF MANAGEMENT UNIT</th>
<th>TYPE OF FACILITY</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Storage facility using:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Containers</td>
<td>On-site, off-site, and satellite</td>
<td>$500</td>
</tr>
<tr>
<td>Tanks</td>
<td>On-site, off-site, and satellite</td>
<td>500</td>
</tr>
<tr>
<td>Waste pile</td>
<td>On-site, off-site, and satellite</td>
<td>3,000</td>
</tr>
<tr>
<td>Surface impoundment</td>
<td>On-site and satellite</td>
<td>8,000</td>
</tr>
<tr>
<td></td>
<td>Off-site</td>
<td>10,000</td>
</tr>
<tr>
<td>Disposal facility using:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deep well injection</td>
<td>On-site and satellite</td>
<td>15,000</td>
</tr>
<tr>
<td></td>
<td>Off-site</td>
<td>25,000</td>
</tr>
<tr>
<td>Landfill</td>
<td>On-site and satellite</td>
<td>25,000</td>
</tr>
<tr>
<td></td>
<td>Off-site</td>
<td>40,000</td>
</tr>
<tr>
<td>Land application</td>
<td>On-site and satellite</td>
<td>2,500</td>
</tr>
<tr>
<td></td>
<td>Off-site</td>
<td>5,000</td>
</tr>
<tr>
<td>Surface impoundment</td>
<td>On-site and satellite</td>
<td>10,000</td>
</tr>
<tr>
<td></td>
<td>Off-site</td>
<td>20,000</td>
</tr>
<tr>
<td>Treatment facility using:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tanks</td>
<td>On-site, off-site, and satellite</td>
<td>700</td>
</tr>
<tr>
<td>Surface impoundment</td>
<td>On-site and satellite</td>
<td>8,000</td>
</tr>
<tr>
<td></td>
<td>Off-site</td>
<td>10,000</td>
</tr>
<tr>
<td>Incinerator</td>
<td>On-site and satellite</td>
<td>5,000</td>
</tr>
<tr>
<td></td>
<td>Off-site</td>
<td>10,000</td>
</tr>
<tr>
<td>Other forms</td>
<td>On-site, off-site, and satellite</td>
<td>1,000</td>
</tr>
</tbody>
</table>

A hazardous waste disposal facility that disposes of hazardous waste by deep well injection and that pays the annual permit fee established in section 6111.046 of the Revised Code is
not subject to the permit fee established in this division for disposal facilities using deep well injection unless the director determines that the facility is not in compliance with applicable requirements established under this chapter and rules adopted under it.

In determining the annual permit fee required by this section, the director shall not require additional payments for multiple units of the same method of storage, treatment, or disposal or for individual units that are used for both storage and treatment. A facility using more than one method of storage, treatment, or disposal shall pay the permit fee indicated by the schedule for each such method.

The director shall not require the payment of that portion of an annual permit fee of any permit holder that would apply to a hazardous waste management unit for which a permit has been issued, but for which construction has not yet commenced. Once construction has commenced, the director shall require the payment of a part of the appropriate fee indicated by the schedule that bears the same relationship to the total fee that the number of days remaining until the next anniversary date at which payment of the annual permit fee is due bears to three hundred sixty-five.

The director, by rules adopted in accordance with Chapters 119. and 3745. of the Revised Code, shall prescribe procedures for collecting the annual permit fee established by this division and may prescribe other requirements necessary to carry out this division.

(3) The prohibition against establishing or operating a hazardous waste facility without a hazardous waste facility installation and operation permit does not apply to either of the following:

(a) A facility that is operating in accordance with a permit
renewal issued under division (H) of section 3734.05 of the Revised Code, a revision issued under division (I) of that section as it existed prior to August 20, 1996, or a modification issued by the director under division (I) of that section on and after August 20, 1996;

(b) Except as provided in division (J) of section 3734.05 of the Revised Code, a facility that will operate or is operating in accordance with a permit by rule, or that is not subject to permit requirements, under rules adopted by the director. In accordance with Chapter 119. of the Revised Code, the director shall adopt, and subsequently may amend, suspend, or rescind, rules for the purposes of division (E)(3)(b) of this section. Any rules so adopted shall be consistent with and equivalent to regulations pertaining to interim status adopted under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise provided in this chapter.

If a modification is requested or proposed for a facility described in division (E)(3)(a) or (b) of this section, division (I)(7) of section 3734.05 of the Revised Code applies.

(F) No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following:

(1) A hazardous waste facility operating under a permit issued in accordance with this chapter;

(2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as
amended;

(3) A facility in another nation operating in accordance with the laws of that nation;


(5) A hazardous waste facility as described in division (E)(3)(a) or (b) of this section.

(G) The director, by order, may exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, infectious wastes, or hazardous waste, or processing solid wastes that consist of scrap tires, in such quantities or under such circumstances that, in the determination of the director, are unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a registration certificate, permit, or license or comply with the manifest system or other requirements of this chapter. Such an exemption shall be consistent with and equivalent to any regulations adopted by the administrator of the United States environmental protection agency under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise provided in this chapter.

(H) No person shall engage in filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility, or a solid waste facility, was operated without prior authorization from the director, who shall establish the procedure for granting such authorization by rules adopted in accordance with Chapter 119. of the Revised Code.

A public utility that has main or distribution lines above or below the land surface located on an easement or right-of-way across land where a solid waste facility was operated may engage
in any such activity within the easement or right-of-way without prior authorization from the director for purposes of performing emergency repair or emergency replacement of its lines; of the poles, towers, foundations, or other structures supporting or sustaining any such lines; or of the appurtenances to those structures, necessary to restore or maintain existing public utility service. A public utility may enter upon any such easement or right-of-way without prior authorization from the director for purposes of performing necessary or routine maintenance of those portions of its existing lines; of the existing poles, towers, foundations, or other structures sustaining or supporting its lines; or of the appurtenances to any such supporting or sustaining structure, located on or above the land surface on any such easement or right-of-way. Within twenty-four hours after commencing any such emergency repair, replacement, or maintenance work, the public utility shall notify the director or the director's authorized representative of those activities and shall provide such information regarding those activities as the director or the director's representative may request. Upon completion of the emergency repair, replacement, or maintenance activities, the public utility shall restore any land of the solid waste facility disturbed by those activities to the condition existing prior to the commencement of those activities.

(I) No owner or operator of a hazardous waste facility, in the operation of the facility, shall cause, permit, or allow the emission therefrom of any particulate matter, dust, fumes, gas, mist, smoke, vapor, or odorous substance that, in the opinion of the director, unreasonably interferes with the comfortable enjoyment of life or property by persons living or working in the vicinity of the facility, or that is injurious to public health. Any such action is hereby declared to be a public nuisance.

(J) Notwithstanding any other provision of this chapter, in
the event the director finds an imminent and substantial danger to public health or safety or the environment that creates an emergency situation requiring the immediate treatment, storage, or disposal of hazardous waste, the director may issue a temporary emergency permit to allow the treatment, storage, or disposal of the hazardous waste at a facility that is not otherwise authorized by a hazardous waste facility installation and operation permit to treat, store, or dispose of the waste. The emergency permit shall not exceed ninety days in duration and shall not be renewed. The director shall adopt, and may amend, suspend, or rescind, rules in accordance with Chapter 119. of the Revised Code governing the issuance, modification, revocation, and denial of emergency permits.

(K) Except for infectious wastes generated by a person who produces fewer than fifty pounds of infectious wastes at a premises during any one month, no owner or operator of a sanitary landfill shall knowingly accept for disposal, or dispose of, any infectious wastes that have not been treated to render them noninfectious.

(L) The director, in accordance with Chapter 119. of the Revised Code, shall adopt, and may amend, suspend, or rescind, rules having uniform application throughout the state establishing a training and certification program that shall be required for employees of boards of health who are responsible for enforcing the solid waste and infectious waste provisions of this chapter and rules adopted under them and for persons who are responsible for the operation of solid waste facilities or infectious waste treatment facilities. The rules shall provide all of the following, without limitation:

1. The program shall be administered by the director and shall consist of a course on new solid waste and infectious waste technologies, enforcement procedures, and rules;
(2) The course shall be offered on an annual basis;

(3) Those persons who are required to take the course under division (L) of this section shall do so triennially;

(4) Persons who successfully complete the course shall be certified by the director;

(5) Certification shall be required for all employees of boards of health who are responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and for all persons who are responsible for the operation of solid waste facilities or infectious waste treatment facilities;

(6)(a) All employees of a board of health who, on the effective date of the rules adopted under this division, are responsible for enforcing the solid waste or infectious waste provisions of this chapter and the rules adopted under them shall complete the course and be certified by the director not later than January 1, 1995;

(b) All employees of a board of health who, after the effective date of the rules adopted under division (L) of this section, become responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and who do not hold a current and valid certification from the director at that time shall complete the course and be certified by the director within two years after becoming responsible for performing those activities.

No person shall fail to obtain the certification required under this division.

(M) The director shall not issue a permit under section 3734.05 of the Revised Code to establish a solid waste facility, or to modify a solid waste facility operating on December 21, 1988, in a manner that expands the disposal capacity or geographic
area covered by the facility, that is or is to be located within
the boundaries of a state park established or dedicated under
Chapter 1546. of the Revised Code, a state park purchase area
established under section 1546.06 of the Revised Code, any unit of
the national park system, or any property that lies within the
boundaries of a national park or recreation area, but that has not
been acquired or is not administered by the secretary of the
United States department of the interior, located in this state,
or any candidate area located in this state and identified for
potential inclusion in the national park system in the edition of
the "national park system plan" submitted under paragraph (b) of
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16
U.S.C.A. 1a-5, as amended, current at the time of filing of the
application for the permit, unless the facility or proposed
facility is or is to be used exclusively for the disposal of solid
wastes generated within the park or recreation area and the
director determines that the facility or proposed facility will
not degrade any of the natural or cultural resources of the park
or recreation area. The director shall not issue a variance under
division (A) of this section and rules adopted under it, or issue
an exemption order under division (G) of this section, that would
authorize any such establishment or expansion of a solid waste
facility within the boundaries of any such park or recreation
area, state park purchase area, or candidate area, other than a
solid waste facility exclusively for the disposal of solid wastes
generated within the park or recreation area when the director
determines that the facility will not degrade any of the natural
or cultural resources of the park or recreation area.

(N)(1) The rules adopted under division (A) of this section,
other than those governing variances, do not apply to scrap tire
collection, storage, monocell, monofill, and recovery facilities.
Those facilities are subject to and governed by rules adopted
under sections 3734.70 to 3734.73 of the Revised Code, as
applicable.

(2) Division (C) of this section does not apply to scrap tire collection, storage, monocell, monofill, and recovery facilities. The establishment and modification of those facilities are subject to sections 3734.75 to 3734.78 and section 3734.81 of the Revised Code, as applicable.

(3) The director may adopt, amend, suspend, or rescind rules under division (A) of this section creating an alternative system for authorizing the establishment, operation, or modification of a solid waste compost facility in lieu of the requirement that a person seeking to establish, operate, or modify a solid waste compost facility apply for and receive a permit under division (C) of this section and section 3734.05 of the Revised Code and a license under division (A)(1) of that section. The rules may include requirements governing, without limitation, the classification of solid waste compost facilities, the submittal of operating records for solid waste compost facilities, and the creation of a registration or notification system in lieu of the issuance of permits and licenses for solid waste compost facilities. The rules shall specify the applicability of divisions (A)(1) and (2)(a), (3), and (4) of section 3734.05 of the Revised Code to a solid waste compost facility.

(O)(1) As used in this division, "secondary aluminum waste" means waste material or byproducts, when disposed of, containing aluminum generated from secondary aluminum smelting operations and consisting of dross, salt cake, baghouse dust associated with aluminum recycling furnace operations, or dry-milled wastes.

(2) The owner or operator of a sanitary landfill shall not dispose of municipal solid waste that has been commingled with secondary aluminum waste.

(3) The owner or operator of a sanitary landfill may dispose
of secondary aluminum waste, but only in a monocell or monofill that has been permitted for that purpose in accordance with this chapter and rules adopted under it.

(P)(1) As used in divisions (P) and (Q) of this section:

(a) "Natural background" means two picocuries per gram or the actual number of picocuries per gram as measured at an individual solid waste facility, subject to verification by the director of health.

(b) "Drilling operation" includes a production operation as defined in section 1509.01 of the Revised Code.

(2) The owner or operator of a solid waste facility shall not accept for transfer or disposal technologically enhanced naturally occurring radioactive material if that material contains or is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations equal to or greater than five picocuries per gram above natural background.

(3) The owner or operator of a solid waste facility may receive and process for purposes other than transfer or disposal technologically enhanced naturally occurring radioactive material that contains or is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations equal to or greater than five picocuries per gram above natural background, provided that the owner or operator has obtained and maintains all other necessary authorizations, including any authorization required by rules adopted by the director of health under section 3748.04 of the Revised Code.

(4) The director of environmental protection may adopt rules in accordance with Chapter 119. of the Revised Code governing the receipt, acceptance, processing, handling, management, and disposal by solid waste facilities of material that contains or is contaminated with radioactive material, including, without
limitation, technologically enhanced naturally occurring radioactive material that contains or is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations less than five picocuries per gram above natural background. Rules adopted by the director may include at a minimum both of the following:

(a) Requirements in accordance with which the owner or operator of a solid waste facility must monitor leachate and ground water for radium-226, radium-228, and other radionuclides;

(b) Requirements in accordance with which the owner or operator of a solid waste facility must develop procedures to ensure that technologically enhanced naturally occurring radioactive material accepted at the facility neither contains nor is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations equal to or greater than five picocuries per gram above natural background.

(Q) Notwithstanding any other provision of this section, the owner or operator of a solid waste facility shall not receive, accept, process, handle, manage, or dispose of technologically enhanced naturally occurring radioactive material associated with drilling operations without first obtaining representative analytical results to determine compliance with divisions (P)(2) and (3) of this section and rules adopted under it.

**Sec. 3734.041.** (A) The owner or operator holding a license issued under division (A) of section 3734.05 of the Revised Code for a sanitary landfill that is so situated that a residence or other occupied structure off the premises of the landfill is located within one thousand feet horizontal distance from the exterior boundary of the landfill, and the owner or operator of any closed landfill that is so situated and for which a license was issued under division (A) of section 3734.05 of the Revised Code...
Code, or the subsequent owner, lessee, or other person who has control of the land on which the closed landfill is located, shall, within sixty days after the effective date of the rules adopted under division (F) of this section, submit an explosive gas monitoring plan for the landfill or closed landfill to the director of environmental protection for approval for compliance with those rules. After approval of the plan, the owner or operator of the landfill, or in the instance of a closed landfill, the owner or operator of the closed landfill, or the subsequent owner, lessee, or other person who has control of the land on which the closed landfill is located shall conduct monitoring of explosive gas levels at the landfill or closed landfill, and submit written reports of the results of the monitoring to the director and the board of health of the health district in which the landfill is located in accordance with the approved plan and the schedule for implementation contained in the approved plan.

No person shall violate or fail to perform a duty imposed by a plan approved under this section.

(B) Division (A) of this section does not apply to a sanitary landfill or closed sanitary landfill that exclusively disposes, or disposed, of solid wastes generated on the premises where the landfill or closed landfill is located; to a sanitary landfill or closed sanitary landfill that exclusively disposes, or disposed, of solid wastes generated on one or more premises owned by the person who owns the landfill or closed landfill; or to a sanitary landfill or closed sanitary landfill owned or operated by a person other than the generator of the wastes that exclusively disposes, or disposed, of nonputrescible solid wastes or nonputrescible wastes generated by a single generator at one or more premises owned by the generator.

(C) As used in this division and division (D) of this
section, "responsible party" includes the owner or operator of a solid waste disposal facility; any current or former owner of a closed solid waste disposal facility; any person who was responsible for the operations of a closed solid waste disposal facility; any lessee or other person who has control of the property on which a closed solid waste disposal facility is located; a receiver appointed pursuant to Chapter 2735. of the Revised Code with respect to a solid waste disposal facility or closed solid waste disposal facility; and a trustee in bankruptcy.

Notwithstanding division (B) of this section, if the director determines that, due to the types of wastes disposed of, the engineering design, the hydrogeological setting, the period of time since the commencement of operation, and the proximity of residential or other occupied structures located off the premises of the landfill a solid waste disposal facility to the exterior boundaries, or information related to concentrations of explosive gas at or surrounding a sanitary landfill licensed under division (A) of section 3734.05 of the Revised Code facility or closed sanitary landfill for which a license was issued under that division facility, the potential exists for the formation and subsurface migration of explosive gases in such quantities and under such conditions as to endanger threaten human health or safety or the environment, the director shall may issue to the owner or operator of the sanitary landfill, or, in the instance of a closed sanitary landfill, the owner or operator of the sanitary landfill, or the subsequent owner, lessee, or other person who has control of the property on which the closed landfill is located, any responsible party an order directing such owner the responsible party to prepare, obtain approval of, and implement an and submit a new or revised explosive gas monitoring and reporting plan, in accordance with division (A) of that complies with
division (A) of this section and provides for the adequate
evaluation of explosive gas generation at and migration from the
solid waste disposal facility or closed solid waste disposal facility. A plan so submitted shall be approved in accordance with division (A) of this section. After approval of the plan, the responsible party shall conduct monitoring of explosive gas levels at the facility or closed facility and submit written reports of the results of the monitoring in accordance with the plan approved under this section. For the purposes of this division and division (D) of this section, explosive gases shall be considered to endanger threaten human health or safety or the environment if concentrations of methane generated by the landfill a facility in landfill occupied structures, excluding gas control or recovery system components, exceed twenty-five per cent of the lower explosive limit or if concentrations of methane generated by the landfill facility at the landfill facility boundary exceed the lower explosive limit. As used in this division, "lower explosive limit" means the lowest per cent by volume of methane that will produce a flame in air at twenty-five degrees centigrade and atmospheric pressure.

(D) If a report submitted pursuant to a plan approved under division (A) of this section indicates that the formation of explosive gases at, and migration of explosive gases from, a sanitary landfill solid waste disposal facility or closed sanitary landfill solid waste disposal facility threatens human health or safety or the environment, the director or his authorized representative shall promptly may conduct an evaluation of the levels of explosive gases on the premises of the landfill facility and in occupied structures located in proximity to the boundaries of the landfill facility to determine whether the formation of explosive gases at, and migration of those gases from, the landfill facility or closed landfill facility constitutes such a threat. In addition, the director or the director's authorized representative, on their own initiative, may conduct an evaluation in accordance with division (G) of this section. Based upon the
findings of the evaluation, or of an evaluation conducted by
the director, or his authorized representative, on his own
initiative, the director shall may issue an order under division
(A) or (B) of section 3734.13 of the Revised Code, as the director
considers necessary or appropriate, directing the owner or
operator of the landfill, or, in the instance of a closed
landfill, the owner or operator of the landfill, or the subsequent
owner, lessee, or other person who has control of the land on
which the closed landfill is located, any responsible party to
perform such measures as the director considers necessary or
appropriate, to abate or minimize the formation of explosive gases
or their migration off the premises of the landfill facility, to
abate or remedy any conditions caused by the formation and
migration of such gases that endanger threaten human health or
safety or the environment and to take such actions as the director
finds necessary or appropriate to prevent recurrence of the
migration of explosive gases or decrease their concentration to
levels set forth in division (C) of this section.

After the issuance of an order under this division, the
director shall inspect the landfill at least once each week, or
facility at such other intervals as the director or his authorized representative of the director considers necessary or
appropriate, to ascertain compliance with the order until such
time as the director determines that full compliance with those
terms and conditions has been achieved.

If a report submitted pursuant to a plan approved under
division (A) of this section indicates that the formation of
explosive gases at, and migration of explosive gases from, a
landfill solid waste disposal facility that is subject to an order
issued under division (D) of this section has recurred in such
quantities or under such conditions as to threaten human health or
safety or the environment, or if the director determines from an
inspection of any such landfill facility that the owner or operator of the landfill, or, in the instance of a closed landfill, the owner or operator of the landfill, or the subsequent owner, lessee, or other person who has control of the land on which the closed landfill is located, responsible party has violated or is violating a term or condition of the order or that measures in addition to those prescribed by the order are necessary or appropriate under the circumstances, the director shall take such actions under division (A), (B), or (C) of section 3734.13 of the Revised Code as the director considers necessary or appropriate to protect human health or safety or the environment.

(E) The director shall conduct random inspections of licensed and closed sanitary landfills for explosive gas levels and to monitor the accuracy of the reports submitted pursuant to plans approved under division (A) of this section.

(F) The director shall adopt rules under Chapter 119. of the Revised Code prescribing standards for conducting the explosive gas monitoring required by division (A) of this section including, without limitation, standards governing the numbers, locations, and design and construction of monitoring wells; quality control procedures to be followed by persons conducting those evaluations to ensure the accuracy of the monitoring; the frequency for sampling the monitoring wells, which shall be at least quarterly, except as otherwise provided in this division; and the frequency of reporting monitoring results to the director and board of health. The rules shall require that, in the instance of closed sanitary landfills, explosive gas monitoring be conducted for the period of twenty years after closure or for such other period as the director considers necessary or appropriate. Such explosive gas monitoring shall be conducted quarterly during each of the five years immediately following closure of the landfills and
semiannually thereafter. If such semiannual sampling shows that the methane limits set in division (C) of this section are exceeded, sampling may be resumed at a frequency determined by the director.

(G) The director or the director's authorized representative may enter upon a solid waste disposal facility or a closed solid waste disposal facility to conduct an evaluation of the concentration of explosive gas generated at or migrating from the facility. The owner or operator of a solid waste disposal facility or closed solid waste disposal facility shall allow the director or representative to conduct such an evaluation of the facility, any structures within the boundary of the facility, and any occupied structures in close proximity to the boundary of the facility that are owned or controlled by the owner or operator.

(H) The remedy provided by division (D) of this section is cumulative and concurrent with any other remedy provided in this chapter or Chapter 3704. of the Revised Code, and the existence or exercise of one remedy does not prevent the exercise of any other.

Sec. 3734.05. (A)(1) Except as provided in divisions (A)(4), (6), and (7) of this section, no person shall operate or maintain a solid waste facility without a license issued under this division by the board of health of the health district in which the facility is located or by the director of environmental protection when the health district in which the facility is located is not on the approved list under section 3734.08 of the Revised Code.

During the month of December, but before the first day of January of the next year, every person proposing to continue to operate an existing solid waste facility shall procure a license under this division to operate the facility for that year from the board of health of the health district in which the facility is located.
located or, if the health district is not on the approved list under section 3734.08 of the Revised Code, from the director. The application for such a license shall be submitted to the board of health or to the director, as appropriate, on or before the last day of September of the year preceding that for which the license is sought. In addition to the application fee prescribed in division (A)(2) of this section, a person who submits an application after that date shall pay an additional ten per cent of the amount of the application fee for each week that the application is late. Late payment fees accompanying an application submitted to the board of health shall be credited to the special fund of the health district created in division (B) of section 3734.06 of the Revised Code, and late payment fees accompanying an application submitted to the director shall be credited to the general revenue fund. A person who has received a license, upon sale or disposition of a solid waste facility, and upon consent of the board of health and the director, may have the license transferred to another person. The board of health or the director may include such terms and conditions in a license or revision to a license as are appropriate to ensure compliance with this chapter and rules adopted under it. The terms and conditions may establish the authorized maximum daily waste receipts for the facility. Limitations on maximum daily waste receipts shall be specified in cubic yards of volume for the purpose of regulating the design, construction, and operation of solid waste facilities. Terms and conditions included in a license or revision to a license by a board of health shall be consistent with, and pertain only to the subjects addressed in, the rules adopted under division (A) of section 3734.02 and division (D) of section 3734.12 of the Revised Code.

(2)(a) Except as provided in divisions (A)(2)(b), (8)(6), and (9)(7) of this section, each person proposing to open a new solid waste facility or to modify an existing solid waste facility shall
submit an application for a permit with accompanying detail plans and specifications to the environmental protection agency for required approval under the rules adopted by the director pursuant to division (A) of section 3734.02 of the Revised Code and applicable rules adopted under division (D) of section 3734.12 of the Revised Code at least two hundred seventy days before proposed operation of the facility and shall concurrently make application for the issuance of a license under division (A)(1) of this section with the board of health of the health district in which the proposed facility is to be located.

(b) On and after the effective date of the rules adopted under division (A) of section 3734.02 of the Revised Code and division (D) of section 3734.12 of the Revised Code governing solid waste transfer facilities, each person proposing to open a new solid waste transfer facility or to modify an existing solid waste transfer facility shall submit an application for a permit with accompanying engineering detail plans, specifications, and information regarding the facility and its method of operation to the environmental protection agency for required approval under those rules at least two hundred seventy days before commencing proposed operation of the facility and concurrently shall make application for the issuance of a license under division (A)(1) of this section with the board of health of the health district in which the facility is located or proposed.

(c) Each application for a permit under division (A)(2)(a) or (b) of this section shall be accompanied by a nonrefundable application fee of four hundred dollars that shall be credited to the general revenue fund. Each application for an annual license under division (A)(1) or (2) of this section shall be accompanied by a nonrefundable application fee of one hundred dollars. If the application for an annual license is submitted to a board of health on the approved list under section 3734.08 of the Revised
Code, the application fee shall be credited to the special fund of the health district created in division (B) of section 3734.06 of the Revised Code. If the application for an annual license is submitted to the director, the application fee shall be credited to the general revenue fund. If a permit or license is issued, the amount of the application fee paid shall be deducted from the amount of the permit fee due under division (Q) of section 3745.11 of the Revised Code or the amount of the license fee due under division (A)(1), (2), (3), (4), or (5) of section 3734.06 of the Revised Code.

(d) As used in divisions (A)(2)(d), (e), and (f) of this section, "modify" means any of the following:

(i) Any increase of more than ten per cent in the total capacity of a solid waste facility;

(ii) Any expansion of the limits of solid waste placement at a solid waste facility;

(iii) Any increase in the depth of excavation at a solid waste facility;

(iv) Any change in the technique of waste receipt or type of waste received at a solid waste facility that may endanger human health, as determined by the director by rules adopted in accordance with Chapter 119. of the Revised Code.

Not later than forty-five days after submitting an application under division (A)(2)(a) or (b) of this section for a permit to open a new or modify an existing solid waste facility, the applicant, in conjunction with an officer or employee of the environmental protection agency, shall hold a public meeting on the application within the county in which the new or modified solid waste facility is or is proposed to be located or within a contiguous county. Not less than thirty days before holding the public meeting on the application, the applicant shall publish
notice of the meeting in each newspaper of general circulation that is published in the county in which the facility is or is proposed to be located. If no newspaper of general circulation is published in the county, the applicant shall publish the notice in a newspaper of general circulation in the county. The notice shall contain the date, time, and location of the public meeting and a general description of the proposed new or modified facility. Not later than five days after publishing the notice, the applicant shall send by certified mail a copy of the notice and the date the notice was published to the director and the legislative authority of each municipal corporation, township, and county, and to the chief executive officer of each municipal corporation, in which the facility is or is proposed to be located. At the public meeting, the applicant shall provide information and describe the application and respond to comments or questions concerning the application, and the officer or employee of the agency shall describe the permit application process. At the public meeting, any person may submit written or oral comments on or objections to the application. Not more than thirty days after the public meeting, the applicant shall provide the director with a copy of a transcript of the full meeting, copies of any exhibits, displays, or other materials presented by the applicant at the meeting, and the original copy of any written comments submitted at the meeting.

(e) Except as provided in division (A)(2)(f) of this section, prior to taking an action, other than a proposed or final denial, upon an application submitted under division (A)(2)(a) of this section for a permit to open a new or modify an existing solid waste facility, the director shall hold a public information session and a public hearing on the application within the county in which the new or modified solid waste facility is or is proposed to be located or within a contiguous county. If the application is for a permit to open a new solid waste facility,
the director shall hold the hearing not less than fourteen days
after the information session. If the application is for a permit
to modify an existing solid waste facility, the director may hold
both the information session and the hearing on the same day
unless any individual affected by the application requests in
writing that the information session and the hearing not be held
on the same day, in which case the director shall hold the hearing
not less than fourteen days after the information session. The
director shall publish notice of the public information session or
public hearing not less than thirty days before holding the
information session or hearing, as applicable. The notice shall be
published in each newspaper of general circulation that is
published in the county in which the facility is or is proposed to
be located. If no newspaper of general circulation is published in
the county, the director shall publish the notice in a newspaper
of general circulation in the county. The notice shall contain the
date, time, and location of the information session or hearing, as
applicable, and a general description of the proposed new or
modified facility. At the public information session, an officer
or employee of the environmental protection agency shall describe
the status of the permit application and be available to respond
to comments or questions concerning the application. At the public
hearing, any person may submit written or oral comments on or
objections to the approval of the application. The applicant, or a
representative of the applicant who has knowledge of the location,
construction, and operation of the facility, shall attend the
information session and public hearing to respond to comments or
questions concerning the facility directed to the applicant or
representative by the officer or employee of the environmental
protection agency presiding at the information session and
hearing.

(f) The solid waste management policy committee of a county
or joint solid waste management district may adopt a resolution
requesting expeditious consideration of a specific application submitted under division (A)(2)(a) of this section for a permit to modify an existing solid waste facility within the district. The resolution shall make the finding that expedited consideration of the application without the public information session and public hearing under division (A)(2)(e) of this section is in the public interest and will not endanger human health, as determined by the director by rules adopted in accordance with Chapter 119. of the Revised Code. Upon receiving such a resolution, the director, at the director's discretion, may issue a final action upon the application without holding a public information session or public hearing pursuant to division (A)(2)(e) of this section.

(3) Except as provided in division (A)(10) of this section, and unless the owner or operator of any solid waste facility, other than a solid waste transfer facility or a compost facility that accepts exclusively source separated yard wastes, that commenced operation on or before July 1, 1968, has obtained an exemption from the requirements of division (A)(3) of this section in accordance with division (G) of section 3734.02 of the Revised Code, the owner or operator shall submit to the director an application for a permit with accompanying engineering detail plans, specifications, and information regarding the facility and its method of operation for approval under rules adopted under division (A) of section 3734.02 of the Revised Code and applicable rules adopted under division (D) of section 3734.12 of the Revised Code in accordance with the following schedule:

(a) Not later than September 24, 1988, if the facility is located in the city of Garfield Heights or Parma in Cuyahoga county;

(b) Not later than December 24, 1988, if the facility is located in Delaware, Greene, Guernsey, Hamilton, Madison, Mahoning, Ottawa, or Vinton county;
(c) Not later than March 24, 1989, if the facility is located in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or Washington county, or is located in the city of Brooklyn or Cuyahoga Heights in Cuyahoga county;

(d) Not later than June 24, 1989, if the facility is located in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or Summit county or is located in Cuyahoga county outside the cities of Garfield Heights, Parma, Brooklyn, and Cuyahoga Heights;

(e) Not later than September 24, 1989, if the facility is located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross county;

(f) Not later than December 24, 1989, if the facility is located in a county not listed in divisions (A)(3)(a) to (e) of this section;

(g) Notwithstanding divisions (A)(3)(a) to (f) of this section, not later than December 31, 1990, if the facility is a solid waste facility owned by a generator of solid wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on a premises where the wastes are generated and if the facility disposes of more than one hundred thousand tons of solid wastes per year, provided that any such facility shall be subject to division (A)(5) of this section.

(4) Except as provided in divisions (A)(8), (9), and (10) of this section, unless the owner or operator of any solid waste facility for which a permit was issued after July 1, 1968, but before January 1, 1980, has obtained an exemption from the requirements of division (A)(4) of this section under division (G) of section 3734.02 of the Revised Code, the owner or operator shall submit to the director an application for a permit with
accompanying engineering detail plans, specifications, and
information regarding the facility and its method of operation for
approval under those rules.

(5) The director may issue an order in accordance with
Chapter 3745. of the Revised Code to the owner or operator of a
solid waste facility requiring the person to submit to the
director updated engineering detail plans, specifications, and
information regarding the facility and its method of operation for
approval under rules adopted under division (A) of section 3734.02
of the Revised Code and applicable rules adopted under division
(D) of section 3734.12 of the Revised Code if, in the director's
judgment, conditions at the facility constitute a substantial
threat to public health or safety or are causing or contributing
to or threatening to cause or contribute to air or water pollution
or soil contamination. Any person who receives such an order shall
submit the updated engineering detail plans, specifications, and
information to the director within one hundred eighty days after
the effective date of the order.

(6) The director shall act upon an application submitted
under division (A)(3) or (4) of this section and any updated
engineering plans, specifications, and information submitted under
division (A)(5)(3) of this section within one hundred eighty days
after receiving them. If the director denies any such permit
application, the issues an order denying the application or
disapproving the plans, specifications, and information submitted
under division (A)(3) of this section, the order shall include all
of the following requirements that:

(a) That the owner or operator submit a plan for closure and
post-closure care of the facility to the director for approval
within six months after issuance of the order

(b) That the owner or operator cease accepting solid wastes
for disposal or transfer at the facility
(c) The owner or operator commence closure of the facility not later than one year after issuance of the order. If the director determines that closure of the facility within that one-year period would result in the unavailability of sufficient solid waste management facility capacity within the county or joint solid waste management district in which the facility is located to dispose of or transfer the solid waste generated within the district, the director in the order of denial or disapproval may postpone commencement of closure of the facility for such period of time as the director finds necessary for the board of county commissioners or directors of the district to secure access to or for there to be constructed within the district sufficient solid waste management facility capacity to meet the needs of the district, provided that the director shall certify in the director's order that postponing the date for commencement of closure will not endanger ground water or any property surrounding the facility, allow methane gas migration to occur, or cause or contribute to any other type of environmental damage.

If an emergency need for disposal capacity that may affect public health and safety exists as a result of closure of a facility under division (A)(4) of this section, the director may issue an order designating another solid waste facility to accept the wastes that would have been disposed of at the facility to be closed.

(5) If the director determines that standards more stringent than those applicable in rules adopted under division (A) of section 3734.02 of the Revised Code and division (D) of section 3734.12 of the Revised Code, or standards pertaining to subjects not specifically addressed by those rules, are necessary to ensure that a solid waste facility constructed at the proposed location will not cause a nuisance, cause or contribute to water
pollution, or endanger public health or safety, the director may issue a permit for the facility with such terms and conditions as the director finds necessary to protect public health and safety and the environment. If a permit is issued, the director shall state in the order issuing it the specific findings supporting each such term or condition.

(8) Divisions (A)(1) and (2)(a), (3), and (4) of this section do not apply to a solid waste compost facility that accepts exclusively source separated yard wastes and that is registered under division (C) of section 3734.02 of the Revised Code or, unless otherwise provided in rules adopted under division (N)(3) of section 3734.02 of the Revised Code, to a solid waste compost facility if the director has adopted rules establishing an alternative system for authorizing the establishment, operation, or modification of a solid waste compost facility under that division.

(9) Divisions (A)(1) to (7)(5) of this section do not apply to scrap tire collection, storage, monocell, monofill, and recovery facilities. The approval of plans and specifications, as applicable, and the issuance of registration certificates, permits, and licenses for those facilities are subject to sections 3734.75 to 3734.78 of the Revised Code, as applicable, and section 3734.81 of the Revised Code.

(10) Divisions (A)(3) and (4) of this section do not apply to a solid waste incinerator that was placed into operation on or before October 12, 1994, and that is not authorized to accept and treat infectious wastes pursuant to division (B) of this section.

(B)(1) No person shall operate or maintain an infectious waste treatment facility without a license issued by the board of health of the health district in which the facility is located or by the director when the health district in which the facility is located is not on the approved list under section 3734.08 of the
Revised Code.

(2)(a) During the month of December, but before the first day of January of the next year, every person proposing to continue to operate an existing infectious waste treatment facility shall procure a license to operate the facility for that year from the board of health of the health district in which the facility is located or, if the health district is not on the approved list under section 3734.08 of the Revised Code, from the director. The application for such a license shall be submitted to the board of health or to the director, as appropriate, on or before the last day of September of the year preceding that for which the license is sought. In addition to the application fee prescribed in division (B)(2)(c) of this section, a person who submits an application after that date shall pay an additional ten per cent of the amount of the application fee for each week that the application is late. Late payment fees accompanying an application submitted to the board of health shall be credited to the special infectious waste fund of the health district created in division (C) of section 3734.06 of the Revised Code, and late payment fees accompanying an application submitted to the director shall be credited to the general revenue fund. A person who has received a license, upon sale or disposition of an infectious waste treatment facility and upon consent of the board of health and the director, may have the license transferred to another person. The board of health or the director may include such terms and conditions in a license or revision to a license as are appropriate to ensure compliance with the infectious waste provisions of this chapter and rules adopted under them.

(b) Each person proposing to open a new infectious waste treatment facility or to modify an existing infectious waste treatment facility shall submit an application for a permit with accompanying detail plans and specifications to the environmental
protection agency for required approval under the rules adopted by
the director pursuant to section 3734.021 of the Revised Code two
hundred seventy days before proposed operation of the facility and
concurrently shall make application for a license with the board
of health of the health district in which the facility is or is
proposed to be located. Not later than ninety days after receiving
a complete application under division (B)(2)(b) of this section
for a permit to open a new infectious waste treatment facility or
modify an existing infectious waste treatment facility to expand
its treatment capacity, or receiving a complete application under
division (A)(2)(a) of this section for a permit to open a new
solid waste incineration facility, or modify an existing solid
waste incineration facility to also treat infectious wastes or to
increase its infectious waste treatment capacity, that pertains to
a facility for which a notation authorizing infectious waste
treatment is included or proposed to be included in the solid
waste incineration facility's license pursuant to division (B)(3)
of this section, the director shall hold a public hearing on the
application within the county in which the new or modified
infectious waste or solid waste facility is or is proposed to be
located or within a contiguous county. Not less than thirty days
before holding the public hearing on the application, the director
shall publish notice of the hearing in each newspaper that has
general circulation and that is published in the county in which
the facility is or is proposed to be located. If there is no
newspaper that has general circulation and that is published in
the county, the director shall publish the notice in a newspaper
of general circulation in the county. The notice shall contain the
date, time, and location of the public hearing and a general
description of the proposed new or modified facility. At the
public hearing, any person may submit written or oral comments on
or objections to the approval or disapproval of the application.
The applicant, or a representative of the applicant who has
knowledge of the location, construction, and operation of the facility, shall attend the public hearing to respond to comments or questions concerning the facility directed to the applicant or representative by the officer or employee of the environmental protection agency presiding at the hearing.

(c) Each application for a permit under division (B)(2)(b) of this section shall be accompanied by a nonrefundable application fee of four hundred dollars that shall be credited to the general revenue fund. Each application for an annual license under division (B)(2)(a) of this section shall be accompanied by a nonrefundable application fee of one hundred dollars. If the application for an annual license is submitted to a board of health on the approved list under section 3734.08 of the Revised Code, the application fee shall be credited to the special infectious waste fund of the health district created in division (C) of section 3734.06 of the Revised Code. If the application for an annual license is submitted to the director, the application fee shall be credited to the general revenue fund. If a permit or license is issued, the amount of the application fee paid shall be deducted from the amount of the permit fee due under division (Q) of section 3745.11 of the Revised Code or the amount of the license fee due under division (C) of section 3734.06 of the Revised Code.

(d) The director may issue an order in accordance with Chapter 3745. of the Revised Code to the owner or operator of an infectious waste treatment facility requiring the person to submit to the director updated engineering detail plans, specifications, and information regarding the facility and its method of operation for approval under rules adopted under section 3734.021 of the Revised Code if, in the director's judgment, conditions at the facility constitute a substantial threat to public health or safety or are causing or contributing to or threatening to cause
or contribute to air or water pollution or soil contamination. Any person who receives such an order shall submit the updated engineering detail plans, specifications, and information to the director within one hundred eighty days after the effective date of the order.

(e) The director shall act on any updated engineering plans, specifications, and information submitted under division (B)(2)(d) of this section within one hundred eighty days after receiving them. If the director disapproves any such updated engineering plans, specifications, and information, the director shall include in the order disapproving the plans the requirement that the owner or operator cease accepting infectious wastes for treatment at the facility.

(3) Division (B) of this section does not apply to a generator of infectious wastes that meets any of the following conditions:

(a) Treats, by methods, techniques, and practices established by rules adopted under division (B)(2)(a) of section 3734.021 of the Revised Code, any of the following wastes:

(i) Infectious wastes that are generated on any premises that are owned or operated by the generator;

(ii) Infectious wastes that are generated by a generator who has staff privileges at a hospital as defined in section 3727.01 of the Revised Code;

(iii) Infectious wastes that are generated in providing care to a patient by an emergency medical services organization as defined in section 4765.01 of the Revised Code.

(b) Holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717. and a permit issued under Chapter 3704. of the Revised Code;
(c) Treats or disposes of dead animals or parts thereof, or the blood of animals, and is subject to any of the following:


(ii) Chapter 918. of the Revised Code;

(iii) Chapter 953. of the Revised Code.

Nothing in division (B) of this section requires a facility that holds a license issued under division (A) of this section as a solid waste facility and that also treats infectious wastes by the same method, technique, or process to obtain a license under division (B) of this section as an infectious waste treatment facility. However, the solid waste facility license for the facility shall include the notation that the facility also treats infectious wastes.

The director shall not issue a permit to open a new solid waste incineration facility unless the proposed facility complies with the requirements for the location of new infectious waste incineration facilities established in rules adopted under division (B)(2)(b) of section 3734.021 of the Revised Code.

(C) Except for a facility or activity described in division (E)(3) of section 3734.02 of the Revised Code, a person who proposes to establish or operate a hazardous waste facility shall submit a complete application for a hazardous waste facility installation and operation permit and accompanying detail plans, specifications, and such information as the director may require to the environmental protection agency at least one hundred eighty days before the proposed beginning of operation of the facility. The applicant shall notify by certified mail the legislative authority of each municipal corporation, township, and county in which the facility is proposed to be located of the submission of the application within ten days after the submission or at such
earlier time as the director may establish by rule. If the application is for a proposed new hazardous waste disposal or thermal treatment facility, the applicant also shall give actual notice of the general design and purpose of the facility to the legislative authority of each municipal corporation, township, and county in which the facility is proposed to be located at least ninety days before the permit application is submitted to the environmental protection agency.

In accordance with rules adopted under section 3734.12 of the Revised Code, prior to the submission of a complete application for a hazardous waste facility installation and operation permit, the applicant shall hold at least one meeting in the township or municipal corporation in which the facility is proposed to be located, whichever is geographically closer to the proposed location of the facility. The meeting shall be open to the public and shall be held to inform the community of the proposed hazardous waste management activities and to solicit questions from the community concerning the activities.

(D)(1) Except as provided in section 3734.123 of the Revised Code, upon receipt of a complete application for a hazardous waste facility installation and operation permit under division (C) of this section, the director shall consider the application and accompanying information to determine whether the application complies with agency rules and the requirements of division (D)(2) of this section. After making a determination, the director shall issue either a draft permit or a notice of intent to deny the permit. The director, in accordance with rules adopted under section 3734.12 of the Revised Code or with rules adopted to implement Chapter 3745. of the Revised Code, shall provide public notice of the application and the draft permit or the notice of intent to deny the permit, provide an opportunity for public comments, and, if significant interest is shown, schedule a public hearing.
meeting in the county in which the facility is proposed to be located and give public notice of the date, time, and location of the public meeting in a newspaper of general circulation in that county.

(2) The director shall not approve an application for a hazardous waste facility installation and operation permit or an application for a modification under division (I)(3) of this section unless the director finds and determines as follows:

(a) The nature and volume of the waste to be treated, stored, or disposed of at the facility;

(b) That the facility complies with the director's hazardous waste standards adopted pursuant to section 3734.12 of the Revised Code;

(c) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of various alternatives, and other pertinent considerations;

(d) That the facility represents the minimum risk of all of the following:

(i) Fires or explosions from treatment, storage, or disposal methods;

(ii) Release of hazardous waste during transportation of hazardous waste to or from the facility;

(iii) Adverse impact on the public health and safety.

(e) That the facility will comply with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them;

(f) That if the owner of the facility, the operator of the facility, or any other person in a position with the facility from which the person may influence the installation and operation of
the facility has been involved in any prior activity involving transportation, treatment, storage, or disposal of hazardous waste, that person has a history of compliance with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them, the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and all regulations adopted under it, and similar laws and rules of other states if any such prior operation was located in another state that demonstrates sufficient reliability, expertise, and competency to operate a hazardous waste facility under the applicable provisions of this chapter and Chapters 3704. and 6111. of the Revised Code, the applicable rules and standards adopted under them, and terms and conditions of a hazardous waste facility installation and operation permit, given the potential for harm to the public health and safety and the environment that could result from the irresponsible operation of the facility. For off-site facilities, as defined in section 3734.41 of the Revised Code, the director may use the investigative reports of the attorney general prepared pursuant to section 3734.42 of the Revised Code as a basis for making a finding and determination under division (D)(2)(f) of this section.

(g) That the active areas within a new hazardous waste facility where acute hazardous waste as listed in 40 C.F.R. 261.33(e), as amended, or organic waste that is toxic and is listed under 40 C.F.R. 261, as amended, is being stored, treated, or disposed of and where the aggregate of the storage design capacity and the disposal design capacity of all hazardous waste in those areas is greater than two hundred fifty thousand gallons, are not located or operated within any of the following:

(i) Two thousand feet of any residence, school, hospital, jail, or prison;

(ii) Any naturally occurring wetland;
(iii) Any flood hazard area if the applicant cannot show that the facility will be designed, constructed, operated, and maintained to prevent washout by a one-hundred-year flood.

Division (D)(2)(g) of this section does not apply to the facility of any applicant who demonstrates to the director that the limitations specified in that division are not necessary because of the nature or volume of the waste and the manner of management applied, the facility will impose no substantial danger to the health and safety of persons occupying the structures listed in division (D)(2)(g)(i) of this section, and the facility is to be located or operated in an area where the proposed hazardous waste activities will not be incompatible with existing land uses in the area.

(h) That the facility will not be located within the boundaries of a state park established or dedicated under Chapter 1546. of the Revised Code, a state park purchase area established under section 1546.06 of the Revised Code, any unit of the national park system, or any property that lies within the boundaries of a national park or recreation area, but that has not been acquired or is not administered by the secretary of the United States department of the interior, located in this state, or any candidate area located in this state identified for potential inclusion in the national park system in the edition of the "national park system plan" submitted under paragraph (b) of section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 U.S.C.A. 1a-5, as amended, current at the time of filing of the application for the permit, unless the facility will be used exclusively for the storage of hazardous waste generated within the park or recreation area in conjunction with the operation of the park or recreation area. Division (D)(2)(h) of this section does not apply to the facility of any applicant for modification of a permit unless the modification application proposes to
increase the land area included in the facility or to increase the
quantity of hazardous waste that will be treated, stored, or
disposed of at the facility.

(3) Not later than one hundred eighty days after the end of
the public comment period, the director, without prior hearing,
shall issue or deny the permit in accordance with Chapter 3745. of
the Revised Code. If the director approves an application for a
hazardous waste facility installation and operation permit, the
director shall issue the permit, upon such terms and conditions as
the director finds are necessary to ensure the construction and
operation of the hazardous waste facility in accordance with the
standards of this section.

(E) No political subdivision of this state shall require any
additional zoning or other approval, consent, permit, certificate,
or condition for the construction or operation of a hazardous
waste facility authorized by a hazardous waste facility
installation and operation permit issued pursuant to this chapter,
nor shall any political subdivision adopt or enforce any law,
ordinance, or rule that in any way alters, impairs, or limits the
authority granted in the permit.

(F) The director may issue a single hazardous waste facility
installation and operation permit to a person who operates two or
more adjoining facilities where hazardous waste is stored,
treated, or disposed of if the application includes detail plans,
specifications, and information on all facilities. For the
purposes of this section, "adjoining" means sharing a common
boundary, separated only by a public road, or in such proximity
that the director determines that the issuance of a single permit
will not create a hazard to the public health or safety or the
environment.

(G) No person shall falsify or fail to keep or submit any
plans, specifications, data, reports, records, manifests, or other
(H)(1) Each person who holds an installation and operation permit issued under this section and who wishes to obtain a permit renewal shall submit a completed application for an installation and operation permit renewal and any necessary accompanying general plans, detail plans, specifications, and such information as the director may require to the director no later than one hundred eighty days prior to the expiration date of the existing permit or upon a later date prior to the expiration of the existing permit if the permittee can demonstrate good cause for the late submittal. The director shall consider the application and accompanying information, inspection reports of the facility, results of performance tests, a report regarding the facility's compliance or noncompliance with the terms and conditions of its permit and rules adopted by the director under this chapter, and such other information as is relevant to the operation of the facility and shall issue a draft renewal permit or a notice of intent to deny the renewal permit. The director, in accordance with rules adopted under this section or with rules adopted to implement Chapter 3745. of the Revised Code, shall give public notice of the application and draft renewal permit or notice of intent to deny the renewal permit, provide for the opportunity for public comments within a specified time period, schedule a public meeting in the county in which the facility is located if significant interest is shown, and give public notice of the public meeting.

(2) Within sixty days after the public meeting or close of the public comment period, the director, without prior hearing, shall issue or deny the renewal permit in accordance with Chapter 3745. of the Revised Code. The director shall not issue a renewal permit unless the director determines that the facility under the
existing permit has a history of compliance with this chapter, rules adopted under it, the existing permit, or orders entered to enforce such requirements that demonstrates sufficient reliability, expertise, and competency to operate the facility henceforth under this chapter, rules adopted under it, and the renewal permit. If the director approves an application for a renewal permit, the director shall issue the permit subject to the payment of the annual permit fee required under division (E) of section 3734.02 of the Revised Code and upon such terms and conditions as the director finds are reasonable to ensure that continued operation, maintenance, closure, and post-closure care of the hazardous waste facility are in accordance with the rules adopted under section 3734.12 of the Revised Code.

(3) An installation and operation permit renewal application submitted to the director that also contains or would constitute an application for a modification shall be acted upon by the director in accordance with division (I) of this section in the same manner as an application for a modification. In approving or disapproving the renewal portion of a permit renewal application containing an application for a modification, the director shall apply the criteria established under division (H)(2) of this section.

(4) An application for renewal or modification of a permit that does not contain an application for a modification as described in divisions (I)(3)(a) to (d) of this section shall not be subject to division (D)(2) of this section.

(I)(1) As used in this section, "modification" means a change or alteration to a hazardous waste facility or its operations that is inconsistent with or not authorized by its existing permit or authorization to operate. Modifications shall be classified as Class 1, 2, or 3 modifications in accordance with rules adopted under division (K) of this section. Modifications classified as
Class 3 modifications, in accordance with rules adopted under that division, shall be further classified by the director as either Class 3 modifications that are to be approved or disapproved by the director under divisions (I)(3)(a) to (d) of this section or as Class 3 modifications that are to be approved or disapproved by the director under division (I)(5) of this section. Not later than thirty days after receiving a request for a modification under division (I)(4) of this section that is not listed in Appendix I to 40 C.F.R. 270.42 or in rules adopted under division (K) of this section, the director shall classify the modification and shall notify the owner or operator of the facility requesting the modification of the classification. Notwithstanding any other law to the contrary, a modification that involves the transfer of a hazardous waste facility installation and operation permit to a new owner or operator for any off-site facility as defined in section 3734.41 of the Revised Code shall be classified as a Class 3 modification. The transfer of a hazardous waste facility installation and operation permit to a new owner or operator for a facility that is not an off-site facility shall be classified as a Class 1 modification requiring prior approval of the director.

(2) Except as provided in section 3734.123 of the Revised Code, a hazardous waste facility installation and operation permit may be modified at the request of the director or upon the written request of the permittee only if any of the following applies:

(a) The permittee desires to accomplish alterations, additions, or deletions to the permitted facility or to undertake alterations, additions, deletions, or activities that are inconsistent with or not authorized by the existing permit;

(b) New information or data justify permit conditions in addition to or different from those in the existing permit;

(c) The standards, criteria, or rules upon which the existing permit is based have been changed by new, amended, or rescinded...
standards, criteria, or rules, or by judicial decision after the existing permit was issued, and the change justifies permit conditions in addition to or different from those in the existing permit;

(d) The permittee proposes to transfer the permit to another person.

(3) The director shall approve or disapprove an application for a modification in accordance with division (D)(2) of this section and rules adopted under division (K) of this section for all of the following categories of Class 3 modifications:

(a) Authority to conduct treatment, storage, or disposal at a site, location, or tract of land that has not been authorized for the proposed category of treatment, storage, or disposal activity by the facility's permit;

(b) Modification or addition of a hazardous waste management unit, as defined in rules adopted under section 3734.12 of the Revised Code, that results in an increase in a facility's storage capacity of more than twenty-five per cent over the capacity authorized by the facility's permit, an increase in a facility's treatment rate of more than twenty-five per cent over the rate so authorized, or an increase in a facility's disposal capacity over the capacity so authorized. The authorized disposal capacity for a facility shall be calculated from the approved design plans for the disposal units at that facility. In no case during a five-year period shall a facility's storage capacity or treatment rate be modified to increase by more than twenty-five per cent in the aggregate without the director's approval in accordance with division (D)(2) of this section. Notwithstanding any provision of division (I) of this section to the contrary, a request for modification of a facility's annual total waste receipt limit shall be classified and approved or disapproved by the director under division (I)(5) of this section.
(c) Authority to add any of the following categories of regulated activities not previously authorized at a facility by the facility's permit: storage at a facility not previously authorized to store hazardous waste, treatment at a facility not previously authorized to treat hazardous waste, or disposal at a facility not previously authorized to dispose of hazardous waste; or authority to add a category of hazardous waste management unit not previously authorized at the facility by the facility's permit. Notwithstanding any provision of division (I) of this section to the contrary, a request for authority to add or to modify an activity or a hazardous waste management unit for the purposes of performing a corrective action shall be classified and approved or disapproved by the director under division (I)(5) of this section.

(d) Authority to treat, store, or dispose of waste types listed or characterized as reactive or explosive, in rules adopted under section 3734.12 of the Revised Code, or any acute hazardous waste listed in 40 C.F.R. 261.33(e), as amended, at a facility not previously authorized to treat, store, or dispose of those types of wastes by the facility's permit unless the requested authority is limited to wastes that no longer exhibit characteristics meeting the criteria for listing or characterization as reactive or explosive wastes, or for listing as acute hazardous waste, but still are required to carry those waste codes as established in rules adopted under section 3734.12 of the Revised Code because of the requirements established in 40 C.F.R. 261(a) and (e), as amended, that is, the "mixture," "derived-from," or "contained-in" regulations.

(4) A written request for a modification from the permittee shall be submitted to the director and shall contain such information as is necessary to support the request. Requests for modifications shall be acted upon by the director in accordance...
with this section and rules adopted under it.

(5) Class 1 modification applications that require prior approval of the director, as provided in division (I)(1) of this section or as determined in accordance with rules adopted under division (K) of this section, Class 2 modification applications, and Class 3 modification applications that are not described in divisions (I)(3)(a) to (d) of this section shall be approved or disapproved by the director in accordance with rules adopted under division (K) of this section. The board of county commissioners of the county, the board of township trustees of the township, and the city manager or mayor of the municipal corporation in which a hazardous waste facility is located shall receive notification of any application for a modification for that facility and shall be considered as interested persons with respect to the director's consideration of the application.

As used in division (I) of this section:

(a) "Owner" means the person who owns a majority or controlling interest in a facility.

(b) "Operator" means the person who is responsible for the overall operation of a facility.

The director shall approve or disapprove an application for a Class 1 modification that requires the director's approval within sixty days after receiving the request for modification. The director shall approve or disapprove an application for a Class 2 modification within three hundred days after receiving the request for modification. The director shall approve or disapprove an application for a Class 3 modification within three hundred sixty-five days after receiving the request for modification.

(6) The approval or disapproval by the director of a Class 1 modification application is not a final action that is appealable under Chapter 3745. of the Revised Code. The approval or
disapproval by the director of a Class 2 modification or a Class 3 modification is a final action that is appealable under that chapter. In approving or disapproving a request for a modification, the director shall consider all comments pertaining to the request that are received during the public comment period and the public meetings. The administrative record for appeal of a final action by the director in approving or disapproving a request for a modification shall include all comments received during the public comment period relating to the request for modification, written materials submitted at the public meetings relating to the request, and any other documents related to the director's action.

(7) Notwithstanding any other provision of law to the contrary, a change or alteration to a hazardous waste facility described in division (E)(3)(a) or (b) of section 3734.02 of the Revised Code, or its operations, is a modification for the purposes of this section. An application for a modification at such a facility shall be submitted, classified, and approved or disapproved in accordance with divisions (I)(1) to (6) of this section in the same manner as a modification to a hazardous waste facility installation and operation permit.

(J)(1) Except as provided in division (J)(2) of this section, an owner or operator of a hazardous waste facility that is operating in accordance with a permit by rule under rules adopted by the director under division (E)(3)(b) of section 3734.02 of the Revised Code shall submit either a hazardous waste facility installation and operation permit application for the facility or a modification application, whichever is required under division (J)(1)(a) or (b) of this section, within one hundred eighty days after the director has requested the application or upon a later date if the owner or operator demonstrates to the director good cause for the late submittal.
(a) If the owner or operator does not have a hazardous waste facility installation and operation permit for any hazardous waste treatment, storage, or disposal activities at the facility, the owner or operator shall submit an application for such a permit to the director for the activities authorized by the permit by rule. Notwithstanding any other provision of law to the contrary, the director shall approve or disapprove the application for the permit in accordance with the procedures governing the approval or disapproval of permit renewals under division (H) of this section.

(b) If the owner or operator has a hazardous waste facility installation and operation permit for hazardous waste treatment, storage, or disposal activities at the facility other than those authorized by the permit by rule, the owner or operator shall submit to the director a request for modification in accordance with division (I) of this section. Notwithstanding any other provision of law to the contrary, the director shall approve or disapprove the modification application in accordance with division (I)(5) of this section.

(2) The owner or operator of a boiler or industrial furnace that is conducting thermal treatment activities in accordance with a permit by rule under rules adopted by the director under division (E)(3)(b) of section 3734.02 of the Revised Code shall submit a hazardous waste facility installation and operation permit application if the owner or operator does not have such a permit for any hazardous waste treatment, storage, or disposal activities at the facility or, if the owner or operator has such a permit for hazardous waste treatment, storage, or disposal activities at the facility other than thermal treatment activities authorized by the permit by rule, a modification application to add those activities authorized by the permit by rule, whichever is applicable, within one hundred eighty days after the director has requested the submission of the application or upon a later
date if the owner or operator demonstrates to the director good
cause for the late submittal. The application shall be accompanied
by information necessary to support the request. The director
shall approve or disapprove an application for a hazardous waste
facility installation and operation permit in accordance with
division (D) of this section and approve or disapprove an
application for a modification in accordance with division (I)(3)
of this section, except that the director shall not disapprove an
application for the thermal treatment activities on the basis of
the criteria set forth in division (D)(2)(g) or (h) of this
section.

(3) As used in division (J) of this section:

(a) "Modification application" means a request for a
modification submitted in accordance with division (I) of this
section.

(b) "Thermal treatment," "boiler," and "industrial furnace"
have the same meanings as in rules adopted under section 3734.12
of the Revised Code.

(K) The director shall adopt, and may amend, suspend, or
rescind, rules in accordance with Chapter 119. of the Revised Code
in order to implement divisions (H) and (I) of this section.
Except when in actual conflict with this section, rules governing
the classification of and procedures for the modification of
hazardous waste facility installation and operation permits shall
be substantively and procedurally identical to the regulations
governing hazardous waste facility permitting and permit
modifications adopted under the "Resource Conservation and
amended.

Sec. 3734.06. (A)(1) Except as provided in divisions (A)(2),
(3), (4), and (5) of this section and in section 3734.82 of the
Revised Code, the annual fee for a solid waste facility license shall be in accordance with the following schedule:

<table>
<thead>
<tr>
<th>AUTHORIZED MAXIMUM DAILY WASTE RECEIPT (TONS)</th>
<th>ANNUAL LICENSE FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>100 or less</td>
<td>$ 5,000</td>
</tr>
<tr>
<td>101 to 200</td>
<td>12,500</td>
</tr>
<tr>
<td>201 to 500</td>
<td>30,000</td>
</tr>
<tr>
<td>501 or more</td>
<td>60,000</td>
</tr>
</tbody>
</table>

For the purpose of determining the applicable license fee under divisions (A)(1), (2), and (3) of this section, the authorized maximum daily waste receipt shall be the maximum amount of wastes the facility is authorized to receive daily that is established in the permit for the facility, and any modifications to that permit, issued under division (A)(2) or (3) of section 3734.05 of the Revised Code; the annual license for the facility, and any revisions to that license, issued under division (A)(1) of section 3734.05 of the Revised Code; the approved operating plan or operational report for which submission and approval are required by rules adopted by the director of environmental protection under section 3734.02 of the Revised Code; or an order issued by the director as authorized by rule or the updated engineering plans, specifications, and facility and operation information approved under division (A)(4) of section 3734.05 of the Revised Code. If no authorized maximum daily waste receipt is so established, the annual license fee is sixty thousand dollars under division (A)(1) of this section and thirty thousand dollars under divisions (A)(2) and (3) of this section.

The authorized maximum daily waste receipt set forth in any such document shall be stated in terms of cubic yards of volume for the purpose of regulating the design, construction, and operation of a solid waste facility. For the purpose of
determining applicable license fees under this section, the authorized maximum daily waste receipt so stated shall be converted from cubic yards to tons as the unit of measurement based upon a conversion factor of three cubic yards per ton for compacted wastes generally and one cubic yard per ton for baled wastes.

(2) The annual license fee for a facility that is an incinerator facility is one-half the amount shown in division (A)(1) of this section. When a municipal corporation, county, or township owns and operates more than one incinerator within its boundaries, the municipal corporation, county, or township shall pay one fee for the licenses for all of its incinerators. The fee shall be determined on the basis of the aggregate maximum daily waste receipt for all the incinerators owned and operated by the municipal corporation, county, or township in an amount that is one-half the amount shown in division (A)(1) of this section.

(3) The annual fee for a solid waste compost facility license shall be in accordance with the following schedule:

<table>
<thead>
<tr>
<th>AUTHORIZED MAXIMUM DAILY WASTE RECEIPT (TONS)</th>
<th>FEES</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 or less</td>
<td>$300</td>
</tr>
<tr>
<td>13 to 25</td>
<td>600</td>
</tr>
<tr>
<td>26 to 50</td>
<td>1,200</td>
</tr>
<tr>
<td>51 to 75</td>
<td>1,800</td>
</tr>
<tr>
<td>76 to 100</td>
<td>2,500</td>
</tr>
<tr>
<td>101 to 150</td>
<td>3,750</td>
</tr>
<tr>
<td>151 to 200</td>
<td>5,000</td>
</tr>
<tr>
<td>201 to 250</td>
<td>6,250</td>
</tr>
<tr>
<td>251 to 300</td>
<td>7,500</td>
</tr>
<tr>
<td>301 to 400</td>
<td>10,000</td>
</tr>
<tr>
<td>401 to 500</td>
<td>12,500</td>
</tr>
</tbody>
</table>
501 or more 30,000  

(4) The annual license fee for a solid waste facility, regardless of its authorized maximum daily waste receipt, is five thousand dollars for a facility meeting either of the following qualifications:

(a) The facility is owned by a generator of solid wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on a premises where the wastes are generated.

(b) The facility exclusively disposes of wastes that are generated from the combustion of coal, or from the combustion of primarily coal in combination with scrap tires, that is not combined in any way with garbage at one or more premises owned by the generator.

(5) The annual license fee for a facility that is a transfer facility is seven hundred fifty dollars.

(6) The same fees shall apply to private operators and to the state and its political subdivisions and shall be paid within thirty days after issuance of a license. The fee includes the cost of licensing, all inspections, and other costs associated with the administration of the solid waste provisions of this chapter and rules adopted under them, excluding the provisions governing scrap tires. Each such license shall specify that it is conditioned upon payment of the applicable fee to the board of health or the director, as appropriate, within thirty days after issuance of the license.

(B) The board of health shall retain two thousand five hundred dollars of each license fee collected by the board under divisions (A)(1), (2), (3), and (4) of this section or the entire amount of any such fee that is less than two thousand five hundred
dollars. The moneys retained shall be paid into a special fund, which is hereby created in each health district, and used solely to administer and enforce the solid waste provisions of this chapter and the rules adopted under them, excluding the provisions governing scrap tires. The remainder of each license fee collected by the board shall be transmitted to the director within forty-five days after receipt of the fee. The director shall transmit these moneys to the treasurer of state to be credited to the general revenue fund. The board of health shall retain the entire amount of each fee collected under division (A)(5) of this section, which moneys shall be paid into the special fund of the health district.

(C)(1) Except as provided in divisions (C)(2) and (3) of this section, the annual fee for an infectious waste treatment facility license shall be in accordance with the following schedule:

<table>
<thead>
<tr>
<th>DAILY WASTE RECEIPT (TONS)</th>
<th>MAXIMUM ANNUAL LICENSE FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>100 or less</td>
<td>$ 5,000</td>
</tr>
<tr>
<td>101 to 200</td>
<td>12,500</td>
</tr>
<tr>
<td>201 to 500</td>
<td>30,000</td>
</tr>
<tr>
<td>501 or more</td>
<td>60,000</td>
</tr>
</tbody>
</table>

For the purpose of determining the applicable license fee under divisions (C)(1) and (2) of this section, the maximum daily waste receipt shall be the maximum amount of infectious wastes the facility is authorized to receive daily that is established in the permit for the facility, and any modifications to that permit, issued under division (B)(2)(b) of section 3734.05 of the Revised Code; or the annual license for the facility, and any revisions to that license, issued under division (B)(2)(a) of section 3734.05 of the Revised Code. If no maximum daily waste receipt is so established, the annual license fee is sixty thousand dollars.
under division (C)(1) of this section and thirty thousand dollars under division (C)(2) of this section.

(2) The annual license fee for an infectious waste treatment facility that is an incinerator is one-half the amount shown in division (C)(1) of this section.

(3) Fees levied under divisions (C)(1) and (2) of this section shall apply to private operators and to the state and its political subdivisions and shall be paid within thirty days after issuance of a license. The fee includes the cost of licensing, all inspections, and other costs associated with the administration of the infectious waste provisions of this chapter and rules adopted under them. Each such license shall specify that it is conditioned upon payment of the applicable fee to the board of health or the director, as appropriate, within thirty days after issuance of the license.

(4) The board of health shall retain two thousand five hundred dollars of each license fee collected by the board under divisions (C)(1) and (2) of this section. The moneys retained shall be paid into a special infectious waste fund, which is hereby created in each health district, and used solely to administer and enforce the infectious waste provisions of this chapter and the rules adopted under them. The remainder of each license fee collected by the board shall be transmitted to the director within forty-five days after receipt of the fee. The director shall transmit these moneys to the treasurer of state to be credited to the general revenue fund.

Sec. 3734.15. (A) No person shall transport hazardous waste anywhere in this state unless the person has first registered and obtained a uniform permit from the public utilities commission and paid an annual registration fee to, the United States department of...
transportation in accordance with Chapter 4921. of the Revised Code 49 C.F.R. 107.601 to 107.620.

For the purposes of this section, "registered transporter" means any person who is registered has filed an annual registration statement with and has received a uniform permit from the public utilities commission pursuant to Chapter 4921. of the Revised Code, and paid an annual registration fee to, the United States department of transportation in accordance with 49 C.F.R. 107.601 to 107.620.

(B) A registered transporter of hazardous waste shall be responsible for the safe delivery of any hazardous waste that the registered transporter transports from such time as the registered transporter obtains the waste until the registered transporter delivers it to a treatment, storage, or disposal facility specified in division (F) of section 3734.02 of the Revised Code, as recorded on the manifest required in division (B) of section 3734.12 of the Revised Code. Any registered transporter who violates this chapter or any rule adopted under the chapter while transporting hazardous waste shall be liable for any damage or injury caused by the violation and for the costs of rectifying the violation and conditions caused by the violation.

(C) No person who generates hazardous waste shall cause the waste to be transported by any person who is not a registered transporter. No person shall accept for treatment, storage, or disposal any hazardous waste from an unregistered transporter. Any person who is requested to accept such waste for treatment, storage, or disposal shall notify the director, the board of health in the person's location, and the public utilities commission of the request.

If a generator causes an unregistered transporter to transport the hazardous waste, the generator of the waste, the transporter, and any person who accepts the waste for treatment,
storage, or disposal shall be jointly and severally liable for any damage or injury caused by the handling of the waste and for the costs of rectifying their violation and conditions caused by their violation.

**Sec. 3734.57.** (A) The following fees are hereby levied on the transfer or disposal of solid wastes in this state:

1. Ninety cents per ton through June 30, 2018, twenty cents of the proceeds of which shall be deposited in the state treasury to the credit of the hazardous waste facility management fund created in section 3734.18 of the Revised Code and seventy cents of the proceeds of which shall be deposited in the state treasury to the credit of the hazardous waste clean-up fund created in section 3734.28 of the Revised Code;

2. An additional seventy-five cents per ton through June 30, 2018, the proceeds of which shall be deposited in the state treasury to the credit of the waste management fund created in section 3734.061 of the Revised Code.

3. An additional two dollars and eighty-five cents per ton through June 30, 2018, the proceeds of which shall be deposited in the state treasury to the credit of the environmental protection fund created in section 3745.015 of the Revised Code;

4. An additional twenty-five cents per ton through June 30, 2018, the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in section 940.15 of the Revised Code.

In the case of solid wastes that are taken to a solid waste transfer facility located in this state prior to being transported for disposal at a solid waste disposal facility located in this state or outside of this state, the fees levied under this division shall be collected by the owner or operator of the
transfer facility as a trustee for the state. The amount of fees 
required to be collected under this division at such a transfer 
facility shall equal the total tonnage of solid wastes received at 
the facility multiplied by the fees levied under this division. In 
the case of solid wastes that are not taken to a solid waste 
transfer facility located in this state prior to being transported 
to a solid waste disposal facility, the fees shall be collected by 
the owner or operator of the solid waste disposal facility as a 
trustee for the state. The amount of fees required to be collected 
under this division at such a disposal facility shall equal the 
total tonnage of solid wastes received at the facility that was 
not previously taken to a solid waste transfer facility located in 
this state multiplied by the fees levied under this division. Fees 
levied under this division do not apply to materials separated 
from a mixed waste stream for recycling by a generator or 
materials removed from the solid waste stream through recycling, 
as "recycling" is defined in rules adopted under section 3734.02 
of the Revised Code.

The owner or operator of a solid waste transfer facility or 
disposal facility, as applicable, shall prepare and file with the 
director of environmental protection each month a return 
indicating the total tonnage of solid wastes received at the 
facility during that month and the total amount of the fees 
required to be collected under this division during that month. In 
addition, the owner or operator of a solid waste disposal facility 
shall indicate on the return the total tonnage of solid wastes 
received from transfer facilities located in this state during 
that month for which the fees were required to be collected by the 
transfer facilities. The monthly returns shall be filed on a form 
prescribed by the director. Not later than thirty days after the 
last day of the month to which a return applies, the owner or 
operator shall mail to the director the return for that month 
together with the fees required to be collected under this
division during that month as indicated on the return or may submit the return and fees electronically in a manner approved by the director. If the return is filed and the amount of the fees due is paid in a timely manner as required in this division, the owner or operator may retain a discount of three-fourths of one per cent of the total amount of the fees that are required to be paid as indicated on the return.

The owner or operator may request an extension of not more than thirty days for filing the return and remitting the fees, provided that the owner or operator has submitted such a request in writing to the director together with a detailed description of why the extension is requested, the director has received the request not later than the day on which the return is required to be filed, and the director has approved the request. If the fees are not remitted within thirty days after the last day of the month to which the return applies or are not remitted by the last day of an extension approved by the director, the owner or operator shall not retain the three-fourths of one per cent discount and shall pay an additional ten per cent of the amount of the fees for each month that they are late. For purposes of calculating the late fee, the first month in which fees are late begins on the first day after the deadline has passed for timely submitting the return and fees, and one additional month shall be counted every thirty days thereafter.

The owner or operator of a solid waste facility may request a refund or credit of fees levied under this division and remitted to the director that have not been paid to the owner or operator. Such a request shall be made only if the fees have not been collected by the owner or operator, have become a debt that has become worthless or uncollectable for a period of six months or more, and may be claimed as a deduction, including a deduction claimed if the owner or operator keeps accounts on an accrual basis.
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted under it. Prior to making a request for a refund or credit, an owner or operator shall make reasonable efforts to collect the applicable fees. A request for a refund or credit shall not include any costs resulting from those efforts to collect unpaid fees.

A request for a refund or credit of fees shall be made in writing, on a form prescribed by the director, and shall be supported by evidence that may be required in rules adopted by the director under this chapter. After reviewing the request, and if the request and evidence submitted with the request indicate that a refund or credit is warranted, the director shall grant a refund to the owner or operator or shall permit a credit to be taken by the owner or operator on a subsequent monthly return submitted by the owner or operator. The amount of a refund or credit shall not exceed an amount that is equal to ninety days' worth of fees owed to an owner or operator by a particular debtor of the owner or operator. A refund or credit shall not be granted by the director to an owner or operator more than once in any twelve-month period for fees owed to the owner or operator by a particular debtor.

If, after receiving a refund or credit from the director, an owner or operator receives payment of all or part of the fees, the owner or operator shall remit the fees with the next monthly return submitted to the director together with a written explanation of the reason for the submittal.

For purposes of computing the fees levied under this division or division (B) of this section, any solid waste transfer or disposal facility that does not use scales as a means of determining gate receipts shall use a conversion factor of three cubic yards per ton of solid waste or one cubic yard per ton for baled waste, as applicable.

The fees levied under this division and divisions (B) and (C)
of this section are in addition to all other applicable fees and taxes and shall be paid by the customer or a political subdivision to the owner or operator of a solid waste transfer or disposal facility. In the alternative, the fees shall be paid by a customer or political subdivision to a transporter of waste who subsequently transfers the fees to the owner or operator of such a facility. The fees shall be paid notwithstanding the existence of any provision in a contract that the customer or a political subdivision may have with the owner or operator or with a transporter of waste to the facility that would not require or allow such payment regardless of whether the contract was entered prior to or after October 16, 2009. For those purposes, "customer" means a person who contracts with, or utilizes the solid waste services of, the owner or operator of a solid waste transfer or disposal facility or a transporter of solid waste to such a facility.

(B) For the purposes specified in division (G) of this section, the solid waste management policy committee of a county or joint solid waste management district may levy fees upon the following activities:

(1) The disposal at a solid waste disposal facility located in the district of solid wastes generated within the district;

(2) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of the district, but inside this state;

(3) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of this state.

The solid waste management plan of the county or joint district approved under section 3734.521 or 3734.55 of the Revised Code and any amendments to it, or the resolution adopted under
this division, as appropriate, shall establish the rates of the fees levied under divisions (B)(1), (2), and (3) of this section, if any, and shall specify whether the fees are levied on the basis of tons or cubic yards as the unit of measurement. A solid waste management district that levies fees under this division on the basis of cubic yards shall do so in accordance with division (A) of this section.

The fee levied under division (B)(1) of this section shall be not less than one dollar per ton nor more than two dollars per ton, the fee levied under division (B)(2) of this section shall be not less than two dollars per ton nor more than four dollars per ton, and the fee levied under division (B)(3) of this section shall be not more than the fee levied under division (B)(1) of this section.

Prior to the approval of the solid waste management plan of a district under section 3734.55 of the Revised Code, the solid waste management policy committee of a district may levy fees under this division by adopting a resolution establishing the proposed amount of the fees. Upon adopting the resolution, the committee shall deliver a copy of the resolution to the board of county commissioners of each county forming the district and to the legislative authority of each municipal corporation and township under the jurisdiction of the district and shall prepare and publish the resolution and a notice of the time and location where a public hearing on the fees will be held. Upon adopting the resolution, the committee shall deliver written notice of the adoption of the resolution; of the amount of the proposed fees; and of the date, time, and location of the public hearing to the director and to the fifty industrial, commercial, or institutional generators of solid wastes within the district that generate the largest quantities of solid wastes, as determined by the committee, and to their local trade associations. The committee
shall make good faith efforts to identify those generators within
the district and their local trade associations, but the
nonprovision of notice under this division to a particular
generator or local trade association does not invalidate the
proceedings under this division. The publication shall occur at
least thirty days before the hearing. After the hearing, the
committee may make such revisions to the proposed fees as it
considers appropriate and thereafter, by resolution, shall adopt
the revised fee schedule. Upon adopting the revised fee schedule,
the committee shall deliver a copy of the resolution doing so to
the board of county commissioners of each county forming the
district and to the legislative authority of each municipal
corporation and township under the jurisdiction of the district.
Within sixty days after the delivery of a copy of the resolution
adopting the proposed revised fees by the policy committee, each
such board and legislative authority, by ordinance or resolution,
shall approve or disapprove the revised fees and deliver a copy of
the ordinance or resolution to the committee. If any such board or
legislative authority fails to adopt and deliver to the policy
committee an ordinance or resolution approving or disapproving the
revised fees within sixty days after the policy committee
delivered its resolution adopting the proposed revised fees, it
shall be conclusively presumed that the board or legislative
authority has approved the proposed revised fees. The committee
shall determine if the resolution has been ratified in the same
manner in which it determines if a draft solid waste management
plan has been ratified under division (B) of section 3734.55 of
the Revised Code.

The committee may amend the schedule of fees levied pursuant
to a resolution adopted and ratified under this division by
adopting a resolution establishing the proposed amount of the
amended fees. The committee may repeal the fees levied pursuant to
such a resolution by adopting a resolution proposing to repeal
them. Upon adopting such a resolution, the committee shall proceed to obtain ratification of the resolution in accordance with this division.

Not later than fourteen days after declaring the new fees to be ratified or the fees to be repealed under this division, the committee shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees of the ratification and the amount of the fees or of the repeal of the fees. Collection of any fees shall commence or collection of repealed fees shall cease on the first day of the second month following the month in which notification is sent to the owner or operator.

Fees levied under this division also may be established, amended, or repealed by a solid waste management policy committee through the adoption of a new district solid waste management plan, the adoption of an amended plan, or the amendment of the plan or amended plan in accordance with sections 3734.55 and 3734.56 of the Revised Code or the adoption or amendment of a district plan in connection with a change in district composition under section 3734.521 of the Revised Code.

Not later than fourteen days after the director issues an order approving a district's solid waste management plan, amended plan, or amendment to a plan or amended plan that establishes, amends, or repeals a schedule of fees levied by the district, the committee shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees of the approval of the plan or amended plan, or the amendment to the plan, as appropriate, and the amount of the fees, if any. In the case of an initial or amended plan approved under section 3734.521 of the Revised Code in connection with a change in district composition, other than one involving the withdrawal of a county from a joint district, the committee, within fourteen days
after the change takes effect pursuant to division (G) of that section, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees that the change has taken effect and of the amount of the fees, if any. Collection of any fees shall commence or collection of repealed fees shall cease on the first day of the second month following the month in which notification is sent to the owner or operator.

If, in the case of a change in district composition involving the withdrawal of a county from a joint district, the director completes the actions required under division (G)(1) or (3) of section 3734.521 of the Revised Code, as appropriate, forty-five days or more before the beginning of a calendar year, the policy committee of each of the districts resulting from the change that obtained the director's approval of an initial or amended plan in connection with the change, within fourteen days after the director's completion of the required actions, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the district's fees that the change is to take effect on the first day of January immediately following the issuance of the notice and of the amount of the fees or amended fees levied under divisions (B)(1) to (3) of this section pursuant to the district's initial or amended plan as so approved or, if appropriate, the repeal of the district's fees by that initial or amended plan. Collection of any fees set forth in such a plan or amended plan shall commence on the first day of January immediately following the issuance of the notice. If such an initial or amended plan repeals a schedule of fees, collection of the fees shall cease on that first day of January.

If, in the case of a change in district composition involving the withdrawal of a county from a joint district, the director completes the actions required under division (G)(1) or (3) of...
section 3734.521 of the Revised Code, as appropriate, less than forty-five days before the beginning of a calendar year, the director, on behalf of each of the districts resulting from the change that obtained the director's approval of an initial or amended plan in connection with the change proceedings, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the district's fees that the change is to take effect on the first day of January immediately following the mailing of the notice and of the amount of the fees or amended fees levied under divisions (B)(1) to (3) of this section pursuant to the district's initial or amended plan as so approved or, if appropriate, the repeal of the district's fees by that initial or amended plan. Collection of any fees set forth in such a plan or amended plan shall commence on the first day of the second month following the month in which notification is sent to the owner or operator. If such an initial or amended plan repeals a schedule of fees, collection of the fees shall cease on the first day of the second month following the month in which notification is sent to the owner or operator.

If the schedule of fees that a solid waste management district is levying under divisions (B)(1) to (3) of this section is amended or repealed, the fees in effect immediately prior to the amendment or repeal shall continue to be collected until collection of the amended fees commences or collection of the repealed fees ceases, as applicable, as specified in this division. In the case of a change in district composition, money so received from the collection of the fees of the former districts shall be divided among the resulting districts in accordance with division (B) of section 343.012 of the Revised Code and the agreements entered into under division (B) of section 343.01 of the Revised Code to establish the former and resulting districts and any amendments to those agreements.
For the purposes of the provisions of division (B) of this section establishing the times when newly established or amended fees levied by a district are required to commence and the collection of fees that have been amended or repealed is required to cease, "fees" or "schedule of fees" includes, in addition to fees levied under divisions (B)(1) to (3) of this section, those levied under section 3734.573 or 3734.574 of the Revised Code.

(C) For the purposes of defraying the added costs to a municipal corporation or township of maintaining roads and other public facilities and of providing emergency and other public services, and compensating a municipal corporation or township for reductions in real property tax revenues due to reductions in real property valuations resulting from the location and operation of a solid waste disposal facility within the municipal corporation or township, a municipal corporation or township in which such a solid waste disposal facility is located may levy a fee of not more than twenty-five cents per ton on the disposal of solid wastes at a solid waste disposal facility located within the boundaries of the municipal corporation or township regardless of where the wastes were generated.

The legislative authority of a municipal corporation or township may levy fees under this division by enacting an ordinance or adopting a resolution establishing the amount of the fees. Upon so doing the legislative authority shall mail a certified copy of the ordinance or resolution to the board of county commissioners or directors of the county or joint solid waste management district in which the municipal corporation or township is located or, if a regional solid waste management authority has been formed under section 343.011 of the Revised Code, to the board of trustees of that regional authority, the owner or operator of each solid waste disposal facility in the municipal corporation or township that is required to collect the
fee by the ordinance or resolution, and the director of
environmental protection. Although the fees levied under this
division are levied on the basis of tons as the unit of
measurement, the legislative authority, in its ordinance or
resolution levying the fees under this division, may direct that
the fees be levied on the basis of cubic yards as the unit of
measurement based upon a conversion factor of three cubic yards
per ton generally or one cubic yard per ton for baled wastes.

Not later than five days after enacting an ordinance or
adopting a resolution under this division, the legislative
authority shall so notify by certified mail the owner or operator
of each solid waste disposal facility that is required to collect
the fee. Collection of any fee levied on or after March 24, 1992,
shall commence on the first day of the second month following the
month in which notification is sent to the owner or operator.

(D)(1) The fees levied under divisions (A), (B), and (C) of
this section do not apply to the disposal of solid wastes that:

(a) Are disposed of at a facility owned by the generator of
the wastes when the solid waste facility exclusively disposes of
solid wastes generated at one or more premises owned by the
generator regardless of whether the facility is located on a
premises where the wastes are generated;

(b) Are generated from the combustion of coal, or from the
combustion of primarily coal, regardless of whether the disposal
facility is located on the premises where the wastes are
generated;

(c) Are asbestos or asbestos-containing materials or products
disposed of at a construction and demolition debris facility that
is licensed under Chapter 3714. of the Revised Code or at a solid
waste facility that is licensed under this chapter.

(2) Except as provided in section 3734.571 of the Revised
Code, any fees levied under division (B)(1) of this section apply to solid wastes originating outside the boundaries of a county or joint district that are covered by an agreement for the joint use of solid waste facilities entered into under section 343.02 of the Revised Code by the board of county commissioners or board of directors of the county or joint district where the wastes are generated and disposed of.

(3) When solid wastes, other than solid wastes that consist of scrap tires, are burned in a disposal facility that is an incinerator or energy recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash remaining after burning of the solid wastes and shall be collected by the owner or operator of the sanitary landfill where the ash is disposed of.

(4) When solid wastes are delivered to a solid waste transfer facility, the fees levied under divisions (B) and (C) of this section shall be levied upon the disposal of solid wastes transported off the premises of the transfer facility for disposal and shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of.

(5) The fees levied under divisions (A), (B), and (C) of this section do not apply to sewage sludge that is generated by a waste water treatment facility holding a national pollutant discharge elimination system permit and that is disposed of through incineration, land application, or composting or at another resource recovery or disposal facility that is not a landfill.

(6) The fees levied under divisions (A), (B), and (C) of this section do not apply to solid wastes delivered to a solid waste composting facility for processing. When any unprocessed solid waste or compost product is transported off the premises of a composting facility and disposed of at a landfill, the fees levied under divisions (A), (B), and (C) of this section shall be...
collected by the owner or operator of the landfill where the unprocessed waste or compost product is disposed of.

(7) When solid wastes that consist of scrap tires are processed at a scrap tire recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash or other solid wastes remaining after the processing of the scrap tires and shall be collected by the owner or operator of the solid waste disposal facility where the ash or other solid wastes are disposed of.

(8) The director of environmental protection may issue an order exempting from the fees levied under this section solid wastes, including, but not limited to, scrap tires, that are generated, transferred, or disposed of as a result of a contract providing for the expenditure of public funds entered into by the administrator or regional administrator of the United States environmental protection agency, the director of environmental protection, or the director of administrative services on behalf of the director of environmental protection for the purpose of remediating conditions at a hazardous waste facility, solid waste facility, or other location at which the administrator or regional administrator or the director of environmental protection has reason to believe that there is a substantial threat to public health or safety or the environment or that the conditions are causing or contributing to air or water pollution or soil contamination. An order issued by the director of environmental protection under division (D)(8) of this section shall include a determination that the amount of the fees not received by a solid waste management district as a result of the order will not adversely impact the implementation and financing of the district's approved solid waste management plan and any approved amendments to the plan. Such an order is a final action of the director of environmental protection.
(E) The fees levied under divisions (B) and (C) of this section shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of as a trustee for the county or joint district and municipal corporation or township where the wastes are disposed of. Moneys from the fees levied under division (B) of this section shall be forwarded to the board of county commissioners or board of directors of the district in accordance with rules adopted under division (H) of this section. Moneys from the fees levied under division (C) of this section shall be forwarded to the treasurer or such other officer of the municipal corporation as, by virtue of the charter, has the duties of the treasurer or to the fiscal officer of the township, as appropriate, in accordance with those rules.

(F) Moneys received by the treasurer or other officer of the municipal corporation under division (E) of this section shall be paid into the general fund of the municipal corporation. Moneys received by the fiscal officer of the township under that division shall be paid into the general fund of the township. The treasurer or other officer of the municipal corporation or the township fiscal officer, as appropriate, shall maintain separate records of the moneys received from the fees levied under division (C) of this section.

(G) Moneys received by the board of county commissioners or board of directors under division (E) of this section or section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code shall be paid to the county treasurer, or other official acting in a similar capacity under a county charter, in a county district or to the county treasurer or other official designated by the board of directors in a joint district and kept in a separate and distinct fund to the credit of the district. If a regional solid waste management authority has been formed under section 343.011 of the Revised Code, moneys received by the board of trustees of
that regional authority under division (E) of this section shall be kept by the board in a separate and distinct fund to the credit of the district. Moneys in the special fund of the county or joint district arising from the fees levied under division (B) of this section and the fee levied under division (A) of section 3734.573 of the Revised Code shall be expended by the board of county commissioners or directors of the district in accordance with the district's solid waste management plan or amended plan approved under section 3734.521, 3734.55, or 3734.56 of the Revised Code exclusively for the following purposes:

(1) Preparation of the solid waste management plan of the district under section 3734.54 of the Revised Code, monitoring implementation of the plan, and conducting the periodic review and amendment of the plan required by section 3734.56 of the Revised Code by the solid waste management policy committee;

(2) Implementation of the approved solid waste management plan or amended plan of the district, including, without limitation, the development and implementation of solid waste recycling or reduction programs;

(3) Providing financial assistance to boards of health within the district, if solid waste facilities are located within the district, for enforcement of this chapter and rules, orders, and terms and conditions of permits, licenses, and variances adopted or issued under it, other than the hazardous waste provisions of this chapter and rules adopted and orders and terms and conditions of permits issued under those provisions;

(4) Providing financial assistance to each county within the district to defray the added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation of a solid waste facility within the county under the district's approved solid waste management plan or amended plan;
(5) Pursuant to contracts entered into with boards of health within the district, if solid waste facilities contained in the district's approved plan or amended plan are located within the district, for paying the costs incurred by those boards of health for collecting and analyzing samples from public or private water wells on lands adjacent to those facilities;

(6) Developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's approved solid waste management plan or amended plan;

(7) Providing financial assistance to boards of health within the district for the enforcement of section 3734.03 of the Revised Code or to local law enforcement agencies having jurisdiction within the district for enforcing anti-littering laws and ordinances;

(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to the health districts for the participation of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code;

(9) Providing financial assistance to individual municipal corporations and townships within the district to defray their added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation within their boundaries of a composting, energy or resource recovery, incineration, or recycling facility that either is owned by the district or is furnishing solid waste management facility or recycling services.
to the district pursuant to a contract or agreement with the board of county commissioners or directors of the district;

(10) Payment of any expenses that are agreed to, awarded, or ordered to be paid under section 3734.35 of the Revised Code and of any administrative costs incurred pursuant to that section. In the case of a joint solid waste management district, if the board of county commissioners of one of the counties in the district is negotiating on behalf of affected communities, as defined in that section, in that county, the board shall obtain the approval of the board of directors of the district in order to expend moneys for administrative costs incurred.

Prior to the approval of the district's solid waste management plan under section 3734.55 of the Revised Code, moneys in the special fund of the district arising from the fees shall be expended for those purposes in the manner prescribed by the solid waste management policy committee by resolution.

Notwithstanding division (G)(6) of this section as it existed prior to October 29, 1993, or any provision in a district's solid waste management plan prepared in accordance with division (B)(2)(e) of section 3734.53 of the Revised Code as it existed prior to that date, any moneys arising from the fees levied under division (B)(3) of this section prior to January 1, 1994, may be expended for any of the purposes authorized in divisions (G)(1) to (10) of this section.

(H) The director shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing procedures for collecting and forwarding the fees levied under divisions (B) and (C) of this section to the boards of county commissioners or directors of county or joint solid waste management districts and to the treasurers or other officers of municipal corporations and the fiscal officers of townships. The rules also shall prescribe the dates for forwarding the fees to the boards and officials and may
prescribe any other requirements the director considers necessary or appropriate to implement and administer divisions (A), (B), and (C) of this section.

**Sec. 3734.82.** (A) The annual fee for a scrap tire recovery facility license issued under section 3734.81 of the Revised Code shall be in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Daily Design</th>
<th>Annual License Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 or less</td>
<td>$ 100</td>
</tr>
<tr>
<td>2 to 25</td>
<td>500</td>
</tr>
<tr>
<td>26 to 50</td>
<td>1,000</td>
</tr>
<tr>
<td>51 to 100</td>
<td>1,500</td>
</tr>
<tr>
<td>101 to 200</td>
<td>2,500</td>
</tr>
<tr>
<td>201 to 500</td>
<td>3,500</td>
</tr>
<tr>
<td>501 or more</td>
<td>5,500</td>
</tr>
</tbody>
</table>

For the purpose of determining the applicable license fee under this division, the daily design input capacity shall be the quantity of scrap tires the facility is designed to process daily as set forth in the registration certificate or permit for the facility, and any modifications to the permit, if applicable, issued under section 3734.78 of the Revised Code.

(B) The annual fee for a scrap tire monocell or monofill facility license shall be in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Authorized Maximum Daily Waste Receipt</th>
<th>Annual License Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>100 or less</td>
<td>$ 5,000</td>
</tr>
<tr>
<td>101 to 200</td>
<td>12,500</td>
</tr>
<tr>
<td>201 to 500</td>
<td>30,000</td>
</tr>
</tbody>
</table>
For the purpose of determining the applicable license fee under this division, the authorized maximum daily waste receipt shall be the maximum amount of scrap tires the facility is authorized to receive daily that is established in the permit for the facility, and any modification to that permit, issued under section 3734.77 of the Revised Code.

(C)(1) Except as otherwise provided in division (C)(2) of this section, the annual fee for a scrap tire storage facility license shall equal one thousand dollars times the number of acres on which scrap tires are to be stored at the facility during the license year, as set forth on the application for the annual license, except that the total annual license fee for any such facility shall not exceed three thousand dollars.

(2) The annual fee for a scrap tire storage facility license for a storage facility that is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code is one hundred dollars.

(D)(1) Except as otherwise provided in division (D)(2) of this section, the annual fee for a scrap tire collection facility license is two hundred dollars.

(2) The annual fee for a scrap tire collection facility license for a collection facility that is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code is fifty dollars.

(E) Except as otherwise provided in divisions (C)(2) and (D)(2) of this section, the same fees apply to private operators and to the state and its political subdivisions and shall be paid within thirty days after the issuance of a license. The fees include the cost of licensing, all inspections, and other costs associated with the administration of the scrap tire provisions of
this chapter and rules adopted under them. Each license shall specify that it is conditioned upon payment of the applicable fee to the board of health or the director of environmental protection, as appropriate, within thirty days after the issuance of the license.

(F) The board of health shall retain fifteen thousand dollars of each license fee collected by the board under division (B) of this section, or the entire amount of any such fee that is less than fifteen thousand dollars, and the entire amount of each license fee collected by the board under divisions (A), (C), and (D) of this section. The moneys retained shall be paid into a special fund, which is hereby created in each health district, and used solely to administer and enforce the scrap tire provisions of this chapter and rules adopted under them. The remainder, if any, of each license fee collected by the board under division (B) of this section shall be transmitted to the director within forty-five days after receipt of the fee.

(G) The director shall transmit the moneys received by the director from license fees collected under division (B) of this section to the treasurer of state to be credited to the scrap tire management fund, which is hereby created in the state treasury. The fund shall consist of all federal moneys received by the environmental protection agency for the scrap tire management program; all grants, gifts, and contributions made to the director for that program; and all other moneys that may be provided by law for that program. The director shall use moneys in the fund as follows:

(1) Expend amounts determined necessary by the director to implement, administer, and enforce the scrap tire provisions of this chapter and rules adopted under them;

(2) During each fiscal year, if the director of environmental protection determines it to be appropriate and advisable, request
the director of budget and management to, and the director of budget and management shall, may, transfer up to one million dollars to the scrap tire grant fund created in section 3734.822 of the Revised Code for supporting market development activities for scrap tires and synthetic rubber from tire manufacturing processes and tire recycling processes. In addition, during a fiscal year, the director of environmental protection may request the director of budget and management to, and the director of budget and management shall, transfer up to an additional five hundred thousand dollars to the scrap tire grant fund for scrap tire amnesty events and scrap tire cleanup events.

(3) After the expenditures and transfers are made under divisions (G)(1) and (2) of this section, expend the balance of the money in the scrap tire management fund remaining in each fiscal year to conduct removal actions under section 3734.85 of the Revised Code and to provide grants to boards of health under section 3734.042 of the Revised Code.

Sec. 3734.901. (A)(1) For the purpose of providing revenue to defray the cost of administering and enforcing the scrap tire provisions of this chapter, rules adopted under those provisions, and terms and conditions of orders, variances, and licenses issued under those provisions; to abate accumulations of scrap tires; to make grants supporting market development activities for scrap tires and synthetic rubber from tire manufacturing processes and tire recycling processes and to support scrap tire amnesty and cleanup events; to make loans to promote the recycling or recovery of energy from scrap tires; and to defray the costs of administering and enforcing sections 3734.90 to 3734.9014 of the Revised Code, a fee of fifty cents per tire is hereby levied on the sale of tires. The proceeds of the fee shall be deposited in the state treasury to the credit of the scrap tire management fund created in section 3734.82 of the Revised Code. The fee is levied
from the first day of the calendar month that begins next after thirty days from October 29, 1993, through June 30, 2020.

(2) Beginning on July 1, 2011, and ending on June 30, 2020, there is hereby levied an additional fee of fifty cents per tire on the sale of tires the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in section 940.15 of the Revised Code.

(B) Only one sale of the same article shall be used in computing the amount of the fee due.

Sec. 3734.9011. (A) No wholesale distributor or other person shall sell tires to a retail dealer within this state, and no retail dealer or other person shall import or otherwise acquire tires for sale at retail within this state from a person who is not a registered wholesale distributor, without having a registration therefor.

(B) Each wholesale distributor and each retail dealer required to be registered under division (A) of this section shall apply for registration on or before the date that is two months after the effective date of this section, or on or before the first day of doing business that requires the registration. The application shall be filed with the tax commissioner, in a form and providing such information as prescribed by the commissioner. The commissioner shall assign an account number to each registration and shall so notify the registrant. The An unrevoked registration shall remain in effect until canceled by the wholesale distributor or retail dealer upon the cessation of business.

(C) The tax commissioner shall not accept a registration under division (B) of this section or may suspend or revoke the registration of a wholesale distributor or retail dealer if the
wholesale distributor or retail dealer has failed to file any
returns, submit any information, or pay any outstanding taxes,
charges, or fees as required for any tax, charge, or fee
administered by the commissioner, to the extent that the
commisioner is aware of such failure at the time of the
application.

Sec. 3735.66. The legislative authorities of municipal
corporations and counties may survey the housing within their
jurisdictions and, after the survey, may adopt resolutions
describing the boundaries of community reinvestment areas which
contain the conditions required for the finding under division (B)
of section 3735.65 of the Revised Code. The findings resulting
from the survey shall be incorporated in the resolution describing
the boundaries of an area. The legislative authority may stipulate
in the resolution that only new structures or remodeling
classified as to use as commercial, industrial, or residential, or
some combination thereof, and otherwise satisfying the
requirements of section 3735.67 of the Revised Code are eligible
for exemption from taxation under that section. If the resolution
does not include such a stipulation, all new structures and
remodeling satisfying the requirements of section 3735.67 of the
Revised Code are eligible for exemption from taxation regardless
of classification. Whether or not the resolution includes such a
stipulation, the classification of the structures or remodeling
eligible for exemption in the area shall at all times be
consistent with zoning restrictions applicable to the area. For
the purposes of sections 3735.65 to 3735.70 of the Revised Code,
whether a structure or remodeling composed of multiple units is
classified as commercial or residential shall be determined by
resolution or ordinance of the legislative authority or, in the
absence of such a determination, by the classification of the use
of the structure or remodeling under the applicable zoning
If construction or remodeling classified as residential is eligible for exemption from taxation, the resolution shall specify a percentage, not to exceed one hundred per cent, of the assessed valuation of such property to be exempted. The percentage specified shall apply to all residential construction or remodeling for which exemption is granted.

The resolution adopted pursuant to this section shall be published in a newspaper of general circulation in the municipal corporation, if the resolution is adopted by the legislative authority of a municipal corporation, or in a newspaper of general circulation in the county, if the resolution is adopted by the legislative authority of the county, once a week for two consecutive weeks or as provided in section 7.16 of the Revised Code, immediately following its adoption.

Each legislative authority adopting a resolution pursuant to this section shall designate a housing officer. In addition, each such legislative authority, not later than fifteen sixty days after the adoption of the resolution, shall petition the director of development services for the director to confirm the findings described in the resolution. The petition shall be accompanied by a copy of the resolution and by a map of the community reinvestment area in sufficient detail to denote the specific boundaries of the area and to indicate zoning restrictions applicable to the area. The director shall determine whether the findings contained in the resolution are valid, and whether the classification of structures or remodeling eligible for exemption under the resolution is consistent with zoning restrictions applicable to the area as indicated on the map. Within thirty days of receiving the petition, the director shall forward the director's determination to the legislative authority. The legislative authority or housing officer shall not grant any
exemption from taxation under section 3735.67 of the Revised Code until the director forwards the director's determination to the legislative authority. The director shall assign to each community reinvestment area a unique designation by which the area shall be identified for purposes of sections 3735.65 to 3735.70 of the Revised Code.

If zoning restrictions in any part of a community reinvestment area are changed at any time after the legislative authority petitions the director under this section, the legislative authority shall notify the director and shall submit a map of the area indicating the new zoning restrictions in the area.

Sec. 3735.672. (A) On or before the thirty-first day of March each year, a legislative authority that has entered into an agreement with a party under section 3735.671 of the Revised Code shall submit to the director of development services and the board of education of each school district of which a municipal corporation or township to which such an agreement applies is a part a report on all such agreements in effect during the preceding calendar year. The report shall include the following information:

(1) The designation, assigned by the director of development services, of each community reinvestment area within the municipal corporation or county, and the total population of each area according to the most recent data available;

(2) The number of agreements and the number of full-time employees subject to those agreements within each area, each according to the most recent data available and identified and categorized by the appropriate standard industrial code, and the rate of unemployment in the municipal corporation or county in which the area is located for each year since the area was designated.
certified;

(3) The number of agreements approved and executed during the calendar year for which the report is submitted, the total number of agreements in effect on the thirty-first day of December of the preceding calendar year, the number of agreements that expired during the calendar year for which the report is submitted, and the number of agreements scheduled to expire during the calendar year in which the report is submitted. For each agreement that expired during the calendar year for which the report is submitted, the legislative authority shall include the amount of taxes exempted under the agreement.

(4) The number of agreements receiving compliance reviews by the tax incentive review council in the municipal corporation or county during the calendar year for which the report is submitted, including all of the following information:

(a) The number of agreements the terms of which the party has complied with, indicating separately for each such agreement the value of the real property exempted pursuant to the agreement and a comparison of the stipulated and actual schedules for hiring new employees, for retaining existing employees, and for the amount of payroll of the party attributable to these employees;

(b) The number of agreements the terms of which a party has failed to comply with, indicating separately for each such agreement the value of the real and personal property exempted pursuant to the agreement and a comparison of the stipulated and actual schedules for hiring new employees, for retaining existing employees, and for the amount of payroll of the enterprise attributable to these employees;

(c) The number of agreements about which the tax incentive review council made recommendations to the legislative authority, and the number of such recommendations that have not been
followed;

(d) The number of agreements rescinded during the calendar year for which the report is submitted.

(5) The number of parties subject to agreements that expanded within each area, including the number of new employees hired and existing employees retained by that party, and the number of new parties subject to agreements that established within each area, including the number of new employees hired by each party;

(6) For each agreement in effect during any part of the preceding year, the number of employees employed by the party at the property that is the subject of the agreement immediately prior to formal approval of the agreement, the number of employees employed by the party at that property on the thirty-first day of December of the preceding year, the payroll of the party for the preceding year, the amount of taxes paid on real property that was exempted under the agreement, and the amount of such taxes that were not paid because of the exemption.

(B) Upon the failure of a municipal corporation or county to comply with division (A) of this section:

(1) Beginning on the first day of April of the calendar year in which the municipal corporation or county fails to comply with that division, the municipal corporation or county shall not enter into any agreements under section 3735.671 of the Revised Code until the municipal corporation or county has complied with division (A) of this section.

(2) On the first day of each ensuing calendar month until the municipal corporation or county complies with that division, the director of development services shall either order the proper county auditor to deduct from the next succeeding payment of taxes to the municipal corporation or county under section 321.31, 321.32, 321.33, or 321.34 of the Revised Code an amount equal to
five hundred dollars for each calendar month the municipal
corporation or county fails to comply with that division, or order
the county auditor to deduct such an amount from the next
succeeding payment to the municipal corporation or county from the
undivided local government fund under section 5747.51 of the
Revised Code. At the time such a payment is made, the county
auditor shall comply with the director's order by issuing a
warrant, drawn on the fund from which such money would have been
paid, to the director of development services, who shall deposit
the warrant into the state community reinvestment area program
administration fund created in division (C) of this section.

(C) The director, by rule, shall establish the state's
application fee for applications submitted to a municipal
corporation or county to enter into an agreement under section
3735.671 of the Revised Code. In establishing the amount of the
fee, the director shall consider the state's cost of administering
the community reinvestment area program, including the cost of
reviewing the reports required under division (A) of this section.
The director may change the amount of the fee at such times and in
such increments as the director considers necessary. Any municipal
corporation or county that receives an application shall collect
the application fee and remit the fee for deposit in the state
treasury to the credit of the business assistance tax incentives
operating fund created in section 122.174 of the Revised Code.

Sec. 3737.21. (A) The director of the department of commerce
shall appoint, from names submitted to the director by the state
fire council, a state fire marshal, who shall serve at the
pleasure of the director and shall possess the following
qualifications:

(1) A degree from an accredited college or university with
protection engineering, or the equivalent qualifications
determined from training, experience, and duties in a fire
service;

(2) Five years of recent, progressively more responsible
experience in fire inspection, fire code enforcement, fire
investigation, fire protection engineering, teaching of fire
safety engineering, or fire fighting.

(B) When a vacancy occurs in the position of state fire
marshal, the director shall notify the state fire council. The
council shall communicate the fact of the vacancy by regular mail
to all fire chiefs and fire protection engineers known to the
council, or whose identity may be ascertained by the council by
the exercise of due diligence. The council, no earlier than thirty
days after mailing the notification, shall compile a list of all
applicants for the position of fire marshal who are qualified
under this section. The council shall submit the names of at least
three persons on the list for the position of state fire marshal
who are qualified under this section to the director. The director
shall appoint the state fire marshal from the list of at least
three names or may request the council to submit additional names.

Sec. 3742.01. As used in this chapter:

(A) "Board of health" means the board of health of a city or
general health district or the authority having the duties of a
board of health under section 3709.05 of the Revised Code.

(B) "Child care facility" means each area of any of the
following in which child care, as defined in section 5104.01 of
the Revised Code, is provided to children under six years of age:

(1) A child day-care center, type A family day-care home, or
type B family day-care home as defined in section 5104.01 of the
Revised Code;
(2) A preschool program or school child program as defined in section 3301.52 of the Revised Code.

(C) "Clearance examination" means an examination to determine whether the lead hazards in a residential unit, child care facility, or school have been sufficiently controlled. A clearance examination includes a visual assessment, collection, and analysis of environmental samples.

(D) "Clearance technician" means a person, other than a licensed lead inspector or licensed lead risk assessor, who performs a clearance examination.

(E) "Clinical laboratory" means a facility for the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other examination of substances derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease, or in the assessment or impairment of the health of human beings. "Clinical laboratory" does not include a facility that only collects or prepares specimens, or serves as a mailing service, and does not perform testing.

(F) "Encapsulation" means the coating and sealing of surfaces with durable surface coating specifically formulated to be elastic, able to withstand sharp and blunt impacts, long-lasting, and resilient, while also resistant to cracking, peeling, algae, fungus, and ultraviolet light, so as to prevent any part of lead-containing paint from becoming part of house dust or otherwise accessible to children.

(G) "Enclosure" means the resurfacing or covering of surfaces with durable materials such as wallboard or paneling, and the sealing or caulking of edges and joints, so as to prevent or control chalking, flaking, peeling, scaling, or loose...
lead-containing substances from becoming part of house dust or otherwise accessible to children.

(H) "Environmental lead analytical laboratory" means a facility that analyzes air, dust, soil, water, paint, film, or other substances, other than substances derived from the human body, for the presence and concentration of lead.

(I) "HEPA" means the designation given to a product, device, or system that has been equipped with a high-efficiency particulate air filter, which is a filter capable of removing particles of 0.3 microns or larger from air at 99.97 per cent or greater efficiency.

(J) "Interim controls" means a set of measures designed to reduce temporarily human exposure or likely human exposure to lead hazards. Interim controls include specialized cleaning, repairs, painting, temporary containment, ongoing lead hazard maintenance activities, and the establishment and operation of management and resident education programs.

(K)(1) "Lead abatement" means a measure or set of measures designed for the single purpose of permanently eliminating lead hazards. "Lead abatement" includes all of the following:

(a) Removal of lead-based paint and lead-contaminated dust;
(b) Permanent enclosure or encapsulation of lead-based paint;
(c) Replacement of surfaces or fixtures painted with lead-based paint;
(d) Removal or permanent covering of lead-contaminated soil;
(e) Preparation, cleanup, and disposal activities associated with lead abatement.

(2) "Lead abatement" does not include any of the following:

(a) Preventive treatments.
3742.41 and 3742.42 of the Revised Code;

(b) Implementation of interim controls;

(c) Activities performed by a property owner on a residential unit to which both of the following apply:

(i) It is a freestanding single-family home used as the property owner's private residence.

(ii) No child under six years of age who has lead poisoning resides in the unit.

(L) "Lead abatement contractor" means any individual who engages in or intends to engage in lead abatement and employs or supervises one or more lead abatement workers, including on-site supervision of lead abatement projects, or prepares specifications, plans, or documents for a lead abatement project.

(M) "Lead abatement project" means one or more lead abatement activities that are conducted by a lead abatement contractor and are reasonably related to each other.

(N) "Lead abatement project designer" means a person who is responsible for designing lead abatement projects and preparing a pre-abatement plan for all designed projects.

(O) "Lead abatement worker" means an individual who is responsible in a nonsupervisory capacity for the performance of lead abatement.

(P) "Lead-based paint" means any paint or other similar surface-coating substance containing lead at or in excess of the level that is hazardous to human health, as that level is established in rules adopted under section 3742.50 3742.45 of the Revised Code.

(Q) "Lead-contaminated dust" means dust that contains an area or mass concentration of lead at or in excess of the level that is hazardous to human health, as that level is established in rules
adopted under section 3742.50 3742.45 of the Revised Code.

(R) "Lead-contaminated soil" means soil that contains lead at or in excess of the level that is hazardous to human health, as that level is established in rules adopted under section 3742.50 3742.45 of the Revised Code.

(S) "Lead hazard free" means no lead-based paint is present in any area referenced in division (B) of section 3742.42 of the Revised Code.

(T) "Lead hazard" means material that is likely to cause lead exposure and endanger an individual's health as determined by the director of health in rules adopted under section 3742.50 3742.45 of the Revised Code. "Lead hazard" includes lead-based paint, lead-contaminated dust, lead-contaminated soil, and lead-contaminated water pipes.

(U) "Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint. The inspection shall use a sampling or testing technique approved by the director in rules adopted under section 3742.03 of the Revised Code. A licensed lead inspector or laboratory approved under section 3742.09 of the Revised Code shall certify in writing the precise results of the inspection.

(V) "Lead inspector" means any individual who conducts a lead inspection, provides professional advice regarding a lead inspection, or prepares a report explaining the results of a lead inspection.

(W) "Lead poisoning" means the level of lead in human blood that is hazardous to human health, as specified in rules adopted under section 3742.50 3742.45 of the Revised Code.

(X) "Lead risk assessment" means an on-site investigation to determine and report the existence, nature, severity, and location of lead hazards in a residential unit, child care
facility, or school, including information gathering from the unit, facility, or school's current owner's knowledge regarding the age and painting history of the unit, facility, or school and occupancy by children under six years of age, visual inspection, limited wipe sampling or other environmental sampling techniques, and any other activity as may be appropriate.

(X)(Y) "Lead risk assessor" means a person who is responsible for developing a written inspection, risk assessment, and analysis plan; conducting inspections for lead hazards in a residential unit, child care facility, or school; interpreting results of inspections and risk assessments; identifying hazard control strategies to reduce or eliminate lead exposures; and completing a risk assessment report.

(Y) "Lead-safe renovation" means the supervision or performance of services for the general improvement of all or part of an existing structure, including a residential unit, child care facility, or school, when the services are supervised or performed by a lead-safe renovator.

(Z) "Lead-safe renovator" means a person who has successfully completed a training program in lead-safe renovation approved under section 3742.47 of the Revised Code. "Lead-safe residential rental unit" means a residential rental unit that has undergone the residential rental unit lead-safe maintenance practices described in section 3742.42 of the Revised Code, including post-maintenance dust sampling or are registered pursuant to division (D) of section 3742.41 of the Revised Code.

(AA) "Manager" means a person, who may be the same person as the owner, responsible for the daily operation of a residential unit, child care facility, or school.

(BB) "Permanent" means an expected design life of at least twenty years.
(CC) "Replacement" means an activity that entails removing components such as windows, doors, and trim that have lead hazards on their surfaces and installing components free of lead hazards.

(DD) "Residential unit" means a dwelling or any part of a building being used as an individual's private residence. "Residential unit" includes a residential rental unit.

(EE) "School" "Residential rental unit" means a rental property containing a dwelling or any part of a building being used as an individual's private residence.

(FF) "School" means a public or nonpublic school in which children under six years of age receive education.

Sec. 3742.02. (A) No person shall do any of the following:

(1) Violate any provision of this chapter or the rules adopted pursuant to it;

(2) Apply or cause to be applied any lead-based paint on or inside a residential unit, child care facility, or school, unless the director of health has determined by rule under section 3742.50 of the Revised Code that no suitable substitute exists;

(3) Interfere with an investigation conducted by the director of health or a board of health in accordance with section 3742.35 of the Revised Code.

(B) No person shall knowingly authorize or employ an individual to perform lead abatement on a residential unit, child care facility, or school unless the individual who will perform the lead abatement holds a valid license issued under section 3742.05 of the Revised Code.

(C) No person shall do any of the following when a residential unit, child care facility, or school is involved:
Perform a lead inspection without a valid lead inspector license issued under section 3742.05 of the Revised Code;

Perform a lead risk assessment or provide professional advice regarding lead abatement without a valid lead risk assessor license issued under section 3742.05 of the Revised Code;

Act as a lead abatement contractor without a valid lead abatement contractor's license issued under section 3742.05 of the Revised Code;

Act as a lead abatement project designer without a valid lead abatement project designer license issued under section 3742.05 of the Revised Code;

Perform lead abatement without a valid lead abatement worker license issued under section 3742.05 of the Revised Code;

Effective one year after April 7, 2003, perform a clearance examination without a valid clearance technician license issued under section 3742.05 of the Revised Code, unless the person holds a valid lead inspector license or valid lead risk assessor license issued under that section;

Perform lead training for the licensing purposes of this chapter without a valid approval from the director of health under section 3742.08 of the Revised Code;

Perform interim controls without complying with 24 C.F.R. Part 35.

Sec. 3742.31. (A) The director of health shall establish, promote, and maintain a child lead poisoning prevention program. The program shall provide statewide coordination of screening, diagnosis, and treatment services for children under age six, including both of the following:

Collecting the social security numbers of all children screened, diagnosed, or treated as part of the program's case
management system;

(2) Disclosing to the department of medicaid on at least an annual basis the identity and lead screening test results of each child screened pursuant to section 3742.30 of the Revised Code. The director shall collect and disseminate information relating to child lead poisoning and controlling lead hazards.

(B) The director of health shall operate the child lead poisoning prevention program in accordance with rules adopted under section 3742.50 3742.45 of the Revised Code. The director may enter into an interagency agreement with one or more other state agencies to perform one or more of the program's duties. The director shall supervise and direct an agency's performance of such a duty.

Sec. 3742.35. When the director of health or a board of health authorized to enforce sections 3742.35 to 3742.40 of the Revised Code becomes aware that an individual under six years of age has lead poisoning, the director or board shall conduct an investigation to determine the source of the lead poisoning. The director or board may conduct such an investigation when the director or board becomes aware that an individual six years of age or older has lead poisoning. The director or board shall conduct the investigation in accordance with rules adopted under section 3742.50 3742.45 of the Revised Code.

In conducting the investigation, the director or board may request permission to enter the residential unit, child care facility, or school that the director or board reasonably suspects to be the source of the lead poisoning. If the property is occupied, the director or board shall ask the occupant for permission. If the property is not occupied, the director or board shall ask the property owner or manager for permission. If the occupant, owner, or manager fails or refuses to permit entry, the
director or board may petition and obtain an order to enter the property from a court of competent jurisdiction in the county in which the property is located.

As part of the investigation, the director or board may review the records and reports, if any, maintained by a lead inspector, lead abatement contractor, lead risk assessor, lead abatement project designer, lead abatement worker, or clearance technician.

**Sec. 3742.36.** When the director of health or an authorized board of health determines pursuant to an investigation conducted under section 3742.35 of the Revised Code that a residential unit, child care facility, or school is a possible source of the child's lead poisoning, the director or board shall conduct a risk assessment of that property in accordance with rules adopted under section 3742.50 3742.45 of the Revised Code.

**Sec. 3742.41. (A)** A property The director of health shall establish and maintain a lead-safe residential rental unit registry in accordance with rules adopted under section 3742.45 of the Revised Code. The director shall not impose a fee for registration of a residential rental unit on the registry.

(B) Beginning six months after the effective date of the rules referenced in division (A) of this section, the owner of a residential rental unit constructed before January 1, 1950 1978, that is used as a residential unit, child care facility, or school shall be legally presumed not to contain a lead hazard and not to be the source of the lead poisoning of an individual who resides in the unit or receives child care or education at the facility or school if the owner or manager of the unit, facility, or school successfully completes both of the following preventive treatments:
(1) Follows may implement the essential residential rental
unit lead-safe maintenance practices specified in section 3742.42
of the Revised Code for the control of any lead hazards.

(2) Covers all rough, pitted, or porous horizontal surfaces
of the inhabited or occupied areas within the unit, facility, or
school with a smooth, cleanable covering or coating, such as metal,
coil stock, plastic, polyurethane, carpet, or linoleum.

(B) The owner or manager of a residential unit, child care
facility, or school has successfully completed the preventive
treatments specified in division (A) of this section if the unit,
facility, or school passes a clearance examination in accordance
with standards for passage established by rules adopted under
section 3742.49 of the Revised Code.

(C) The legal presumption established under this section is
rebuttable in a court of law only on a showing of clear and
convincing evidence to the contrary After completion of the
residential rental unit lead-safe maintenance practices, the owner
may register the property as a lead-safe residential rental unit
with the department of health for inclusion on the registry.

(D) The owner of a residential rental unit also may register
the unit as a lead-safe residential rental unit with the
department for inclusion on the registry if either of the
following apply:

(1) The residential rental unit was or is constructed after
January 1, 1978;

(2) The residential rental unit is lead free as determined by
a licensed lead inspector or lead risk assessor after an
inspection of the unit.

(E)(1) The owner of a residential rental unit that is subject
to a lead hazard control order under section 3742.37 of the
Revised Code shall register the residential rental unit on the
lead-safe residential rental unit lead-safe registry after the unit passes a clearance examination, as specified in section 3742.39 of the Revised Code, indicating that the lead hazards identified in the order are controlled.

(2) The owner of a residential rental unit that is designated as housing for the elderly or senior housing by the director is exempt from the requirement to register under division (E)(1) of this section.

Sec. 3742.42. (A) In completing the essential residential rental unit lead-safe maintenance practices portion of the preventive treatments specified in section 3742.41 of the Revised Code, the owner or manager agent of the owner of a residential rental unit, child care facility, or school shall do all of the following:

(1) Use only safe work practices, which include compliance with section 3742.44 of the Revised Code, to prevent the spread of lead-contaminated dust. Successfully complete a training program in residential rental unit lead-safe maintenance practices approved by the director under section 3742.43 of the Revised Code;

(2) Perform annually a visual examination for deteriorated paint, underlying damage, and other conditions that may cause exposure to lead;

(3) Promptly and safely After completing the visual examination and identification of deteriorated paint or other conditions that may cause exposure to lead, repair deteriorated paint or other building components that may cause exposure to lead and eliminate the cause of the deterioration in accordance with the work practice standards established by the United States environmental protection agency in 40 C.F.R. Part 745.85;

(4) Ask tenants in a residential unit, and parents,
guardians, and custodians of children in a child care facility or school, to report concerns about potential lead hazards by providing written notices to the tenants or parents, guardians, and custodians or by posting notices in conspicuous locations

Conduct post-maintenance dust sampling in accordance with rules adopted under section 3742.45 of the Revised Code;

(5) Perform specialized cleaning in accordance with section 3742.45 of the Revised Code to control lead-contaminated dust;

(6) Cover any bare soil on the property, except soil proven not to be lead-contaminated;

(7) Maintain a record of essential residential rental unit lead-safe maintenance practices for at least three years that documents all essential those maintenance practices;

(8) Successfully complete a training program in essential maintenance practices that has been approved under section 3742.47, including post-maintenance dust sampling conducted in accordance with rules adopted under section 3742.45 of the Revised Code.

(B) The areas of a residential rental unit, child care facility, or school that are subject to division (A) of this section include all of the following:

(1) The interior surfaces and all common areas of the unit, facility, or school;

(2) Every attached or unattached structure located within the same lot line as the residential rental unit, facility, or school that the owner or manager considers to be associated with the operation of the residential rental unit, facility, or school, including garages, play equipment, and fences;

(3) The lot or land that the residential rental unit, facility, or school occupies.
(C) The residential rental unit lead-safe maintenance practices described in this section are not required to be performed by a person licensed as a lead abatement contractor or lead abatement worker under this chapter. However, six months after the effective date of this amendment, any person other than a lead abatement contractor or lead abatement worker who performs the residential rental unit lead-safe maintenance practices shall have successfully completed a training program in residential rental unit lead-safe maintenance practices approved by the director under section 3742.43 of the Revised Code.

**Sec. 3742.43.** (A) A person seeking approval of a training program in residential rental unit lead-safe maintenance practices shall apply for approval of the training program to the director of health. The application shall be made on a form prescribed by the director and shall include the nonrefundable application fee established in division (B) of this section. The director shall approve the training program if the applicant demonstrates to the satisfaction of the director both of the following:

1. That the training program will provide written proof of completion to each person who completes the program and passes an examination;
2. The program is in compliance with any other training program requirements established in rules adopted under section 3742.45 of the Revised Code.

(B) The director of health shall establish a nonrefundable application fee for approving a training program under this section. The fee shall be reasonable and shall not exceed the expense incurred in conducting evaluation and approval of a training program.

**Sec. 3742.49 3742.44.** The director of health, in consultation
with the individual authorized by the governor to act as the state
historic preservation officer, shall develop recommendations for
controlling lead hazards that take into consideration the historic
nature of the property in which the hazards are located. The
director shall provide periodic notifications of the
recommendations to all persons licensed under this chapter. All
lead hazard control orders issued under section 3742.37 of the
Revised Code shall inform the recipient of the recommendations
developed under this section.

In no event shall a person use the recommendations as
justification for refusing to comply with a lead hazard control
order issued under section 3742.37 of the Revised Code.

Sec. 3742.50 3742.45. (A) The director of health shall adopt
rules in accordance with Chapter 119. of the Revised Code
establishing all of the following:

(1) Procedures necessary for the development and operation of
the child lead poisoning prevention program established under
section 3742.31 of the Revised Code;

(2) Standards and procedures for conducting investigations
and risk assessments under sections 3742.35 and 3742.36 of the
Revised Code;

(3) Standards and procedures for issuing lead hazard control
orders under section 3742.37 of the Revised Code, including
standards and procedures for determining appropriate deadlines for
complying with lead hazard control orders;

(4) The level of lead in human blood that is hazardous to
human health, consistent with the guidelines issued by the centers
for disease control and prevention in the public health service of
the United States department of health and human services;

(5) The level of lead in paint, dust, and soil that is
hazardous to human health;

(6) Standards and procedures to be followed when implementing preventive treatments for the control of lead hazards pursuant to registering a residential rental unit on the lead-safe residential rental unit registry under section 3742.41 of the Revised Code that are based on information from the United States environmental protection agency, department of housing and urban development, occupational safety and health administration, or other agencies with recommendations or guidelines regarding implementation of preventive treatments;

(7) Standards that must be met to pass a clearance examination;

(8) Procedures and criteria for approving under section 3742.47 of the Revised Code training programs in essential residential rental unit lead-safe maintenance practices and lead-safe renovation and requirements, in addition to those specified in section 3742.47 3742.43 of the Revised Code, that a program must meet to receive approval;

(9) The examination to be administered by a training program approved under section 3742.47 of the Revised Code and the examination’s passing score Procedures for post-maintenance dust sampling.

(B) The director shall establish procedures for revising its rules to ensure that the child lead poisoning prevention activities conducted under this chapter continue to meet the requirements necessary to obtain any federal funding available for those activities, including requirements established by the United States environmental protection agency, United States department of housing and urban development, or any other federal agency with jurisdiction over activities pertaining to child lead poisoning prevention.
Sec. 3742.51 3742.46. (A) There is hereby created in the state treasury the lead poisoning prevention fund. The fund shall include all moneys appropriated to the department of health for the administration and enforcement of sections 3742.31 to 3742.50 3742.45 of the Revised Code and the rules adopted under those sections. Any grants, contributions, or other moneys collected by the department for purposes of preventing lead poisoning shall be deposited in the state treasury to the credit of the fund.

(B) Moneys in the fund shall be used solely for the purposes of the child lead poisoning prevention program established under section 3742.31 of the Revised Code, including providing financial assistance to individuals who are unable to pay for the following:

1. Costs associated with obtaining lead tests and lead poisoning treatment for children under six years of age who are not covered by private medical insurance or are underinsured, are not eligible for the medicaid program or any other government health program, and do not have access to another source of funds to cover the cost of lead tests and any indicated treatments;

2. Costs associated with having lead abatement performed or having the preventive treatments residential rental unit lead-safe maintenance practices specified in section 3742.41 3742.42 of the Revised Code performed.

Sec. 3745.012. (A) The director of environmental protection shall collect all moneys for permits, licenses, plan approvals, variances, and certifications of any nature issued and administered by the environmental protection agency under Chapter 3704., 3714., 3734., 6109., or 6111. of the Revised Code. The director shall keep a record of all such moneys collected showing the amounts received, from whom, and for what purpose collected. All such moneys shall be credited to the general revenue fund,
except for such moneys required to be credited to any other fund.

(B) The director may reduce or waive a fee incurred for either of the following:

(1) Submitting a late payment if the original amount has been paid in full;

(2) Responding to an emergency, including fees for the disposal of material and debris, if the governor declares a state of emergency.

Sec. 3745.016. There is hereby created in the state treasury the federally supported cleanup and response fund consisting of money credited to the fund from federal grants, gifts, and contributions to support the investigation and remediation of contaminated property. The environmental protection agency shall use money in the fund to support the investigation and remediation of contaminated property and implementation of the hazardous waste provisions of Chapter 3734. of the Revised Code.

Sec. 3745.018. The director of environmental protection shall establish within environmental protection the agency a division to administer the agency's financial, technical, and compliance programs to assist communities, businesses, and other regulated entities. The division shall administer all of the following:

(A) State revolving wastewater and drinking water loan programs under sections 6109.22 and 6111.036 of the Revised Code;

(B) Agency grant programs, including recycling and litter prevention grant programs under section 3736.05 of the Revised Code;

(C) Programs for providing compliance and pollution prevention assistance to regulated entities under sections 3704.18 and 3745.017 of the Revised Code;
(D) Statewide source reduction, recycling, recycling market development, and litter prevention programs under section 3736.02 of the Revised Code.

Sec. 3745.11. (A) Applicants for and holders of permits, licenses, variances, plan approvals, and certifications issued by the director of environmental protection pursuant to Chapters 3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee to the environmental protection agency for each such issuance and each application for an issuance as provided by this section. No fee shall be charged for any issuance for which no application has been submitted to the director.

(B) Except as otherwise provided in division (C)(2) of this section, beginning July 1, 1994, each person who owns or operates an air contaminant source and who is required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay the fees set forth in this division. For the purposes of this division, total emissions of air contaminants may be calculated using engineering calculations, emissions factors, material balance calculations, or performance testing procedures, as authorized by the director.

The following fees shall be assessed on the total actual emissions from a source in tons per year of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead:

(1) Fifteen dollars per ton on the total actual emissions of each such regulated pollutant during the period July through December 1993, to be collected no sooner than July 1, 1994;

(2) Twenty dollars per ton on the total actual emissions of each such regulated pollutant during calendar year 1994, to be collected no sooner than April 15, 1995;
(3) Twenty-five dollars per ton on the total actual emissions of each such regulated pollutant in calendar year 1995, and each subsequent calendar year, to be collected no sooner than the fifteenth day of April of the year next succeeding the calendar year in which the emissions occurred.

The fees levied under this division do not apply to that portion of the emissions of a regulated pollutant at a facility that exceed four thousand tons during a calendar year.

(C)(1) The fees assessed under division (B) of this section are for the purpose of providing funding for the Title V permit program.

(2) The fees assessed under division (B) of this section do not apply to emissions from any electric generating unit designated as a Phase I unit under Title IV of the federal Clean Air Act prior to calendar year 2000. Those fees shall be assessed on the emissions from such a generating unit commencing in calendar year 2001 based upon the total actual emissions from the generating unit during calendar year 2000 and shall continue to be assessed each subsequent calendar year based on the total actual emissions from the generating unit during the preceding calendar year.

(3) The director shall issue invoices to owners or operators of air contaminant sources who are required to pay a fee assessed under division (B) or (D) of this section. Any such invoice shall be issued no sooner than the applicable date when the fee first may be collected in a year under the applicable division, shall identify the nature and amount of the fee assessed, and shall indicate that the fee is required to be paid within thirty days after the issuance of the invoice.

(D)(1) Except as provided in division (D)(3) of this section, from January 1, 1994, through December 31, 2003, each person who
owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Total tons per year of regulated pollutants</th>
<th>Annual fee per facility</th>
</tr>
</thead>
<tbody>
<tr>
<td>More than 0, but less than 50</td>
<td>$ 75</td>
</tr>
<tr>
<td>50 or more, but less than 100</td>
<td>300</td>
</tr>
<tr>
<td>100 or more</td>
<td>700</td>
</tr>
</tbody>
</table>

(2) Except as provided in division (D)(3) of this section, beginning January 1, 2004, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Total tons per year of regulated pollutants</th>
<th>Annual fee per facility</th>
</tr>
</thead>
<tbody>
<tr>
<td>More than 0, but less than 10</td>
<td>$ 100</td>
</tr>
<tr>
<td>10 or more, but less than 50</td>
<td>200</td>
</tr>
<tr>
<td>50 or more, but less than 100</td>
<td>300</td>
</tr>
</tbody>
</table>
(3)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, 2020, each person who owns or operates a synthetic minor facility shall pay an annual fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Combined total tons per year of all regulated pollutants emitted</th>
<th>Annual fee per facility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 10</td>
<td>$ 170</td>
</tr>
<tr>
<td>10 or more, but less than 20</td>
<td>340</td>
</tr>
<tr>
<td>20 or more, but less than 30</td>
<td>670</td>
</tr>
<tr>
<td>30 or more, but less than 40</td>
<td>1,010</td>
</tr>
<tr>
<td>40 or more, but less than 50</td>
<td>1,340</td>
</tr>
<tr>
<td>50 or more, but less than 60</td>
<td>1,680</td>
</tr>
<tr>
<td>60 or more, but less than 70</td>
<td>2,010</td>
</tr>
<tr>
<td>70 or more, but less than 80</td>
<td>2,350</td>
</tr>
<tr>
<td>80 or more, but less than 90</td>
<td>2,680</td>
</tr>
<tr>
<td>90 or more, but less than 100</td>
<td>3,020</td>
</tr>
<tr>
<td>100 or more</td>
<td>3,350</td>
</tr>
</tbody>
</table>

(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995. The fees assessed under division (D)(2) of this section shall be collected annually no sooner than the
fifteenth day of April, commencing in 2005. The fees assessed under division (D)(3) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (B) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for the purposes of division (B) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section:

(a) The consumer price index for any year is the average of the consumer price index for all urban consumers published by the United States department of labor as of the close of the twelve-month period ending on the thirty-first day of August of that year.

(b) If the 1989 consumer price index is revised, the director shall use the revision of the consumer price index that is most
consistent with that for calendar year 1989.

(F) Each person who is issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code on or after July 1, 2003, shall pay the fees specified in the following schedules:

1. Fuel-burning equipment (boilers, furnaces, or process heaters used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer)

<table>
<thead>
<tr>
<th>Input capacity (maximum)</th>
<th>(million British thermal units per hour)</th>
<th>Permit to install</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater than 0, but less than 10</td>
<td>$ 200</td>
<td>43428</td>
</tr>
<tr>
<td>10 or more, but less than 100</td>
<td>400</td>
<td>43429</td>
</tr>
<tr>
<td>100 or more, but less than 300</td>
<td>1000</td>
<td>43430</td>
</tr>
<tr>
<td>300 or more, but less than 500</td>
<td>2250</td>
<td>43431</td>
</tr>
<tr>
<td>500 or more, but less than 1000</td>
<td>3750</td>
<td>43432</td>
</tr>
<tr>
<td>1000 or more, but less than 5000</td>
<td>6000</td>
<td>43433</td>
</tr>
<tr>
<td>5000 or more</td>
<td>9000</td>
<td>43434</td>
</tr>
</tbody>
</table>

Units burning exclusively natural gas, number two fuel oil, or both shall be assessed a fee that is one-half the applicable amount shown in division (F)(1) of this section.

2. Combustion turbines and stationary internal combustion engines designed to generate electricity

<table>
<thead>
<tr>
<th>Generating capacity (mega watts)</th>
<th>Permit to install</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 or more, but less than 10</td>
<td>$ 25</td>
</tr>
<tr>
<td>10 or more, but less than 25</td>
<td>150</td>
</tr>
<tr>
<td>25 or more, but less than 50</td>
<td>300</td>
</tr>
<tr>
<td>50 or more, but less than 100</td>
<td>500</td>
</tr>
<tr>
<td>100 or more, but less than 250</td>
<td>1000</td>
</tr>
<tr>
<td>250 or more</td>
<td>2000</td>
</tr>
</tbody>
</table>

3. Incinerators

<table>
<thead>
<tr>
<th>Input capacity (pounds per hour)</th>
<th>Permit to install</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
(4)(a) Process

Process weight rate (pounds per hour)  |  Permit to install
---|---
0 to 100                | $ 100 43449
101 to 500              | 500   43450
501 to 2000             | 1000  43451
2001 to 20,000          | 1500  43452
more than 20,000        | 3750  43453

(b) Notwithstanding division (F)(4)(a) of this section, any person issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay the fees set forth in division (F)(4)(c) of this section for a process used in any of the following industries, as identified by the applicable two-digit, three-digit, or four-digit standard industrial classification code according to the Standard Industrial Classification Manual published by the United States office of management and budget in the executive office of the president, 1987, as revised:

Major group 10, metal mining;
Major group 12, coal mining;

Major group 14, mining and quarrying of nonmetallic minerals;

Industry group 204, grain mill products;

2873 Nitrogen fertilizers;

2874 Phosphatic fertilizers;

3281 Cut stone and stone products;

3295 Minerals and earth, ground or otherwise treated;

4221 Grain elevators (storage only);

5159 Farm related raw materials;

5261 Retail nurseries and lawn and garden supply stores.

(c) The fees set forth in the following schedule apply to the issuance of a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code for a process identified in division (F)(4)(b) of this section:

<table>
<thead>
<tr>
<th>Process weight rate (pounds per hour)</th>
<th>Permit to install</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 10,000</td>
<td>$ 200</td>
</tr>
<tr>
<td>10,001 to 50,000</td>
<td>400</td>
</tr>
<tr>
<td>50,001 to 100,000</td>
<td>500</td>
</tr>
<tr>
<td>100,001 to 200,000</td>
<td>600</td>
</tr>
<tr>
<td>200,001 to 400,000</td>
<td>750</td>
</tr>
<tr>
<td>400,001 or more</td>
<td>900</td>
</tr>
</tbody>
</table>

(5) Storage tanks

<table>
<thead>
<tr>
<th>Gallons (maximum useful capacity)</th>
<th>Permit to install</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 20,000</td>
<td>$ 100</td>
</tr>
<tr>
<td>20,001 to 40,000</td>
<td>150</td>
</tr>
<tr>
<td>40,001 to 100,000</td>
<td>250</td>
</tr>
<tr>
<td>100,001 to 500,000</td>
<td>400</td>
</tr>
<tr>
<td>500,001 or greater</td>
<td>750</td>
</tr>
</tbody>
</table>
(6) Gasoline/fuel dispensing facilities
For each gasoline/fuel dispensing facility (includes all units at the facility) $100

(7) Dry cleaning facilities
For each dry cleaning facility (includes all units at the facility) $100

(8) Registration status
For each source covered by registration status $75

(G) An owner or operator who is responsible for an asbestos demolition or renovation project pursuant to rules adopted under section 3704.03 of the Revised Code shall pay, upon submitting a notification pursuant to rules adopted under that section, the fees set forth in the following schedule:

<table>
<thead>
<tr>
<th>Action</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each notification</td>
<td>$75</td>
</tr>
<tr>
<td>Asbestos removal</td>
<td>$3/ unit</td>
</tr>
<tr>
<td>Asbestos cleanup</td>
<td>$4/cubic yard</td>
</tr>
</tbody>
</table>

For purposes of this division, "unit" means any combination of linear feet or square feet equal to fifty.

(H) A person who is issued an extension of time for a permit to install an air contaminant source pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay a fee equal to one-half the fee originally assessed for the permit to install under this section, except that the fee for such an extension shall not exceed two hundred dollars.

(I) A person who is issued a modification to a permit to install an air contaminant source pursuant to rules adopted under section 3704.03 of the Revised Code shall pay a fee equal to
one-half of the fee that would be assessed under this section to obtain a permit to install the source. The fee assessed by this division only applies to modifications that are initiated by the owner or operator of the source and shall not exceed two thousand dollars.

(J) Notwithstanding division (F) of this section, a person who applies for or obtains a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code after the date actual construction of the source began shall pay a fee for the permit to install that is equal to twice the fee that otherwise would be assessed under the applicable division unless the applicant received authorization to begin construction under division (W) of section 3704.03 of the Revised Code. This division only applies to sources for which actual construction of the source begins on or after July 1, 1993. The imposition or payment of the fee established in this division does not preclude the director from taking any administrative or judicial enforcement action under this chapter, Chapter 3704., 3714., 3734., or 6111. of the Revised Code, or a rule adopted under any of them, in connection with a violation of rules adopted under division (F) of section 3704.03 of the Revised Code.

As used in this division, "actual construction of the source" means the initiation of physical on-site construction activities in connection with improvements to the source that are permanent in nature, including, without limitation, the installation of building supports and foundations and the laying of underground pipework.

(K)(1) Money received under division (B) of this section shall be deposited in the state treasury to the credit of the Title V clean air fund created in section 3704.035 of the Revised Code. Annually, not more than fifty cents per ton of each fee assessed under division (B) of this section on actual emissions
from a source and received by the environmental protection agency pursuant to that division shall may be transferred by the director using an interstate transfer voucher to the state treasury to the credit of the small business assistance fund created in section 3706.19 of the Revised Code. In addition, annually, the amount of money necessary for the operation of the office of ombudsperson as determined under division (B) of that section shall be transferred to the state treasury to the credit of the small business ombudsperson fund created by that section.

(2) Money received by the agency pursuant to divisions (D), (F), (G), (H), (I), and (J) of this section shall be deposited in the state treasury to the credit of the non-Title V clean air fund created in section 3704.035 of the Revised Code.

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) or (e) of this section, a person issued a water discharge permit or renewal of a water discharge permit pursuant to Chapter 6111. of the Revised Code shall pay a fee based on each point source to which the issuance is applicable in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Design flow discharge (gallons per day)</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 1000</td>
<td>$0</td>
</tr>
<tr>
<td>1,001 to 5000</td>
<td>100</td>
</tr>
<tr>
<td>5,001 to 50,000</td>
<td>200</td>
</tr>
<tr>
<td>50,001 to 100,000</td>
<td>300</td>
</tr>
<tr>
<td>100,001 to 300,000</td>
<td>525</td>
</tr>
<tr>
<td>over 300,000</td>
<td>750</td>
</tr>
</tbody>
</table>

(b) Notwithstanding the fee schedule specified in division (L)(1)(a) of this section, the fee for a water discharge permit that is applicable to coal mining operations regulated under Chapter 1513. of the Revised Code shall be two hundred fifty dollars per mine.

(c) Notwithstanding the fee schedule specified in division
(1) A person applying for a plan approval for a wastewater treatment works pursuant to section 6111.44, 6111.45, or 6111.46 of the Revised Code shall pay a nonrefundable fee of one hundred dollars plus sixty-five one-hundredths of one per cent of the estimated project cost through June 30, 2018, and a nonrefundable application fee of one hundred dollars plus two-tenths of one per cent of the estimated project cost on and after July 1, 2018, except that the total fee shall not exceed fifteen thousand dollars through June 30, 2018, and five thousand dollars on and after July 1, 2018. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under section 6111.14 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons who have entered into agreements under that section, or who have applied for agreements, of the amount of the fee.

(3) Not later than January 30, 2016, and January 30, 2017, a person holding an NPDES discharge permit issued pursuant to Chapter 6111. of the Revised Code with an average daily discharge flow of five thousand gallons or more
shall pay a nonrefundable annual discharge fee. Any person who
fails to pay the fee at that time shall pay an additional amount
that equals ten per cent of the required annual discharge fee.

(ii) The billing year for the annual discharge fee
established in division (L)\((5)-(3)\)(a)(i) of this section shall
consist of a twelve-month period beginning on the first day of
January of the year preceding the date when the annual discharge
fee is due. In the case of an existing source that permanently
ceases to discharge during a billing year, the director shall
reduce the annual discharge fee, including the surcharge
applicable to certain industrial facilities pursuant to division
(L)\((5)-(3)\)(c) of this section, by one-twelfth for each full month
during the billing year that the source was not discharging, but
only if the person holding the NPDES discharge permit for the
source notifies the director in writing, not later than the first
day of October of the billing year, of the circumstances causing
the cessation of discharge.

(iii) The annual discharge fee established in division
(L)\((5)-(3)\)(a)(i) of this section, except for the surcharge
applicable to certain industrial facilities pursuant to division
(L)\((5)-(3)\)(c) of this section, shall be based upon the average
daily discharge flow in gallons per day calculated using first day
of May through thirty-first day of October flow data for the
period two years prior to the date on which the fee is due. In the
case of NPDES discharge permits for new sources, the fee shall be
calculated using the average daily design flow of the facility
until actual average daily discharge flow values are available for
the time period specified in division (L)\((5)-(3)\)(a)(iii) of this
section. The annual discharge fee may be prorated for a new source
as described in division (L)\((5)-(3)\)(a)(ii) of this section.

(b)(i) An NPDES permit holder that is a public discharger
shall pay the fee specified in the following schedule:
Average daily discharge flow

Fee due by
January 30,
2016 2018, and 2019
January 30, 2017

5,000 to 49,999 $ 200 43672
50,000 to 100,000 500 43673
100,001 to 250,000 1,050 43674
250,001 to 1,000,000 2,600 43675
1,000,001 to 5,000,000 5,200 43676
5,000,001 to 10,000,000 10,350 43677
10,000,001 to 20,000,000 15,550 43678
20,000,001 to 50,000,000 25,900 43679
50,000,001 to 100,000,000 41,400 43680
100,000,001 or more 62,100 43681

(ii) Public dischargers owning or operating two or more publicly owned treatment works serving the same political subdivision, as "treatment works" is defined in section 6111.01 of the Revised Code, and that serve exclusively political subdivisions having a population of fewer than one hundred thousand persons shall pay an annual discharge fee under division (L)(3)(b)(i) of this section that is based on the combined average daily discharge flow of the treatment works.

(c)(ii) An NPDES permit holder that is an industrial discharger, other than a coal mining operator identified by P in the third character of the permittee’s NPDES permit number, shall pay the fee specified in the following schedule:

Average daily discharge flow

Fee due by
January 30, 2016 2018, and 2019
January 30, 2017 2019
5,000 to 49,999 $ 250 43698
50,000 to 250,000 1,200 43699
250,001 to 1,000,000 2,950 43700
1,000,001 to 5,000,000 5,850 43701
5,000,001 to 10,000,000 8,800 43702
10,000,001 to 20,000,000 11,700 43703
20,000,001 to 100,000,000 14,050 43704
100,000,001 to 250,000,000 16,400 43705
250,000,001 or more 18,700 43706

(ii) In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)(5)(3)(a)(ii) of this section shall pay a nonrefundable annual surcharge of seven thousand five hundred dollars not later than January 30, 2016, and not later than January 30, 2017. Any person who fails to pay the surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.  

(d) Notwithstanding divisions (L)(5)(3)(b) and (c) of this section, a public discharger, that is not a separate municipal storm sewer system, identified by I in the third character of the permittee's NPDES permit number and an industrial discharger identified by I, J, L, V, W, X, Y, or Z in the third character of the permittee's NPDES permit number shall pay a nonrefundable annual discharge fee of one hundred eighty dollars not later than January 30, 2016, and not later than January 30, 2017. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee.

(6)(4) Each person obtaining a national pollutant discharge elimination system general or individual an NPDES permit for municipal storm water discharge shall pay a nonrefundable storm water annual discharge fee of one hundred ten dollars per
one-tenth of a square mile of area permitted. The fee shall not exceed ten thousand dollars and shall be payable on or before January 30, 2004, and the thirtieth day of January of each year thereafter. Any person who fails to pay the fee on the date specified in division (L)(4) of this section shall pay an additional amount per year equal to ten per cent of the annual fee that is unpaid.

(7)(5) The director shall transmit all moneys collected under division (L) of this section to the treasurer of state for deposit into the state treasury to the credit of the surface water protection fund created in section 6111.038 of the Revised Code.

(8)(6) As used in division (L) of this section:

(a) "NPDES" means the federally approved national pollutant discharge elimination system individual and general program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under Chapter 6111. of the Revised Code and rules adopted under it.

(b) "Public discharger" means any holder of an NPDES permit identified by P in the second character of the NPDES permit number assigned by the director.

(c) "Industrial discharger" means any holder of an NPDES permit identified by I in the second character of the NPDES permit number assigned by the director.

(d) "Major discharger" means any holder of an NPDES permit classified as major by the regional administrator of the United States environmental protection agency in conjunction with the director.

(M) Through June 30, 2018, 2020, a person applying for a license or license renewal to operate a public water system under section 6109.21 of the Revised Code shall pay the appropriate fee
established under this division at the time of application to the director. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

Except as provided in divisions (M)(4) and (5) of this section, fees required under this division shall be calculated and paid in accordance with the following schedule:

(1) For the initial license required under section 6109.21 of the Revised Code for any public water system that is a community water system as defined in section 6109.01 of the Revised Code, and for each license renewal required for such a system prior to January 31, 2020, the fee is:

<table>
<thead>
<tr>
<th>Number of service connections</th>
<th>Fee amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not more than 49</td>
<td>$ 112</td>
</tr>
<tr>
<td>50 to 99</td>
<td>176</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of service connections</th>
<th>Average cost per connection</th>
</tr>
</thead>
<tbody>
<tr>
<td>100 to 2,499</td>
<td>$ 1.92</td>
</tr>
<tr>
<td>2,500 to 4,999</td>
<td>1.48</td>
</tr>
<tr>
<td>5,000 to 7,499</td>
<td>1.42</td>
</tr>
<tr>
<td>7,500 to 9,999</td>
<td>1.34</td>
</tr>
<tr>
<td>10,000 to 14,999</td>
<td>1.16</td>
</tr>
<tr>
<td>15,000 to 24,999</td>
<td>1.10</td>
</tr>
<tr>
<td>25,000 to 49,999</td>
<td>1.04</td>
</tr>
<tr>
<td>50,000 to 99,999</td>
<td>.92</td>
</tr>
<tr>
<td>100,000 to 149,999</td>
<td>.86</td>
</tr>
<tr>
<td>150,000 to 199,999</td>
<td>.80</td>
</tr>
<tr>
<td>200,000 or more</td>
<td>.76</td>
</tr>
</tbody>
</table>

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this
section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, 2020, the fee is:

<table>
<thead>
<tr>
<th>Population served</th>
<th>Fee amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fewer than 150</td>
<td>$112</td>
</tr>
<tr>
<td>150 to 299</td>
<td>176</td>
</tr>
<tr>
<td>300 to 749</td>
<td>384</td>
</tr>
<tr>
<td>750 to 1,499</td>
<td>628</td>
</tr>
<tr>
<td>1,500 to 2,999</td>
<td>1,268</td>
</tr>
<tr>
<td>3,000 to 7,499</td>
<td>2,816</td>
</tr>
<tr>
<td>7,500 to 14,999</td>
<td>5,510</td>
</tr>
<tr>
<td>15,000 to 22,499</td>
<td>9,048</td>
</tr>
<tr>
<td>22,500 to 29,999</td>
<td>12,430</td>
</tr>
<tr>
<td>30,000 or more</td>
<td>16,820</td>
</tr>
</tbody>
</table>

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, 2020, the fee is:
31, **2020**, the fee is:

<table>
<thead>
<tr>
<th>Number of wells or sources, other than surface water, supplying system</th>
<th>Fee amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$112</td>
</tr>
<tr>
<td>2</td>
<td>112</td>
</tr>
<tr>
<td>3</td>
<td>176</td>
</tr>
<tr>
<td>4</td>
<td>278</td>
</tr>
<tr>
<td>5</td>
<td>568</td>
</tr>
<tr>
<td>System designated as using a surface water source</td>
<td>792</td>
</tr>
</tbody>
</table>

As used in division (M)(3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(5) An applicant for an initial license who is proposing to operate a new public water supply system shall submit a fee that equals a prorated amount of the appropriate fee for the remainder of the licensing year.

(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, **2020**, and fifteen thousand dollars on and after July 1, **2020**. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the
director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee.

(3) Through June 30, 2020, the following fee, on a per survey basis, shall be charged any person for services rendered by the state in the evaluation of laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established pursuant to Chapter 6109. of the Revised Code for determining the qualitative characteristics of water:

- Microbiological
  - MMO-MUG: $2,000
  - MF: 2,100
  - MMO-MUG and MF: 2,550
- Organic Chemical: 5,400
- Trace Metals: 5,400
- Standard Chemistry: 2,800
- Limited Chemistry: 1,550

On and after July 1, 2020, the following fee, on a per survey basis, shall be charged any such person:

- Microbiological: $1,650
- Organic Chemicals: 3,500
- Trace Metals: 3,500
- Standard Chemistry: 1,800
- Limited Chemistry: 1,000

The fee for those services shall be paid at the time the request for the survey is made. Through June 30, 2020, an individual laboratory shall not be assessed a fee under this division more
than once in any three-year period unless the person requests the
addition of analytical methods or analysts, in which case the
person shall pay eighteen hundred dollars for each additional
survey requested.

As used in division (N)(3) of this section:

(a) "MF" means microfiltration.
(b) "MMO" means minimal medium ONPG.
(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.
(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside.

The director shall transmit all moneys collected under this
division to the treasurer of state for deposit into the drinking
water protection fund created in section 6109.30 of the Revised
Code.

(O) Any person applying to the director to take an
examination for certification as an operator of a water supply
system or wastewater system under Chapter 6109. or 6111. of the
Revised Code that is administered by the director, at the time the
application is submitted, shall pay a fee in accordance with the
following schedule through November 30, 2018:

<table>
<thead>
<tr>
<th>Class</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class A</td>
<td>$ 80</td>
</tr>
<tr>
<td>Class I</td>
<td>105</td>
</tr>
<tr>
<td>Class II</td>
<td>120</td>
</tr>
<tr>
<td>Class III</td>
<td>130</td>
</tr>
<tr>
<td>Class IV</td>
<td>145</td>
</tr>
</tbody>
</table>

On and after December 1, 2018, the applicant shall pay a
fee in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Class</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class A</td>
<td>$ 50</td>
</tr>
<tr>
<td>Class I</td>
<td>70</td>
</tr>
<tr>
<td>Class II</td>
<td>80</td>
</tr>
<tr>
<td>Class III</td>
<td>90</td>
</tr>
</tbody>
</table>
Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

- Class A operator $25
- Class I operator $35
- Class II operator $45
- Class III operator $55
- Class IV operator $65

If a certification renewal fee is received by the director more than thirty days, but not more than one year, after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

- Class A operator $45
- Class I operator $55
- Class II operator $65
- Class III operator $75
- Class IV operator $85

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

Any person applying to be a water supply system or wastewater treatment system examination provider shall pay an application fee of five hundred dollars. Any person approved by the director as a water supply system or wastewater treatment system examination provider shall pay an annual fee that is equal to ten per cent of the fees that the provider assesses and collects for administering.
water supply system or wastewater treatment system certification examinations in this state for the calendar year. The fee shall be paid not later than forty-five days after the end of a calendar year.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(P) Any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section. On and after June 26, 2003, persons shall file such applications and pay the fee as required under sections 5709.20 to 5709.27 of the Revised Code, and proceeds from the fee shall be credited as provided in section 5709.212 of the Revised Code.

(Q) Except as otherwise provided in division (R) of this section, a person issued a permit by the director for a new solid waste disposal facility other than an incineration or composting facility, a new infectious waste treatment facility other than an incineration facility, or a modification of such an existing facility that includes an increase in the total disposal or treatment capacity of the facility pursuant to Chapter 3734. of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal or treatment capacity, or one thousand dollars, whichever is greater, except that the total fee for any such
permit shall not exceed eighty thousand dollars. A person issued a modification of a permit for a solid waste disposal facility or an infectious waste treatment facility that does not involve an increase in the total disposal or treatment capacity of the facility shall pay a fee of one thousand dollars. A person issued a permit to install a new, or modify an existing, solid waste transfer facility under that chapter shall pay a fee of two thousand five hundred dollars. A person issued a permit to install a new or to modify an existing solid waste incineration or composting facility, or an existing infectious waste treatment facility using incineration as its principal method of treatment, under that chapter shall pay a fee of one thousand dollars. The increases in the permit fees under this division resulting from the amendments made by Amended Substitute House Bill 592 of the 117th general assembly do not apply to any person who submitted an application for a permit to install a new, or modify an existing, solid waste disposal facility under that chapter prior to September 1, 1987; any such person shall pay the permit fee established in this division as it existed prior to June 24, 1988. In addition to the applicable permit fee under this division, a person issued a permit to install or modify a solid waste facility or an infectious waste treatment facility under that chapter who fails to pay the permit fee to the director in compliance with division (V) of this section shall pay an additional ten per cent of the amount of the fee for each week that the permit fee is late.

Permit and late payment fees paid to the director under this division shall be credited to the general revenue fund.

(R)(1) A person issued a registration certificate for a scrap tire collection facility under section 3734.75 of the Revised Code shall pay a fee of two hundred dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer
licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of twenty-five dollars.

(2) A person issued a registration certificate for a new scrap tire storage facility under section 3734.76 of the Revised Code shall pay a fee of three hundred dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of twenty-five dollars.

(3) A person issued a permit for a scrap tire storage facility under section 3734.76 of the Revised Code shall pay a fee of one thousand dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of fifty dollars.

(4) A person issued a permit for a scrap tire monocell or monofill facility under section 3734.77 of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal capacity or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars.

(5) A person issued a registration certificate for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one hundred dollars.

(6) A person issued a permit for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one thousand dollars.

(7) In addition to the applicable registration certificate or permit fee under divisions (R)(1) to (6) of this section, a person issued a registration certificate or permit for any such scrap tire facility who fails to pay the registration certificate or permit fee to the director in compliance with division (V) of this
section shall pay an additional ten per cent of the amount of the fee for each week that the fee is late.

(8) The registration certificate, permit, and late payment fees paid to the director under divisions (R)(1) to (7) of this section shall be credited to the scrap tire management fund created in section 3734.82 of the Revised Code.

(S)(1)(a) Except as provided by divisions (L), (M), (N), (O), (P), and (S)(2) of this section, division (A)(2) of section 3734.05 of the Revised Code, section 3734.79 of the Revised Code, and rules adopted under division (T)(1) of this section, any person applying for a registration certificate under section 3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, variance, or plan approval under Chapter 3734. of the Revised Code shall pay a nonrefundable fee of fifteen dollars at the time the application is submitted.

(b) Except as otherwise provided, any person applying for a permit, variance, or plan approval under Chapter 6109. or 6111. of the Revised Code shall pay a nonrefundable application fee of one hundred dollars at the time the application is submitted through June 30, 2020, and a nonrefundable application fee of fifteen dollars at the time the application is submitted on and after July 1, 2020. Except

(c)(i) Except as otherwise provided in division divisions (S)(3)(1)(c)(iii) and (iv) of this section, through June 30, 2020, any person applying for a national pollutant discharge elimination system an NPDES permit under Chapter 6111. of the Revised Code shall pay a nonrefundable application fee of two hundred dollars at the time of application for the permit. On and after July 1, 2020, such a person shall pay a nonrefundable application fee of fifteen dollars at the time of application.

(ii) In addition to the nonrefundable application fee, any
person applying for an NPDES permit under Chapter 6111 of the Revised Code shall pay a design flow discharge fee based on each point source to which the issuance is applicable in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Design flow discharge (gallons per day)</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 1000</td>
<td>$ 0</td>
</tr>
<tr>
<td>1,001 to 5000</td>
<td>100</td>
</tr>
<tr>
<td>5,001 to 50,000</td>
<td>200</td>
</tr>
<tr>
<td>50,001 to 100,000</td>
<td>300</td>
</tr>
<tr>
<td>100,001 to 300,000</td>
<td>525</td>
</tr>
<tr>
<td>over 300,000</td>
<td>750</td>
</tr>
</tbody>
</table>

(iii) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this section, the application and design flow discharge fee for an NPDES permit for a public discharger identified by the letter I in the third character of the NPDES permit number shall not exceed nine hundred fifty dollars.

(iv) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this section, the application and design flow discharge fee for an NPDES permit for a coal mining operation regulated under Chapter 1513. of the Revised Code shall not exceed four hundred fifty dollars per mine.

(v) A person issued a modification of an NPDES permit shall pay a nonrefundable modification fee equal to the application fee and one-half the design flow discharge fee based on each point source, if applicable, that would be charged for an NPDES permit, except that the modification fee shall not exceed six hundred dollars.

(d) In addition to the application fee established under division (S)(1)(c)(i) of this section, any person applying for a national pollutant discharge elimination system an NPDES general storm water construction permit shall pay a nonrefundable fee of twenty dollars per acre for each acre that is permitted above five
acres at the time the application is submitted. However, the per-acreage fee shall not exceed three hundred dollars. In addition to the application fee established under division (S)(1)(c)(i) of this section, any person applying for a national pollutant discharge elimination system an NPDES general storm water industrial permit shall pay a nonrefundable fee of one hundred fifty dollars at the time the application is submitted.

(e) The director shall transmit all moneys collected under division (S)(1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(f) The director shall transmit all moneys collected under division (S)(1) of this section pursuant to Chapter 6111. of the Revised Code and under division (S)(3) of this section to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code.

(g) If a registration certificate is issued under section 3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of the application fee paid shall be deducted from the amount of the registration certificate fee due under division (R)(1), (2), or (5) of this section, as applicable.

(h) If a person submits an electronic application for a registration certificate, permit, variance, or plan approval for which an application fee is established under division (S)(1) of this section, the person shall pay all applicable application fees as expeditiously as possible after the submission of the electronic application. An application for a registration certificate, permit, variance, or plan approval for which an application fee is established under division (S)(1) of this section shall not be reviewed or processed until the applicable application fee, and any other fees established under this
division, are paid.

(2) Division (S)(1) of this section does not apply to an application for a registration certificate for a scrap tire collection or storage facility submitted under section 3734.75 or 3734.76 of the Revised Code, as applicable, if the owner or operator of the facility or proposed facility is a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code.

(3) A person applying for coverage under a national pollutant discharge elimination system an NPDES general discharge permit for household sewage treatment systems shall pay the following fees:

(a) A nonrefundable fee of two hundred dollars at the time of application for initial permit coverage;

(b) A nonrefundable fee of one hundred dollars at the time of application for a renewal of permit coverage.

(T) The director may adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Prescribe fees to be paid by applicants for and holders of any license, permit, variance, plan approval, or certification required or authorized by Chapter 3704., 3734., 6109., or 6111. of the Revised Code that are not specifically established in this section. The fees shall be designed to defray the cost of processing, issuing, revoking, modifying, denying, and enforcing the licenses, permits, variances, plan approvals, and certifications.

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.
The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6111. of the Revised Code to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code.

(2) Exempt the state and political subdivisions thereof, including education facilities or medical facilities owned by the state or a political subdivision, or any person exempted from taxation by section 5709.07 or 5709.12 of the Revised Code, from any fee required by this section;

(3) Provide for the waiver of any fee, or any part thereof, otherwise required by this section whenever the director determines that the imposition of the fee would constitute an unreasonable cost of doing business for any applicant, class of applicants, or other person subject to the fee;

(4) Prescribe measures that the director considers necessary to carry out this section.

(U) When the director reasonably demonstrates that the direct cost to the state associated with the issuance of a permit to install, license, variance, plan approval, or certification exceeds the fee for the issuance or review specified by this section, the director may condition the issuance or review on the payment by the person receiving the issuance or review of, in addition to the fee specified by this section, the amount, or any portion thereof, in excess of the fee specified under this section. The director shall not so condition issuances for which a fee is prescribed in division (L)(1)(b) (S)(1)(c)(iii) of this section.

(V) Except as provided in divisions (L), (M), and (P), and (S) of this section or unless otherwise prescribed by a rule of the director adopted pursuant to Chapter 119. of the Revised Code,
all fees required by this section are payable within thirty days after the issuance of an invoice for the fee by the director or the effective date of the issuance of the license, permit, variance, plan approval, or certification. If payment is late, the person responsible for payment of the fee shall pay an additional ten per cent of the amount due for each month that it is late.

(W) As used in this section, "fuel-burning equipment," "fuel-burning equipment input capacity," "incinerator," "incinerator input capacity," "process," "process weight rate," "storage tank," "gasoline dispensing facility," "dry cleaning facility," "design flow discharge," and "new source treatment works" have the meanings ascribed to those terms by applicable rules or standards adopted by the director under Chapter 3704. or 6111. of the Revised Code.

(X) As used in divisions (B), (D), (E), (F), (H), (I), and (J) of this section, and in any other provision of this section pertaining to fees paid pursuant to Chapter 3704. of the Revised Code:

(1) "Facility," "federal Clean Air Act," "person," and "Title V permit" have the same meanings as in section 3704.01 of the Revised Code.

(2) "Title V permit program" means the following activities as necessary to meet the requirements of Title V of the federal Clean Air Act and 40 C.F.R. part 70, including at least:

(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its implementation or enforcement;

(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal;
(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;

(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions;

(e) Emission and ambient monitoring;

(f) Modeling, analyses, or demonstrations;

(g) Preparing inventories and tracking emissions;

(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code.

(3) "Organic compound" means any chemical compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.

(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the sewage sludge facility treats or disposes of in this state. The annual volume of sewage sludge treated or disposed of by a sewage sludge facility shall be calculated using the first day of January through the thirty-first day of December of the calendar year preceding the date on which payment of the fee is due.

(2)(a) Except as provided in division (Y)(2)(d) of this
section, each sewage sludge facility shall pay a minimum annual sewage sludge fee of one hundred dollars.

(b) The annual sludge fee required to be paid by a sewage sludge facility that treats or disposes of exceptional quality sludge in this state shall be thirty-five per cent less per dry ton of exceptional quality sludge than the fee assessed under division (Y)(1) of this section, subject to the following exceptions:

(i) Except as provided in division (Y)(2)(d) of this section, a sewage sludge facility that treats or disposes of exceptional quality sludge shall pay a minimum annual sewage sludge fee of one hundred dollars.

(ii) A sewage sludge facility that treats or disposes of exceptional quality sludge shall not be required to pay the annual sludge fee for treatment or disposal in this state of exceptional quality sludge generated outside of this state and contained in bags or other containers not greater than one hundred pounds in capacity.

A thirty-five per cent reduction for exceptional quality sludge applies to the maximum annual fees established under division (Y)(3) of this section.

(c) A sewage sludge facility that transfers sewage sludge to another sewage sludge facility in this state for further treatment prior to disposal in this state shall not be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred. In such a case, the sewage sludge facility that disposes of the sewage sludge shall pay the annual sludge fee. However, the facility transferring the sewage sludge shall pay the one-hundred-dollar minimum fee required under division (Y)(2)(a) of this section.

In the case of a sewage sludge facility that treats sewage
sludge in this state and transfers it out of this state to another entity for disposal, the sewage sludge facility in this state shall be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred.

(d) A sewage sludge facility that generates sewage sludge resulting from an average daily discharge flow of less than five thousand gallons per day is not subject to the fees assessed under division (Y) of this section.

(3) No sewage sludge facility required to pay the annual sludge fee shall be required to pay more than the maximum annual fee for each disposal method that the sewage sludge facility uses. The maximum annual fee does not include the additional amount that may be charged under division (Y)(5) of this section for late payment of the annual sludge fee. The maximum annual fee for the following methods of disposal of sewage sludge is as follows:

(a) Incineration: five thousand dollars;

(b) Preexisting land reclamation project or disposal in a landfill: five thousand dollars;

(c) Land application, land reclamation, surface disposal, or any other disposal method not specified in division (Y)(3)(a) or (b) of this section: twenty thousand dollars.

(4)(a) In the case of an entity that generates sewage sludge or a sewage sludge facility that treats sewage sludge and transfers the sewage sludge to an incineration facility for disposal, the incineration facility, and not the entity generating the sewage sludge or the sewage sludge facility treating the sewage sludge, shall pay the annual sludge fee for the tons of sewage sludge that are transferred. However, the entity or facility generating or treating the sewage sludge shall pay the one-hundred-dollar minimum fee required under division (Y)(2)(a) of this section.
(b) In the case of an entity that generates sewage sludge and transfers the sewage sludge to a landfill for disposal or to a sewage sludge facility for land reclamation or surface disposal, the entity generating the sewage sludge, and not the landfill or sewage sludge facility, shall pay the annual sludge fee for the tons of sewage sludge that are transferred.

(5) Not later than the first day of April of the calendar year following March 17, 2000, and each first day of April thereafter, the director shall issue invoices to persons who are required to pay the annual sludge fee. The invoice shall identify the nature and amount of the annual sludge fee assessed and state the first day of May as the deadline for receipt by the director of objections regarding the amount of the fee and the first day of July as the deadline for payment of the fee.

Not later than the first day of May following receipt of an invoice, a person required to pay the annual sludge fee may submit objections to the director concerning the accuracy of information regarding the number of dry tons of sewage sludge used to calculate the amount of the annual sludge fee or regarding whether the sewage sludge qualifies for the exceptional quality sludge discount established in division (Y)(2)(b) of this section. The director may consider the objections and adjust the amount of the fee to ensure that it is accurate.

If the director does not adjust the amount of the annual sludge fee in response to a person's objections, the person may appeal the director's determination in accordance with Chapter 119. of the Revised Code.

Not later than the first day of June, the director shall notify the objecting person regarding whether the director has found the objections to be valid and the reasons for the finding. If the director finds the objections to be valid and adjusts the amount of the annual sludge fee accordingly, the director shall
issue with the notification a new invoice to the person identifying the amount of the annual sludge fee assessed and stating the first day of July as the deadline for payment.

Not later than the first day of July, any person who is required to do so shall pay the annual sludge fee. Any person who is required to pay the fee, but who fails to do so on or before that date shall pay an additional amount that equals ten per cent of the required annual sludge fee.

(6) The director shall transmit all moneys collected under division (Y) of this section to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. The moneys shall be used to defray the costs of administering and enforcing provisions in Chapter 6111. of the Revised Code and rules adopted under it that govern the use, storage, treatment, or disposal of sewage sludge.

(7) Beginning in fiscal year 2001, and every two years thereafter, the director shall review the total amount of moneys generated by the annual sludge fees to determine if that amount exceeded six hundred thousand dollars in either of the two preceding fiscal years. If the total amount of moneys in the fund exceeded six hundred thousand dollars in either fiscal year, the director, after review of the fee structure and consultation with affected persons, shall issue an order reducing the amount of the fees levied under division (Y) of this section so that the estimated amount of moneys resulting from the fees will not exceed six hundred thousand dollars in any fiscal year.

If, upon review of the fees under division (Y)(7) of this section and after the fees have been reduced, the director determines that the total amount of moneys collected and accumulated is less than six hundred thousand dollars, the director, after review of the fee structure and consultation with affected persons, may issue an order increasing the amount of the
fees levied under division (Y) of this section so that the
estimated amount of moneys resulting from the fees will be
approximately six hundred thousand dollars. Fees shall never be
increased to an amount exceeding the amount specified in division
(Y)(7) of this section.

Notwithstanding section 119.06 of the Revised Code, the
director may issue an order under division (Y)(7) of this section
without the necessity to hold an adjudicatory hearing in
connection with the order. The issuance of an order under this
division is not an act or action for purposes of section 3745.04
of the Revised Code.

(8) As used in division (Y) of this section:

(a) "Sewage sludge facility" means an entity that performs
treatment on or is responsible for the disposal of sewage sludge.

(b) "Sewage sludge" means a solid, semi-solid, or liquid
residue generated during the treatment of domestic sewage in a
treatment works as defined in section 6111.01 of the Revised Code.
"Sewage sludge" includes, but is not limited to, scum or solids
removed in primary, secondary, or advanced wastewater treatment
processes. "Sewage sludge" does not include ash generated during
the firing of sewage sludge in a sewage sludge incinerator, grit
and screenings generated during preliminary treatment of domestic
sewage in a treatment works, animal manure, residue generated
during treatment of animal manure, or domestic septage.

(c) "Exceptional quality sludge" means sewage sludge that
meets all of the following qualifications:

(i) Satisfies the class A pathogen standards in 40 C.F.R.
503.32(a);

(ii) Satisfies one of the vector attraction reduction
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);
(iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;

(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.

(d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.

(e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.

(f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil.

(g) "Land reclamation" means the returning of disturbed land to productive use.

(h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.

(i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.

(j) "Incineration facility" includes all incinerators owned or operated by the same entity and located on a contiguous tract of land. Areas of land are considered to be contiguous even if they are separated by a public road or highway.

(k) "Annual sludge fee" means the fee assessed under division
(Y)(1) of this section.

(l) "Landfill" means a sanitary landfill facility, as defined in rules adopted under section 3734.02 of the Revised Code, that is licensed under section 3734.05 of the Revised Code.

(m) "Preexisting land reclamation project" means a property-specific land reclamation project that has been in continuous operation for not less than five years pursuant to approval of the activity by the director and includes the implementation of a community outreach program concerning the activity.

Sec. 3751.01. As used in this chapter:

(A) "Confidential business information" means the types or categories of information identified in rules adopted by the administrator of the United States environmental protection agency under division (A)(1)(g) of section 3751.02 of the Revised Code EPCRA.

(B) "EPCRA" means the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11001, et seq.

(C) "Facility" means all buildings, equipment, structures, and other stationary items that are located on a single site or on contiguous or adjacent sites and that are owned or operated by the same person or by any person who controls, is controlled by, or is under common control with such person.

(D) "Manufacture" means the production, preparation, importation, or compounding of a toxic chemical. The term also applies to a toxic chemical produced coincidentally during the manufacture, processing, use, or disposal of another substance or mixture including, without limitation, byproducts and coproducts that are separated from the other substance or mixture and
impurities that remain in that substance or mixture.

(D) "Person" includes the state, any political subdivision or other state or local body, the United States and any agency or instrumentality thereof, and any entity defined as a person under section 1.59 of the Revised Code.

(E) "Process" means the preparation of a toxic chemical after its manufacture for distribution in commerce:

(1) In the same form or physical state as, or in a different form or physical state from, that in which it was received by the person so preparing such chemical;

(2) As part of an article containing the toxic chemical.

(F) "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or discharging into the environment of any toxic chemical including, without limitation, the abandonment or discarding of barrels, containers, and other closed receptacles that contained a toxic chemical.

(G) "Toxic chemical" means a chemical listed in rules adopted by the administrator of the United States environmental protection agency under division (A)(1)(a) of section 3751.02 of the Revised Code EPCRA.

Sec. 3751.02. (A) The director of environmental protection shall may do any of the following:

(1) (A) Adopt rules in accordance with Chapter 119. of the Revised Code that are consistent with and equivalent in scope, content, and coverage to, and no more stringent than section 313 of the "Emergency Planning and Community Right To Know Act of 1986," 100 Stat. 1741, 42 U.S.C.A. 11023, and regulations adopted under that section;

(a) Identifying and listing toxic chemicals, establishing
threshold quantities for any such chemical used, manufactured, or processed at a facility that differ from and supersede a threshold quantity prescribed in division (C) of section 3751.03 of the Revised Code, and establishing ranges of quantities of those chemicals to be used in preparing toxic chemical release forms under that section. The rules may establish different annual threshold quantities based upon whether a toxic chemical is used, manufactured, or processed at a facility or based upon classes of chemicals or categories of facilities.

(b) Adding or deleting standard industrial classification codes from the list in division (A)(1) of section 3751.03 of the Revised Code establishing the categories of facilities subject to the reporting requirements of that section;

(c) Applying the reporting requirements of section 3751.03 of the Revised Code to owners or operators of individual facilities in this state that manufacture, process, or otherwise use a toxic chemical, in addition to those subject to the reporting requirements of that section pursuant to the criteria contained in it or rules adopted under division (A)(1)(a) or (b) of this section;

(d) Modifying the frequency for submitting the report required by division (A) of section 3751.03 of the Revised Code applicable to:

(i) All toxic chemical release forms required to be submitted by division (A) of section 3751.03 of the Revised Code;

(ii) A class of toxic chemicals or a category of facilities;

(iii) A specific toxic chemical;

(iv) A specific facility;

(e) Establishing procedures for receiving and fulfilling requests from the public for information held by the director.
under this chapter;

(f) Establishing procedures and criteria to protect trade secret and confidential business information from unauthorized disclosure;

(g) Identifying the types or categories of information submitted or obtained under this chapter and rules adopted under it that constitute confidential business information;

(h) Establishing other requirements or authorizations that the director considers necessary or appropriate to implement and administer this chapter.

(2) Adopt rules in accordance with Chapter 119. of the Revised Code requiring that all claims for protection of information obtained under this chapter as a trade secret be submitted to the administrator of the United States environmental protection agency for determination under section 322 of the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1747, 42 U.S.C.A. 11042, and regulations adopted under that section.

(3) Prescribe and publish a uniform toxic release form to be used by owners or operators of facilities subject to the reporting requirements of section 3751.03 of the Revised Code. The form shall require the submission of only the information and certifications required by division (B) of section 3751.03 of the Revised Code and such additional information as is required to be provided on the uniform toxic chemical release form published by the administrator under section 313 of the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1741, 42 U.S.C.A. 11023.

(B) The director may:

(1) As the representative of the governor pursuant to section 313(b) of the "Emergency Planning and Community Right-To-Know Act
of 1986," 100 Stat. 1741, 42 U.S.C.A. 10041 EPCRA, request the administrator of the United States environmental protection agency to apply the toxic chemical release reporting requirements of section 313 of that act to the owner or operator of any facility in this state that manufactures, processes, or otherwise uses a toxic chemical if, in the director's judgment, such reporting is warranted by the toxicity of the toxic chemical manufactured, processed, or otherwise used at the facility; the proximity of the facility to other facilities that release the toxic chemical or to population centers; or the history of releases of the toxic chemical at the facility;

(2)(C) As the representative of the governor pursuant to section 313(e)(2) of the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1741, 42 U.S.C.A. 11041 EPCRA, petition the administrator to, by regulation, add a chemical to or delete a chemical from the list of toxic chemicals subject to the toxic chemical release reporting requirements of section 313 of that act if, in the director's judgment, the chemical meets the criteria of paragraph (d)(2) or (3) of required by that section act.

Sec. 3751.03. (A)(1) On or before the first day of July of each year or as otherwise prescribed in rules adopted by the administrator of the United States environmental protection agency under division (A)(1)(d) of section 3751.02 of the Revised Code EPCRA, the owner or operator of a facility that is in standard industrial classification codes 20 to 39 and any other codes added by rules adopted under division (A)(1)(b) of section 3751.02 of the Revised Code, as those standard industrial classification codes were in effect on July 1, 1985, that has ten or more full-time employees, and that manufactured, processed, or otherwise used during the preceding calendar year a toxic chemical in an amount exceeding the applicable threshold quantity
established in division (C) of this section or otherwise prescribed in rules adopted under division (A)(1)(a) of section 3751.02 of the Revised Code, described in division (A)(2) of this section shall prepare and submit to the director of environmental protection administrator a completed toxic chemical release form for each toxic chemical that was so manufactured, processed, or otherwise used at the facility during the preceding calendar year. The electronic submission of the form to the administrator constitutes simultaneous submission of the form to the director of environmental protection for purposes of EPCRA. The

(2) Division (A)(1) of this section applies to the owner or operator of a facility to which all of the following apply:

   (a) The facility is in standard industrial classification codes 20 to 39, as those codes were in effect on July 1, 1985, or in any other applicable code added by the administrator.

   (b) The owner or operator has ten or more full-time employees.

   (c) The facility manufactured, processed, or otherwise used during the calendar year immediately preceding the first day of July or date otherwise prescribed by the administrator, a toxic chemical in an amount exceeding the applicable threshold quantity established by the administrator under EPCRA.

(3) The owner or operator shall submit the information required by division (B) of this section on a uniform toxic chemical release form prescribed by the administrator under division (A)(3) of section 3751.02 of the Revised Code EPCRA. If the director has not prescribed the form, an owner or operator shall submit the information required to be included on the form under that division to the director by means of a letter postmarked not later than the date on which the form is due under this division.
(2) In addition to the owners or operators of facilities meeting the criteria enumerated in division (A)(1) of this section, the owners and operators of facilities identified in rules adopted under division (A)(1)(c) of section 3751.02 of the Revised Code shall comply with division (A)(1) of this section. Division (A)(1) of this section does not apply to the owner or operator of a facility in a standard industrial classification code that has been deleted from the list in division (A)(1) of this section by rules adopted under division (A)(1)(b) of section 3751.02 of the Revised Code.

(B) The uniform toxic chemical release form shall contain all of the following information:

(1) The name, location of, and principal business activities conducted at the facility;

(2) Each of the following items of information regarding the toxic chemical:

(a) Whether the toxic chemical is manufactured, processed, or otherwise used and the general category or categories of use of the chemical;

(b) An estimate of the maximum amount in pounds of the toxic chemical present at the facility at any time during the preceding calendar year. The estimate shall be provided in the appropriate reporting range established by rules adopted under division (A)(1)(a) of section 3751.02 of the Revised Code.

(c) The waste treatment or disposal methods employed for each waste stream and an estimate of the efficiency typically achieved by those methods for that waste stream;

(d) The quantity of the toxic chemical entering each environmental medium annually;

(e) An indication as to whether the owner or operator chooses
to withhold information about it as a trade secret and, if so, whether the owner or operator has filed a claim with the administrator of the United States environmental protection agency for protection of that information as a trade secret pursuant to rules adopted under division (A)(2) of section 3751.02 of the Revised Code.

(3) An appropriate certification regarding the accuracy and completeness of the report, signed by an official of the owner or operator with management responsibility.

(C) The threshold amounts for purposes of reporting toxic chemicals under this section are as follows:

(1) With respect to a toxic chemical used at a facility, ten thousand pounds for the applicable calendar year;

(2) With respect to a toxic chemical manufactured or processed at a facility:

(a) For the form required to be submitted on or before July 1, 1989, fifty thousand pounds per year;

(b) For the form required to be submitted on or before July 1, 1990, and for each year thereafter, twenty-five thousand pounds per year;

(c) Such other threshold quantities as may be prescribed by rules adopted under division (A)(1)(a) of section 3751.02 of the Revised Code.

(D)(B) The toxic chemical release forms required by this section are intended to provide information to federal, state, and local governments and the public, including residents of communities surrounding facilities covered by this section.

Subject to the limitations prescribed in section 3751.04 of the Revised Code and rules adopted under division (A)(1)(f) of section 3751.02 of the Revised Code governing the protection of trade
secrets and confidential business information, the director, upon request, shall make toxic chemical release forms submitted under this section available to inform persons about releases of toxic chemicals to the environment, to assist government agencies, researchers, and other persons in conducting research and gathering data, to aid in the development of appropriate rules, guidelines, standards, and emergency plans, and for other similar purposes.

(E) No owner or operator of a facility who is required by this section to file a toxic chemical release form shall fail to submit a toxic chemical release form as required by this section.

(F) An owner or operator of a facility who is required under this section to file a toxic chemical release form and who knowingly makes a false statement on that form, on a record upon which the information on that form is based, or on other information or records required to be kept or submitted under this chapter and the rules adopted under this chapter is guilty of falsification under section 2921.13 of the Revised Code.

Sec. 3751.04. (A) Except as otherwise provided in division (D) of this section, any person required to provide information to the director of environmental protection under section 3751.03 of the Revised Code may withhold from submission to the director or any other person the specific chemical identity, including the chemical name and other specific identification, of the toxic chemical on the grounds that the information constitutes a trade secret if either of the following conditions is met:

(1)(a) At the time of submitting the information sought to be classified as a trade secret, the owner or operator of the facility submits a claim for protection of that information as a trade secret pursuant to rules adopted regulations promulgated by the administrator of the United States environmental protection
agency under division (A)(2) of section 3751.02 of the Revised Code EPCRA, and submits a copy of the required toxic chemical release form that indicates that such a claim has been filed and contains the generic class or category of the identity in place of the identity and that is accompanied by a copy of the substantiation supporting the trade secret claim that was submitted to the administrator of the United States environmental protection agency. The owner or operator may withhold from the copy of the explanations and supplemental information submitted to the director information identified as confidential business information in rules adopted under division (A)(1)(g) of section 3751.02 of the Revised Code.

(b) A determination of the claim remains pending pursuant to those rules regulations.

(2) It has been determined by the administrator pursuant to rules adopted under division (A)(2) of section 3751.02 of the Revised Code those regulations that a trade secret exists.

(B) No person shall withhold the specific identity of a toxic chemical on the grounds that the information is a trade secret in either of the following instances:

(1) From any toxic chemical release form if it has been determined by the administrator pursuant to rules adopted regulations promulgated under division (A)(2) of section 3751.02 of the Revised Code EPCRA that no trade secret exists;

(2) When required to provide the specific chemical identity to a health professional, physician, or nurse pursuant to division (D) of this section.

(C) The governor may, pursuant to section 322 of the "Emergency Planning and Community Right To Know Act of 1986," 100 Stat. 1747, 42 U.S.C.A. 11042 EPCRA, request the administrator of the United States environmental protection agency to provide
specific chemical identities that are claimed or have been determined to be trade secret information or the explanations and supplemental information supporting trade secret protection claims regarding facilities located in this state that are subject to this chapter. The governor shall not make any trade secret or confidential information obtained under this division available to any member of the emergency planning commission created in section 3750.02 of the Revised Code or to any member of a local emergency planning committee of an emergency planning district established under section 3750.03 of the Revised Code who is not also an officer or employee of the state or a political subdivision. Any trade secret or confidential business information obtained under this division shall be protected from unauthorized disclosure in accordance with rules adopted under division (A)(1)(f) of section 3751.02 of the Revised Code.

(D)(1) The owner or operator of a facility that is subject to section 3751.03 of the Revised Code shall provide the specific chemical identity of a toxic chemical, if the specific chemical identity is known, to any health professional who submits to the owner or operator a written request and statement of need for the specific chemical identity. The written statement of need shall be a statement of the health professional that the health professional has a reasonable basis to believe that all of the following conditions pertain to the request:

(a) The information is needed for purposes of diagnosis or treatment of an individual;

(b) The individual being diagnosed or treated has been exposed to the chemical concerned;

(c) Knowledge of the specific chemical identity of the chemical will assist in diagnosis and treatment.

An owner or operator to whom such a written request and
statement of need is submitted shall provide the requested information to the health professional promptly after receiving the request and statement of need, subject to division (D)(4) of this section.

(2) The owner or operator of a facility that is subject to section 3751.03 of the Revised Code shall provide a copy of a toxic chemical release form that contains the specific chemical identity of a toxic chemical, if the specific chemical identity is known, to any treating physician or nurse who requests that information if the physician or nurse determines that all of the following conditions pertain to the request:

(a) A medical emergency exists;

(b) The specific chemical identity of the chemical concerned is necessary for or will assist in emergency or first aid diagnosis or treatment;

(c) The individual being diagnosed or treated has been exposed to the chemical concerned.

The owner or operator shall provide the requested information to the physician or nurse immediately upon receiving such a request. The owner or operator shall not require any such treating physician or nurse to provide a written confidentiality agreement or statement of need as a precondition for disclosure of a specific chemical identity under this division; however, the owner or operator may require the treating physician or nurse to provide a written confidentiality agreement under division (D)(4) of this section and a statement setting forth the conditions listed in divisions (D)(2)(a) to (c) of this section as soon after the disclosure is made as circumstances permit.

(3) The owner or operator of a facility that is subject to section 3751.03 of the Revised Code shall provide the specific chemical identity of a toxic chemical, if the specific chemical
identity is known, to any health professional, including, without
limitation, a physician, toxicologist, or epidemiologist, who is
either employed by or under contract with a political subdivision
and who submits to the owner or operator a written request for the
information, a written statement of need for the information that
meets the requirements of division (D)(3) of this section, and a
written confidentiality agreement under division (D)(4) of this
section. The owner or operator shall promptly after receipt of the
written request, statement of need, and confidentiality agreement
provide the requested information to the local health professional
who requested it.

The written statement of need for a specific chemical
identity required by division (D)(3) of this section shall
describe with reasonable detail one or more of the following
health needs for the information:

(a) To assess exposure of persons living in a local community
to the hazards of the chemical concerned;

(b) To conduct or assess sampling to determine exposure
levels of various population groups to the chemical concerned;

(c) To conduct periodic medical surveillance of population
groups exposed to the chemical concerned;

(d) To provide medical treatment to individuals or population
groups exposed to the chemical concerned;

(e) To conduct studies to determine the health effects of
exposure to the chemical concerned;

(f) To conduct studies to aid in the identification of a
chemical that may reasonably be anticipated to cause an observed
health effect.

(4) Any person who obtains information under division (D)(1)
or (3) of this section shall, as a precondition for receiving that
information, enter into a written confidentiality agreement with
the owner or operator of the facility from whom the information
was requested that the person will not use the information for any
purpose other than the health needs asserted in the statement of
need provided thereunder, except as otherwise may be authorized by
the terms of the agreement or by the person providing the
information.

(E) An officer or employee of the environmental protection
agency shall not request the owner or operator of a facility
subject to this chapter to submit to the officer or employee a
trade secret claim, toxic chemical release form required by
section 3751.03 of the Revised Code, substantiation of a trade
secret claim, or explanation or supporting information or copy
thereof pertaining to a trade secret claim, that contains any
information claimed or determined to be a trade secret pursuant to
rules adopted under division (A)(2) of section 3751.02 of the
Revised Code or identified as confidential business information by
rules adopted under division (A)(1)(g) of that section EPCRA. If
any officer or employee of the agency knows or has reason to
believe that a trade secret claim, toxic chemical release form,
substantiation, or explanation or supporting information
pertaining to a trade secret claim contains any such information,
the officer or employee immediately shall return it to the owner
or operator of the facility who submitted it without reading it
and shall request the owner or operator to submit the appropriate
report or substantiation that does not contain the information
claimed or determined to be a trade secret or so identified as
confidential business information.

(F) No officer or employee of the environmental protection
agency, health professional, physician, nurse, or other person who
receives information claimed or determined to be a trade secret
pursuant to rules adopted under division (A)(2) of section 3751.02
of the Revised Code or identified as confidential business
information by rules adopted by regulations promulgated by the
administrator under division (A)(1)(g) of section 3751.02 of the
Revised Code. EPCRA shall release any information so classified or
identified to any person not authorized to have that information
under division (C) of this section or rules adopted under division
(A)(1)(f) of section 3751.02 of the Revised Code. A violation of
this division is not also a violation of section 2913.02 or
2913.04 of the Revised Code.

Sec. 3751.05. (A) The owner or operator of a facility
required to annually file one or more toxic chemical release forms
under section 3751.03 of the Revised Code shall submit with the
release forms a filing fee of fifty dollars. In addition to the
filing fee, the owner or operator shall submit an additional fee
of fifteen dollars per release form filed but not exceeding a
total additional fee of five hundred dollars.

(B) An owner or operator of a facility who fails to submit a
toxic chemical release form within thirty days after the
applicable filing date prescribed in that section shall submit
with the form a late filing fee of fifteen per cent of the total
fees due under division (A) of this section, whichever is more, in
addition to the fees due under that division.

(C) The director of environmental protection may establish
fees to be paid by persons, other than public officers or
employees, obtaining copies of documents or information submitted
to the director under this chapter and rules adopted under it. The
fee shall be established at a level calculated to defray the costs
of copying the documents or information. The director may charge
the actual costs involved in accessing any computerized data base
established by him under this chapter or by the administrator of
the United States environmental protection agency under the
"Emergency Planning and Community Right To Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11002, needed to fulfill a request for information regarding releases of toxic chemicals for which reporting is required by this chapter and rules adopted under it.

(D) All moneys received by the director under this section and all civil penalties received under division (B) of section 3751.10 of the Revised Code shall be credited to the toxic chemical release reporting fund, hereby created in the state treasury. Moneys credited to the fund shall be expended by the director exclusively for the purposes of implementing, administering, and enforcing this chapter and the rules adopted and orders issued under it.

Sec. 3751.10. (A) The attorney general, the prosecuting attorney of the county, or the city director of law of the city where a violation has occurred or is occurring, upon the written request of the director of environmental protection, shall prosecute to termination or bring an action for injunction against any person who has violated or is violating any section of this chapter or any rule adopted or order issued under it. The court of common pleas in which an action for injunction is filed has the jurisdiction to and shall grant preliminary and permanent injunctive relief upon a showing that the person against whom the action is brought has violated or is violating any section of this chapter or a rule adopted or order issued under it. The court shall give precedence to such an action over all other cases.

Upon the certified written request of any person, the director shall conduct such investigations and make such inquiries as are necessary to secure compliance with this chapter or rules adopted or orders issued under it. The director may, upon request or upon his own initiative, investigate or make inquiries into any violation of this chapter or rules adopted or
orders issued under it.

(B) Whoever violates division (E) or (C) of section 3751.03, division (B)(1) or (2) of section 3751.04 of the Revised Code, or an order issued under this chapter, shall pay a civil penalty of not more than twenty-five thousand dollars for each day of violation. The attorney general, the prosecuting attorney of the county, or the city director of law of the city where a violation of this chapter or a rule adopted or order issued under it has occurred or is occurring, upon the written request of the director, shall bring an action for imposition of a civil penalty under this division against any person who has committed or is committing any such violation. All civil penalties received under this division shall be credited to the toxic chemical release reporting fund created in section 3751.05 of the Revised Code.

(C) Any action for injunction or civil penalties under division (A) or (B) of this section is a civil action governed by the Rules of Civil Procedure.

Sec. 3751.11. A member of the emergency response commission, officer or employee of the environmental protection agency, member or employee of a local emergency planning committee, officer or employee of a fire department, health professional, physician, nurse, or other person who receives information classified as a trade secret pursuant to rules adopted under division (A)(2) of section 3751.02 of the Revised Code or identified as confidential business information by rules adopted under division (A)(1)(g) of section 3751.02 of the Revised Code pursuant to EPCRA and who violates division (F) of section 3751.04 of the Revised Code or otherwise discloses information classified as a trade secret or identified as confidential business information pursuant to these rules that act to a person not authorized to have that information under division (C) of section 3751.04 of the Revised Code or rules
adopted under division (A)(1)(f) of section 3751.02 of the Revised Code EPCRA, is liable in damages in a civil action to the owner of the trade secret information for any injury or loss to person or property sustained by him the owner resulting from the violation or unauthorized disclosure of that information. Any owner of information so classified as a trade secret or identified as confidential business information who, as a result of a violation of division (F) of section 3751.04 of the Revised Code or by disclosure of trade secret or confidential business information to a person not authorized to have it pursuant to division (C) of section 3751.04 of the Revised Code or rules adopted under division (A)(1)(f) of section 3751.02 of the Revised Code EPCRA, sustains any injury or loss to person or property may bring a civil action for damages and other appropriate relief against the person who violated that division or otherwise disclosed the trade secret or confidential business information to a person not so authorized to have it.

In such a civil action, if the plaintiff establishes by a preponderance of the evidence, and if the trier of fact finds, that the defendant violated that division or otherwise disclosed information classified as a trade secret or identified as confidential business information to a person not so authorized to have it, and that the plaintiff sustained injury or loss to person or property as a result of the violation or unauthorized disclosure of the information, the trier of fact may award compensatory damages and such other relief as the trier of fact finds appropriate.

In any civil action under this section the court may award costs and reasonable attorney's fees to the prevailing party.

Liability imposed under this section for a violation of division (F) of section 3751.04 of the Revised Code is in addition to other civil liability, if any, under the Revised Code or common law.
law of this state and in addition to any criminal penalty that is
imposed for the same violation under section 3751.99 of the
Revised Code.

Sec. 3769.087. (A) In addition to the commission of eighteen
per cent retained by each permit holder as provided in section
3769.08 of the Revised Code, each permit holder shall retain an
additional amount equal to four per cent of the total of all
moneys wagered on each racing day on all wagering pools other than
win, place, and show, of which amount retained an amount equal to
three per cent of the total of all moneys wagered on each racing
day on those pools shall be paid in the manner prescribed under
section 3769.103 of the Revised Code, as a tax. Subject to the
restrictions contained in divisions (B), (C), and (M) of section
3769.08 of the Revised Code, from such additional moneys paid to
the tax commissioner:

(1) Four-sixths shall be allocated to fund distribution as
provided in division (M) of section 3769.08 of the Revised Code.

(2) One-twelfth shall be paid into the Ohio fairs fund
created by section 3769.082 of the Revised Code.

(3) One-sixth of the additional moneys paid to
the tax commissioner by thoroughbred racing permit holders shall
be paid into the Ohio thoroughbred race fund created by section
3769.083 of the Revised Code.

(4) One-twelfth of the additional moneys paid to the tax
commissioner by harness horse racing permit holders shall be paid
to the Ohio standardbred development fund created by section
3769.085 of the Revised Code.

(5) One-sixth shall be paid into the state racing commission
operating fund created by section 3769.03 of the Revised Code.

(6) One-twelfth of the additional moneys paid to the tax
commissioner by quarterhorse racing permit holders shall be paid into the Ohio thoroughbred race fund created by section 3769.083 of the Revised Code to support quarterhorse development and purses.

The remaining one per cent that is retained of the total of all moneys wagered on each racing day on all pools other than win, place, and show, shall be retained by racing permit holders, and, except as otherwise provided in section 3769.089 of the Revised Code, racing permit holders shall use one-half for purse money and retain one-half.

(B) In addition to the commission of eighteen per cent retained by each permit holder as provided in section 3769.08 of the Revised Code and the additional amount retained by each permit holder as provided in division (A) of this section, each permit holder shall retain an additional amount equal to one-half of one per cent of the total of all moneys wagered on each racing day on all wagering pools other than win, place, and show. The additional amount retained under this division shall be paid in the manner prescribed under section 3769.103 of the Revised Code, as a tax. The tax commissioner shall pay the amount of the tax received under this division to the state racing commission operating fund created by section 3769.03 of the Revised Code.

(C) Unless otherwise agreed to by the video lottery sales agent and the applicable horsemen's association recognized by the state racing commission to represent such persons, within ninety days after September 29, 2013, for video lottery sales agents operating as such on September 29, 2013, or within six months after the date a video lottery sales agent begins operating as such for video lottery sales agents not operating as such on September 29, 2013, the state racing commission shall direct through rule that a percentage of the lottery sales agent's commission as determined by the state lottery commission for...
conducting video lottery terminal gaming on behalf of the state be paid to the state racing commission for the benefit of breeding and racing in this state. The percentage so determined shall not be less than nine per cent or more than eleven per cent of the video lottery terminal income, and shall be a sliding scale based upon capital expenditures necessary to build the video lottery sales agent's facility. The aggregate of one hundred per cent of video lottery terminal income minus the lottery sales agent's commission percentage as determined by the state lottery commission plus the percentage of the lottery sale agent's commission, as determined by the state racing commission or otherwise agreed to by the video lottery sales agent and the applicable horsemen's association recognized by the state racing commission to represent such persons, for the benefit of breeding and racing in this state shall not exceed forty-five per cent of the video lottery terminal income. In addition, beginning July 1, 2013, the state lottery commission shall adopt a rule to require the lottery sales agent conducting video lottery terminal gaming on behalf of the state to disperse to the state lottery commission one-half of one per cent of such a lottery sales agent's commission for the purpose of providing funding support to appropriate state agencies for programs that provide for gambling addiction and other related addiction services. The state lottery commission's rule also may require the lottery sales agent conducting video lottery terminal gaming on behalf of the state to disperse to the state lottery commission an additional amount up to one-half of one per cent of such a lottery sales agent's commission for that purpose.

Sec. 3770.02. (A) Subject to the advice and consent of the senate, the governor shall appoint a director of the state lottery commission who shall serve at the pleasure of the governor. The director shall devote full time to the duties of the office and
shall hold no other office or employment. The director shall meet all requirements for appointment as a member of the commission and shall, by experience and training, possess management skills that equip the director to administer an enterprise of the nature of a state lottery. The director shall receive an annual salary in accordance with pay range 48 of section 124.152 of the Revised Code.

(B)(1) The director shall attend all meetings of the commission and shall act as its secretary. The director shall keep a record of all commission proceedings and shall keep the commission's records, files, and documents at the commission's principal office. All records of the commission's meetings shall be available for inspection by any member of the public, upon a showing of good cause and prior notification to the director.

(2) The director shall be the commission's executive officer and shall be responsible for keeping all commission records and supervising and administering the state lottery in accordance with this chapter, and carrying out all commission rules adopted under section 3770.03 of the Revised Code.

(C)(1) The director shall appoint an assistant director, deputy directors of marketing, operations, sales, finance, public relations, security, and administration, as necessary and as many regional managers as are required. The director may also appoint necessary professional, technical, and clerical assistants. All such officers and employees shall be appointed and compensated pursuant to Chapter 124 of the Revised Code. Regional and assistant regional managers, sales representatives, and any lottery executive account representatives shall remain in the unclassified service. The assistant director shall act as director in the absence or disability of the director. If the director does not appoint an assistant director, the director shall designate a deputy director to act as director in the absence or disability of
the director.

(2) The director, in consultation with the director of administrative services, may establish standards of proficiency and productivity for commission field representatives.

(D) The director shall request the bureau of criminal identification and investigation, the department of public safety, or any other state, local, or federal agency to supply the director with the criminal records of any job applicant and may periodically request the criminal records of commission employees. At or prior to the time of making such a request, the director shall require a job applicant or commission employee to obtain fingerprint cards prescribed by the superintendent of the bureau of criminal identification and investigation at a qualified law enforcement agency, and the director shall cause these fingerprint cards to be forwarded to the bureau of criminal identification and investigation and the federal bureau of investigation. The commission shall assume the cost of obtaining the fingerprint cards and shall pay to each agency supplying criminal records for each investigation under this division a reasonable fee, as determined by the agency.

(E) The director shall license lottery sales agents pursuant to section 3770.05 of the Revised Code and, when it is considered necessary, may revoke or suspend the license of any lottery sales agent. The director may license video lottery technology providers, independent testing laboratories, and gaming employees, and promulgate rules relating thereto. When the director considers it necessary, the director may suspend or revoke the license of a video lottery technology provider, independent testing laboratory, or gaming employee, including suspension or revocation without affording an opportunity for a prior hearing under section 119.07 of the Revised Code when the public safety, convenience, or trust requires immediate action.
(F) The director shall confer at least once each month with the commission, at which time the director shall advise it regarding the operation and administration of the lottery. The director shall make available at the request of the commission all documents, files, and other records pertaining to the operation and administration of the lottery. The director shall prepare and make available to the commission each month a complete and accurate accounting of lottery revenues, prize money disbursements and the cost of goods and services awarded as prizes, operating expenses, and all other relevant financial information, including an accounting of all transfers made from any lottery funds in the custody of the treasurer of state to benefit education.

(G) The director may enter into contracts for the operation or promotion of the lottery pursuant to Chapter 125. of the Revised Code.

(H)(1) Pursuant to rules adopted by the commission under section 3770.03 of the Revised Code, the director shall require any lottery sales agents to deposit to the credit of the state lottery fund, in banking institutions designated by the treasurer of state, net proceeds due the commission as determined by the director.

(2) Pursuant to rules adopted by the commission under Chapter 119. of the Revised Code, the director may impose penalties for the failure of a sales agent to transfer funds to the commission in a timely manner. Penalties may include monetary penalties, immediate suspension or revocation of a license, or any other penalty the commission adopts by rule.

(I) The director may arrange for any person, or any banking institution, to perform functions and services in connection with the operation of the lottery as the director may consider necessary to carry out this chapter.
(J)(1) As used in this chapter, "statewide joint lottery game" means a lottery game that the commission sells solely within this state under an agreement with other lottery jurisdictions to sell the same lottery game solely within their statewide or other jurisdictional boundaries.

(2) If the governor directs the director to do so, the director shall enter into an agreement with other lottery jurisdictions to conduct statewide joint lottery games. If the governor signs the agreement personally or by means of an authenticating officer pursuant to section 107.15 of the Revised Code, the director then may conduct statewide joint lottery games under the agreement.

(3) The entire net proceeds from any statewide joint lottery games shall be used to fund elementary, secondary, vocational, and special education programs in this state.

(4) The commission shall conduct any statewide joint lottery games in accordance with rules it adopts under division (B)(5) of section 3770.03 of the Revised Code.

(K)(1) The director shall enter into an agreement with the department of mental health and addiction services under which the department shall provide a program of gambling addiction services on behalf of the commission. The commission shall pay the costs of the program provided pursuant to the agreement.

(2) As used in this section, "gambling addiction services" has the same meaning as in section 5119.01 of the Revised Code.

Sec. 3770.03. (A) The state lottery commission shall promulgate rules under which a statewide lottery may be conducted, which includes, and since the original enactment of this section has included, the authority for the commission to operate video lottery terminal games. Any reference in this chapter to tickets
shall not be construed to in any way limit the authority of the
commission to operate video lottery terminal games. Nothing in
this chapter shall restrict the authority of the commission to
promulgate rules related to the operation of games utilizing video
lottery terminals as described in section 3770.21 of the Revised
Code. The rules shall be promulgated pursuant to Chapter 119. of
the Revised Code, except that instant game rules shall be
promulgated pursuant to section 111.15 of the Revised Code but are
not subject to division (D) of that section. Subjects covered in
these rules shall include, but need not be limited to, the
following:

(1) The type of lottery to be conducted;

(2) The prices of tickets in the lottery;

(3) The number, nature, and value of prize awards, the manner
and frequency of prize drawings, and the manner in which prizes
shall be awarded to holders of winning tickets.

(B) The commission shall promulgate rules, in addition to
those described in division (A) of this section, pursuant to
Chapter 119. of the Revised Code under which a statewide lottery
and statewide joint lottery games may be conducted. Subjects
covered in these rules shall include, but not be limited to, the
following:

(1) The locations at which lottery tickets may be sold and
the manner in which they are to be sold. These rules may authorize
the sale of lottery tickets by commission personnel or other
licensed individuals from traveling show wagons at the state fair,
and at any other expositions the director of the commission
considers acceptable. These rules shall prohibit commission
personnel or other licensed individuals from soliciting from an
exposition the right to sell lottery tickets at that exposition,
but shall allow commission personnel or other licensed individuals
to sell lottery tickets at an exposition if the exposition requests commission personnel or licensed individuals to do so. These rules may also address the accessibility of sales agent locations to commission products in accordance with the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 et seq.

(2) The manner in which lottery sales revenues are to be collected, including authorization for the director to impose penalties for failure by lottery sales agents to transfer revenues to the commission in a timely manner;

(3) The amount of compensation to be paid licensed lottery sales agents;

(4) The substantive criteria for the licensing of lottery sales agents consistent with section 3770.05 of the Revised Code, and procedures for revoking or suspending their licenses consistent with Chapter 119. of the Revised Code. If circumstances, such as the nonpayment of funds owed by a lottery sales agent, or other circumstances related to the public safety, convenience, or trust, require immediate action, the director may suspend a license without affording an opportunity for a prior hearing under section 119.07 of the Revised Code.

(5) Special game rules to implement any agreements signed by the governor that the director enters into with other lottery jurisdictions under division (J) of section 3770.02 of the Revised Code to conduct statewide joint lottery games. The rules shall require that the entire net proceeds of those games that remain, after associated operating expenses, prize disbursements, lottery sales agent bonuses, commissions, and reimbursements, and any other expenses necessary to comply with the agreements or the rules are deducted from the gross proceeds of those games, be transferred to the lottery profits education fund under division (B) of section 3770.06 of the Revised Code.
(6) Any other subjects the commission determines are necessary for the operation of video lottery terminal games, including the establishment of any fees, fines, or payment schedules, or the establishment of a voluntary exclusion program.

(C) Chapter 2915. of the Revised Code does not apply to, affect, or prohibit lotteries conducted pursuant to this chapter.

(D) The commission may promulgate rules, in addition to those described in divisions (A) and (B) of this section, that establish standards governing the display of advertising and celebrity images on lottery tickets and on other items that are used in the conduct of, or to promote, the statewide lottery and statewide joint lottery games. Any revenue derived from the sale of advertising displayed on lottery tickets and on those other items shall be considered, for purposes of section 3770.06 of the Revised Code, to be related proceeds in connection with the statewide lottery or gross proceeds from statewide joint lottery games, as applicable.

(E)(1) The commission shall meet with the director at least once each month and shall convene other meetings at the request of the chairperson or any five of the members. No action taken by the commission shall be binding unless at least five of the members present vote in favor of the action. A written record shall be made of the proceedings of each meeting and shall be transmitted forthwith to the governor, the president of the senate, the senate minority leader, the speaker of the house of representatives, and the house minority leader.

(2) The director shall present to the commission a report each month, showing the total revenues, prize disbursements, and operating expenses of the state lottery for the preceding month. As soon as practicable after the end of each fiscal year, the commission shall prepare and transmit to the governor and the general assembly a report of lottery revenues, prize...
disbursements, and operating expenses for the preceding fiscal year and any recommendations for legislation considered necessary by the commission.

Sec. 3770.06. (A) There is hereby created the state lottery gross revenue fund, which shall be in the custody of the treasurer of state but shall not be part of the state treasury. All gross revenues received from sales of lottery tickets, fines, fees, and related proceeds in connection with the statewide lottery and all gross proceeds from statewide joint lottery games shall be deposited into the fund. The treasurer of state shall invest any portion of the fund not needed for immediate use in the same manner as, and subject to all provisions of law with respect to the investment of, state funds. The treasurer of state shall disburse money from the fund on order of the director of the state lottery commission or the director's designee.

Except for gross proceeds from statewide joint lottery games, all revenues of the state lottery gross revenue fund that are not paid to holders of winning lottery tickets, that are not required to meet short-term prize liabilities, that are not credited to lottery sales agents in the form of bonuses, commissions, or reimbursements, that are not paid to financial institutions to reimburse those institutions for sales agent nonsufficient funds, and that are collected from sales agents for remittance to insurers under contract to provide sales agent bonding services shall be transferred to the state lottery fund, which is hereby created in the state treasury. In addition, all revenues of the state lottery gross revenue fund that represent the gross proceeds from the statewide joint lottery games and that are not paid to holders of winning lottery tickets, that are not required to meet short-term prize liabilities, that are not credited to lottery sales agents in the form of bonuses, commissions, or reimbursements, and that are not necessary to cover operating
expenses associated with those games or to otherwise comply with
the agreements signed by the governor that the director enters
into under division (J) of section 3770.02 of the Revised Code or
the rules the commission adopts under division (B)(5) of section
3770.03 of the Revised Code shall be transferred to the state
lottery fund. All investment earnings of the fund shall be
credited to the fund. Moneys shall be disbursed from the fund
pursuant to vouchers approved by the director. Total disbursements
for monetary prize awards to holders of winning lottery tickets in
connection with the statewide lottery and purchases of goods and
services awarded as prizes to holders of winning lottery tickets
shall be of an amount equal to at least fifty per cent of the
total revenue accruing from the sale of lottery tickets.

(B) Pursuant to Section 6 of Article XV, Ohio Constitution,
there is hereby established in the state treasury the lottery
profits education fund. Whenever, in the judgment of the director
of the state lottery commission, the amount to the credit of the
state lottery fund that does not represent proceeds from statewide
joint lottery games is in excess of that needed to meet the
maturing obligations of the commission and as working capital for
its further operations, the director of the state lottery
commission shall recommend the amount of the excess to be
transferred to the lottery profits education fund, and the
director of budget and management may transfer the excess to the
lottery profits education fund in connection with the statewide
lottery. In addition, whenever, in the judgment of the director of
the state lottery commission, the amount to the credit of the
state lottery fund that represents proceeds from statewide joint
lottery games equals the entire net proceeds of those games as
described in division (B)(5) of section 3770.03 of the Revised
Code and the rules adopted under that division, the director of
the state lottery commission shall recommend the amount of the
proceeds to be transferred to the lottery profits education fund,
and the director of budget and management may transfer those proceeds to the lottery profits education fund. Investment earnings of the lottery profits education fund shall be credited to the fund.

The lottery profits education fund shall be used solely for the support of elementary, secondary, vocational, and special education programs as determined in appropriations made by the general assembly, or as provided in applicable bond proceedings for the payment of debt service on obligations issued to pay costs of capital facilities, including those for a system of common schools throughout the state pursuant to section 2n of Article VIII, Ohio Constitution. When determining the availability of money in the lottery profits education fund, the director of budget and management may consider all balances and estimated revenues of the fund.

(C) There is hereby established in the state treasury the deferred prizes trust fund. With the approval of the director of budget and management, an amount sufficient to fund annuity prizes shall be transferred from the state lottery fund and credited to the trust fund. The treasurer of state shall credit all earnings arising from investments purchased under this division to the trust fund. Within sixty days after the end of each fiscal year, the treasurer of state shall certify to the director of budget and management whether the actuarial amount of the trust fund is sufficient over the fund's life for continued funding of all remaining deferred prize liabilities as of the last day of the fiscal year just ended. Also, within that sixty days, the director of budget and management shall certify the amount of investment earnings necessary to have been credited to the trust fund during the fiscal year just ending to provide for such continued funding of deferred prizes. Any earnings credited in excess of the latter certified amount shall be transferred to the lottery profits fund.
education fund.

To provide all or a part of the amounts necessary to fund deferred prizes awarded by the commission in connection with the statewide lottery, the treasurer of state, in consultation with the commission, may invest moneys contained in the deferred prizes trust fund which represents proceeds from the statewide lottery in obligations of the type permitted for the investment of state funds but whose maturities are thirty years or less.

Notwithstanding the requirements of any other section of the Revised Code, to provide all or part of the amounts necessary to fund deferred prizes awarded by the commission in connection with statewide joint lottery games, the treasurer of state, in consultation with the commission, may invest moneys in the trust fund which represent proceeds derived from the statewide joint lottery games in accordance with the rules the commission adopts under division (B)(5) of section 3770.03 of the Revised Code.

Investments of the trust fund are not subject to the provisions of division (A)(10) of section 135.143 of the Revised Code limiting to twenty-five per cent the amount of the state's total average portfolio that may be invested in debt interests other than commercial paper and limiting to five per cent the amount that may be invested in debt interests, including commercial paper, of a single issuer.

All purchases made under this division shall be effected on a delivery versus payment method and shall be in the custody of the treasurer of state.

The treasurer of state may retain an investment advisor, if necessary. The commission shall pay any costs incurred by the treasurer of state in retaining an investment advisor.

(D) The auditor of state shall conduct annual audits of all funds and any other audits as the auditor of state or the general assembly considers necessary. The auditor of state may examine all
records, files, and other documents of the commission, and records of lottery sales agents that pertain to their activities as agents, for purposes of conducting authorized audits.

(E) The state lottery commission shall establish an internal audit plan before the beginning of each fiscal year, subject to the approval of the office of internal audit in the office of budget and management. At the end of each fiscal year, the commission shall prepare and submit an annual report to the office of internal audit for the office's review and approval, specifying the internal audit work completed by the end of that fiscal year and reporting on compliance with the annual internal audit plan. Any preliminary or final report of an internal audit's findings and recommendations, which is produced by the office of internal audit of the state lottery commission, and all work papers of the internal audit, is confidential and not a public record under section 149.43 of the Revised Code until the final report of an internal audit's findings and recommendations has been submitted to the director of the commission and the chairperson of the commission, or the chairperson's commission member designee.

(F) Whenever, in the judgment of the director of budget and management, an amount of net state lottery proceeds is necessary to be applied to the payment of debt service on obligations, all as defined in sections 151.01 and 151.03 of the Revised Code, the director shall transfer that amount directly from the state lottery fund or from the lottery profits education fund to the bond service fund defined in those sections. The provisions of this division are subject to any prior pledges or obligation of those amounts to the payment of bond service charges as defined in division (C) of section 3318.21 of the Revised Code, as referred to in division (B) of this section.

Sec. 3770.22. (A) Any information concerning the following
that is submitted, collected, or gathered as part of an application to the state lottery commission for a video lottery related license under this chapter is confidential and not subject to disclosure by a state agency or political subdivision as a public record under section 149.43 of the Revised Code:

(1) A dependent of an applicant;

(2) The social security number, passport number, or federal tax identification number of an applicant or the spouse of an applicant;

(3) The home address and telephone number of an applicant or the spouse or dependent of an applicant;

(4) An applicant's birth certificate;

(5) The driver's license number of an applicant or the applicant's spouse;

(6) The name or address of a previous spouse of the applicant;

(7) The date of birth of the applicant and the spouse of an applicant;

(8) The place of birth of the applicant and the spouse of an applicant;

(9) The personal financial information and records of an applicant or of an employee or the spouse or dependent of an applicant, including tax returns and information, and records of criminal proceedings;

(10) Any information concerning a victim of domestic violence, sexual assault, or stalking;

(11) The electronic mail address of the spouse or family member of the applicant;

(12) Any trade secret, medical records, and patents or
exclusive licenses;

(13) Security information, including risk prevention plans, detection and countermeasures, location of count rooms or other money storage areas, emergency management plans, security and surveillance plans, equipment and usage protocols, and theft and fraud prevention plans and countermeasures;

(14) Information provided in a multijurisdictional personal history disclosure form, including the Ohio supplement, exhibits, attachments, and updates.

(B) The individual's name, the individual's place of employment, the individual's job title, and the individual's gaming experience that is provided for an individual who holds, held, or has applied for a video lottery related license under this chapter is not confidential. The reason for denial or revocation of a video lottery related license or for disciplinary action against the individual is not confidential.

(C) An individual who holds, held, or has applied for a video lottery related license under this chapter may waive the confidentiality requirements of division (A) of this section.

(D) Confidential information received by the commission from another jurisdiction relating to a person who holds, held, or has applied for a license under this chapter is confidential and not subject to disclosure as a public record under section 149.43 of the Revised Code. The commission may share the information referenced in this division with, or disclose the information to, the inspector general, any appropriate prosecuting authority, any law enforcement agency, or any other appropriate governmental or licensing agency, if the agency that receives the information complies with the same requirements regarding confidentiality as those with which the commission must comply.

The applicant shall complete a cover sheet for the
application on which the applicant shall disclose the applicant's name, the business address of the lottery sales agent, management company, holding company, or gaming-related vendor employing the applicant, the business address and telephone number of such employer, and the county, state, and country in which the applicant's residence is located.

(E) The identity and personal information of a person participating in a voluntary exclusion program implemented either by the lottery commission or a video lottery terminal sales agent shall be confidential and only shall be disseminated according to the following:

(1) The commission may disseminate the information to a video lottery terminal sales agent and the agents and employees of the agent for purposes of enforcement.

(2) A video lottery terminal sales agent operating a voluntary exclusion program may disseminate the information to the agents, employees of the agent, and to the commission for purposes of enforcement.

(3) Either the commission or a video lottery terminal sales agent operating a voluntary exclusion program may disseminate the information to other entities upon request of the participant and agreement by the commission.

Sec. 3781.06. (A)(1) Any building that may be used as a place of resort, assembly, education, entertainment, lodging, dwelling, trade, manufacture, repair, storage, traffic, or occupancy by the public, any residential building, and all other buildings or parts and appurtenances of those buildings erected within this state, shall be so constructed, erected, equipped, and maintained that they shall be safe and sanitary for their intended use and occupancy.
(2) Nothing in sections 3781.06 to 3781.18 and 3791.04 of the Revised Code shall be construed to limit the power of the manufactured homes commission division of industrial compliance of the department of commerce to adopt rules of uniform application governing manufactured home parks pursuant to section 4781.26 of the Revised Code.

(B) Sections 3781.06 to 3781.18 and 3791.04 of the Revised Code do not apply to either of the following:

(1) Buildings or structures that are incident to the use for agricultural purposes of the land on which the buildings or structures are located, provided those buildings or structures are not used in the business of retail trade. For purposes of this division, a building or structure is not considered used in the business of retail trade if fifty per cent or more of the gross income received from sales of products in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms owned or operated by the seller.

(2) Existing single-family, two-family, and three-family detached dwelling houses for which applications have been submitted to the director of job and family services pursuant to section 5104.03 of the Revised Code for the purposes of operating type A family day-care homes as defined in section 5104.01 of the Revised Code.

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the Revised Code:

(1) "Agricultural purposes" include agriculture, farming, dairying, pasturage, apiculture, algaculture meaning the farming of algae, horticulture, floriculture, viticulture, ornamental horticulture, olericulture, pomiculture, and animal and poultry husbandry.
(2) "Building" means any structure consisting of foundations, walls, columns, girders, beams, floors, and roof, or a combination of any number of these parts, with or without other parts or appurtenances.

(3) "Industrialized unit" means a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not include a manufactured home as defined by division (C)(4) of this section or a mobile home as defined by division (O) of section 4501.01 of the Revised Code.

(4) "Manufactured home" means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

(5) "Permanent foundation" means permanent masonry, concrete, or a footing or foundation approved by the division of industrial compliance of the department of commerce pursuant to Chapter 4781. of the Revised Code, to which a manufactured or mobile home may be affixed.

(6) "Permanently sited manufactured home" means a manufactured home that meets all of the following criteria:
(a) The structure is affixed to a permanent foundation and is connected to appropriate facilities;

(b) The structure, excluding any addition, has a width of at least twenty-two feet at one point, a length of at least twenty-two feet at one point, and a total living area, excluding garages, porches, or attachments, of at least nine hundred square feet;

(c) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;

(d) The structure was manufactured after January 1, 1995;

(e) The structure is not located in a manufactured home park as defined by section 4781.01 of the Revised Code.

(7) "Safe," with respect to a building, means it is free from danger or hazard to the life, safety, health, or welfare of persons occupying or frequenting it, or of the public and from danger of settlement, movement, disintegration, or collapse, whether such danger arises from the methods or materials of its construction or from equipment installed therein, for the purpose of lighting, heating, the transmission or utilization of electric current, or from its location or otherwise.

(8) "Sanitary," with respect to a building, means it is free from danger or hazard to the health of persons occupying or frequenting it or to that of the public, if such danger arises from the method or materials of its construction or from any equipment installed therein, for the purpose of lighting, heating, ventilating, or plumbing.

(9) "Residential building" means a one-family, two-family, or three-family dwelling house, and any accessory structure incidental to that dwelling house. "Residential building" includes a one-family, two-family, or three-family dwelling house that is...
used as a model to promote the sale of a similar dwelling house. "Residential building" does not include an industrialized unit as defined by division (C)(3) of this section, a manufactured home as defined by division (C)(4) of this section, or a mobile home as defined by division (O) of section 4501.01 of the Revised Code.

(10) "Nonresidential building" means any building that is not a residential building or a manufactured or mobile home.

(11) "Accessory structure" means a structure that is attached to a residential building and serves the principal use of the residential building. "Accessory structure" includes, but is not limited to, a garage, porch, or screened-in patio.

Sec. 4104.15. (A) All certificates of inspection for boilers, issued prior to October 15, 1965, are valid and effective for the period set forth in such certificates unless sooner withdrawn by the superintendent of industrial compliance. The owner or user of any such boiler shall obtain an appropriate certificate of operation for such boiler, and shall not operate such boiler, or permit it to be operated unless a certificate of operation has been obtained in accordance with section 4104.17 of the Revised Code.

(B) If, upon making the internal and external inspection required under sections 4104.11, 4104.12, and 4104.13 of the Revised Code, the inspector finds the boiler to be in safe working order, with the fittings necessary to safety, and properly set up, upon the inspector's report to the superintendent, the superintendent shall issue to the owner or user thereof, or renew, upon application and upon a boiler owner or user is in compliance with sections 4104.13, 4104.17, and 4104.18 of the Revised Code, the superintendent, upon application, shall issue the boiler owner or user a certificate of operation or renew the boiler owner's or user's certificate of operation. The certificate of operation...
which shall state:

(1) State the maximum pressure at which the boiler may be operated, as ascertained by the rules of the board of building standards. Such certificates shall also state the name of the owner or user, the location, size, and number of each boiler, and the date of issuance, and shall be:

(2) Be so placed as to be easily read in the engine room or boiler room of the plant where the boiler is located, except that the certificate of operation for a portable boiler shall be kept on the premises and shall be accessible at all times.

(C) If an inspector at any inspection finds that the boiler or pressure vessel is not in safe working condition, or is not provided with the fittings necessary to safety, or if the fittings are improperly arranged, the inspector shall immediately notify the owner or user and person in charge of the boiler and shall report the same to the superintendent who may revoke, suspend, or deny the certificate of operation and not renew the same until the boiler or pressure vessel and its fittings are put in condition to insure safety of operation, and the owner or user shall not operate the boiler or pressure vessel, or permit it to be operated until such certificate has been granted or restored.

(D) If the superintendent or a general boiler inspector finds that a pressure vessel or boiler or a part thereof poses an explosion hazard that reasonably can be regarded as posing an imminent danger of death or serious physical harm to persons, the superintendent or the general boiler inspector shall seal the pressure vessel or boiler and order, in writing, the operator or owner of the pressure vessel or boiler to immediately cease the pressure vessel's or boiler's operation. The order shall be effective until the nonconformities are eliminated, corrected, or otherwise remedied, or for a period of seventy-two hours from the time of issuance, whichever occurs first. During the
seventy-two-hour period, the superintendent may request that the prosecuting attorney or city attorney of Franklin county or of the county in which the pressure vessel or boiler is located obtain an injunction restraining the operator or owner of the pressure vessel or boiler from continuing its operation after the seventy-two-hour period expires until the nonconformities are eliminated, corrected, or otherwise remedied.

(E) Each boiler which has been inspected shall be assigned a number by the superintendent, which number shall be stamped on a nonferrous metal tag affixed to the boiler or its fittings by seal or otherwise. No person except an inspector shall deface or remove any such number or tag.

(F) If the owner or user of any pressure vessel or boiler disagrees with the inspector as to the necessity for shutting down a pressure vessel or boiler or for making repairs or alterations in it, or taking any other measures for safety that are requested by an inspector, the owner or user may appeal from the decision of the inspector to the superintendent, who may, after such other inspection by a general inspector or special inspector as the superintendent deems necessary, decide the issue.

(G) Neither sections 4104.01 to 4104.20 of the Revised Code, nor an inspection or report by any inspector, shall relieve the owner or user of a pressure vessel or boiler of the duty of using due care in the inspection, operation, and repair of the pressure vessel or boiler or of any liability for damages for failure to inspect, repair, or operate the pressure vessel or boiler safely.

Sec. 4104.18. (A) The owner or user of a boiler required under section 4104.12 of the Revised Code to be inspected upon installation, and the owner or user of a boiler for which a certificate of inspection has been issued which is replaced with an appropriate certificate of operation, shall pay to the
superintendent of industrial compliance an initial certificate of operation fee in the following amount of fifty, as applicable:

(1) Fifty dollars for boilers subject to annual inspections under section 4104.11 of the Revised Code.

(2) One hundred dollars for boilers subject to biennial inspection under section 4104.13 of the Revised Code.

(3) One hundred fifty dollars for boilers subject to triennial inspection under section 4104.11 of the Revised Code, or

two; or

(4) Two hundred fifty dollars for boilers subject to quinquennial inspection under section 4104.13 of the Revised Code.

(B) The owner or user of a boiler required under section 4104.12 of the Revised Code to be inspected upon installation, and the owner or user of a boiler for which a certificate of inspection has been issued that is replaced with an appropriate certificate of operation, shall pay to the superintendent of industrial compliance an annual certificate of operation renewal fee in the following amount, as applicable:

(1) Fifty dollars for boilers subject to annual inspections under section 4101.11 of the Revised Code;

(2) One hundred dollars for boilers subject to biennial inspections under section 4104.13 of the Revised Code;

(3) One hundred fifty dollars for boilers subject to triennial inspections under section 4104.11 of the Revised Code;

(4) Two hundred fifty dollars for boilers subject to quinquennial inspections under section 4104.13 of the Revised Code.

(C) The fee for complete inspection during construction by a general inspector on boilers and pressure vessels manufactured within the state shall be thirty-five dollars per hour. Boiler and
pressure vessel manufacturers other than those located in the state may secure inspection by a general inspector on work during construction, upon application to the superintendent, and upon payment of a fee of thirty-five dollars per hour, plus the necessary traveling and hotel expenses incurred by the inspector.

(C) (D) The application fee for applicants for steam engineer, high pressure boiler operator, or low pressure boiler operator licenses is seventy-five dollars. The fee for each original or renewal steam engineer, high pressure boiler operator, or low pressure boiler operator license is fifty dollars.

(D) The director of commerce, subject to the approval of the controlling board, may establish fees in excess of the fees provided in divisions (A), (B), and (C) of this section. (E) The superintendent of industrial compliance, by rule adopted in accordance with Chapter 119. of the Revised Code, may increase the fees required by this section and may establish fees to pay the costs of the division to fulfill its duties established by this chapter. The fees shall bear some reasonable relationship to the cost of administering and enforcing the provisions of this chapter. Any moneys collected under this section shall be paid into the state treasury to the credit of the industrial compliance operating fund created in section 121.084 of the Revised Code.

(F) (G) Any person who fails to pay an invoiced renewal fee or an invoiced inspection fee required for any inspection conducted by the division of industrial compliance pursuant to this chapter within forty-five days of the invoice date shall pay a late payment fee equal to twenty-five per cent of the invoiced fee.

(G) In addition to the fees assessed in divisions (A) and (B), and (C) of this section, the board of building standards shall assess the owner or user a fee of three dollars and twenty-five cents for each certificate of operation or renewal thereof issued under division divisions (A) and (B) of this...
section and for each inspection conducted under division (B)(C) of this section. The board shall adopt rules, in accordance with Chapter 119. of the Revised Code, specifying the manner by which the superintendent shall collect and remit to the board the fees assessed under this division and requiring that remittance of the fees be made at least quarterly.

Sec. 4105.17. (A) The fee for each inspection, or attempted inspection that, due to no fault of a general inspector or the division of industrial compliance, is not successfully completed, by a general inspector before the operation of a permanent new elevator prior to the issuance of a certificate of operation, before operation of an elevator being put back into service after a repair or after an adjudication under section 4105.11 of the Revised Code, or as a result of the operation of section 4105.08 of the Revised Code and is an elevator required to be inspected under this chapter is one hundred twenty dollars plus ten dollars for each floor where the elevator stops. The superintendent of industrial compliance may assess an additional fee of one hundred twenty dollars plus ten dollars for each floor where an elevator stops for the reinspection of an elevator when a previous attempt to inspect that elevator has been unsuccessful through no fault of a general inspector or the division of industrial compliance.

(B) The fee for each inspection, or attempted inspection, that due to no fault of the general inspector or the division, is not successfully completed by a general inspector before operation of a permanent new escalator or moving walk prior to the issuance of a certificate of operation, before operation of an escalator or moving walk being put back in service after a repair, or as a result of the operation of section 4105.08 of the Revised Code is three hundred dollars. The superintendent may assess an additional fee of one hundred fifty dollars for the reinspection of an escalator or moving walk when a previous attempt to inspect that
escalator or moving walk has been unsuccessful through no fault of
the general inspector or the division.

(C) The fee for issuing or renewing a certificate of
operation under section 4105.15 of the Revised Code for an
elevator that is inspected every six months in accordance with
division (A) of section 4105.10 of the Revised Code is two hundred
twenty dollars plus twelve dollars for each floor where the
elevator stops, except where the elevator has been inspected by a
special inspector in accordance with section 4105.07 of the
Revised Code.

(D) The fee for issuing or renewing a certificate of
operation under section 4105.05 of the Revised Code for an
elevator that is inspected every twelve months in accordance with
division (A) of section 4105.10 of the Revised Code is fifty-five
dollars plus ten dollars for each floor where the elevator stops,
except where the elevator has been inspected by a special
inspector in accordance with section 4105.07 of the Revised Code.

(E) The fee for issuing or renewing a certificate of
operation under section 4105.15 of the Revised Code for an
escalator or moving walk is three hundred dollars, except where
the escalator or moving walk has been inspected by a special
inspector in accordance with section 4105.07 of the Revised Code.

(F) All other fees to be charged for any examination given or
other service performed by the division pursuant to this chapter
shall be prescribed by the director of commerce. The fees shall be
reasonably related to the costs of such examination or other
service.

(G) The director of commerce, subject to the approval of the
controlling board, may establish fees in excess of the fees
provided in divisions (A), (B), (C), (D), and (E) of this section.
Any moneys collected under this section shall be paid into the
state treasury to the credit of the industrial compliance
operating fund created in section 121.084 of the Revised Code.

(H) Any person who fails to pay an inspection fee required
for any inspection conducted attempted by the division pursuant to
this chapter within forty-five days after the inspection is
conducted attempted, or who fails to pay a certificate of
operation fee pursuant to this chapter within forty-five days
after the certificate's expiration, shall pay a late payment fee
equal to twenty-five per cent of the inspection fee.

(I) In addition to the fees assessed in divisions (A), (B),
(C), (D), and (E) of this section, the board of building standards
shall assess a fee of three dollars and twenty-five cents for each
certificate of operation or renewal thereof issued under divisions
(A), (B), (C), (D), or (E) of this section and for each permit
issued under section 4105.16 of the Revised Code. The board shall
adopt rules, in accordance with Chapter 119. of the Revised Code,
specifying the manner by which the superintendent shall collect
and remit to the board the fees assessed under this division and
requiring that remittance of the fees be made at least quarterly.

(J) The superintendent, by rule adopted in accordance with
Chapter 119. of the Revised Code, may increase the fees required
by this section and may establish fees to pay the costs of the
division to fulfill its duties established by this chapter. The
fees shall bear some reasonable relationship to the cost of
administering and enforcing this chapter.

(K) For purposes of this section:

(1) "Escalator" means a power driven, inclined, continuous
stairway used for raising or lowering passengers.

(2) "Moving walk" means a passenger carrying device on which
passengers stand or walk, with a passenger carrying surface that
is uninterrupted and remains parallel to its direction of motion.
Sec. 4109.06. (A) This chapter does not apply to the following:

(1) Minors who are students working on any properly guarded machines in the manual training department of any school when the work is performed under the personal supervision of an instructor;

(2) Students participating in a vocational career-technical or STEM program approved by the Ohio department of education or students participating in any eligible classes through the college credit plus program established under Chapter 3365. of the Revised Code that include a recognized pre-apprenticeship program that imparts the skills and knowledge needed for successful participation in a registered apprenticeship occupation course;

(3) A minor participating in a play, pageant, or concert produced by an outdoor historical drama corporation, a professional traveling theatrical production, a professional concert tour, or a personal appearance tour as a professional motion picture star, or as an actor or performer in motion pictures or in radio or television productions in accordance with the rules adopted pursuant to division (A) of section 4109.05 of the Revised Code;

(4) The participation, without remuneration of a minor and with the consent of a parent or guardian, in a performance given by a church, school, or academy, or at a concert or entertainment given solely for charitable purposes, or by a charitable or religious institution;

(5) Minors who are employed by their parents in occupations other than occupations prohibited by rule adopted under this chapter;

(6) Minors engaged in the delivery of newspapers to the consumer;
(7) Minors who have received a high school diploma or a certificate of attendance from an accredited secondary school or a certificate of high school equivalence;

(8) Minors who are currently heads of households or are parents contributing to the support of their children;

(9) Minors engaged in lawn mowing, snow shoveling, and other related employment;

(10) Minors employed in agricultural employment in connection with farms operated by their parents, grandparents, or guardians where they are members of the guardians' household. Minors are not exempt from this chapter if they reside in agricultural labor camps as defined in section 3733.41 of the Revised Code;

(11) Students participating in a program to serve as precinct officers as authorized by section 3501.22 of the Revised Code.

(B) Sections 4109.02, 4109.08, 4109.09, and 4109.11 of the Revised Code do not apply to the following:

(1) Minors who work in a sheltered workshop operated by a county board of developmental disabilities;

(2) Minors performing services for a nonprofit organization where the minor receives no compensation, except for any expenses incurred by the minor or except for meals provided to the minor;

(3) Minors who are employed in agricultural employment and who do not reside in agricultural labor camps.

(C) Division (D) of section 4109.07 of the Revised Code does not apply to minors who have their employment hours established as follows:

(1) A minor adjudicated to be an unruly child or delinquent child who, as a result of the adjudication, is placed on probation may either file a petition in the juvenile court in whose jurisdiction the minor resides, or apply to the superintendent or
to the chief administrative officer who issued the minor's age and schooling certificate pursuant to section 3331.01 of the Revised Code, alleging the restrictions on the hours of employment described in division (D) of section 4109.07 of the Revised Code will cause a substantial hardship or are not in the minor's best interests. Upon receipt of a petition or application, the court, the superintendent, or the chief administrative officer, as appropriate, shall consult with the person required to supervise the minor on probation. If after that consultation, the court, the superintendent, or the chief administrative officer finds the minor has failed to show the restrictions will result in a substantial hardship or that the restrictions are not in the minor's best interests, the court, the superintendent, or the chief administrative officer shall uphold the restrictions. If after that consultation, the court, the superintendent, or the chief administrative officer finds the minor has shown the restricted hours will cause a substantial hardship or are not in the minor's best interests, the court, the superintendent, or the chief administrative officer shall establish differing hours of employment for the minor and notify the minor and the minor's employer of those hours, which shall be binding in lieu of the restrictions on the hours of employment described in division (D) of section 4109.07 of the Revised Code.

(2) Any minor to whom division (C)(1) of this section does not apply may either file a petition in the juvenile court in whose jurisdiction the person resides, or apply to the superintendent or to the chief administrative officer who issued the minor's age and schooling certificate pursuant to section 3331.01 of the Revised Code, alleging the restrictions on the hours of employment described in division (D) of section 4109.07 of the Revised Code will cause a substantial hardship or are not in the minor's best interests.
If, as a result of a petition or application, the court, the superintendent, or the chief administrative officer, as appropriate, finds the minor has failed to show such restrictions will result in a substantial hardship or that the restrictions are not in the minor's best interests, the court, the superintendent, or the chief administrative officer shall uphold the restrictions. If the court, the superintendent, or the chief administrative officer finds the minor has shown the restricted hours will cause a substantial hardship or are not in the minor's best interests, the court, the superintendent, or the chief administrative officer shall establish the hours of employment for the minor and shall notify the minor and the minor's employer of those hours.

(D) Section 4109.03, divisions (A) and (C) of section 4109.02, and division (B) of section 4109.08 of the Revised Code do not apply to minors who are sixteen or seventeen years of age and who are employed at a seasonal amusement or recreational establishment.

(E) As used in this section, "certificate of high school equivalence" means either:

(1) A statement issued by the department of education that the holder of the statement has achieved the equivalent of a high school education as measured by scores obtained on a high school equivalency test approved by the department pursuant to division (B) of section 3301.80 of the Revised Code;

(2) A statement issued by a primary-secondary education or higher education agency of another state that the holder of the statement has achieved the equivalent of a high school education as measured by scores obtained on a similar nationally recognized high school equivalency test.

Sec. 4141.29. Each eligible individual shall receive benefits as compensation for loss of remuneration due to involuntary total
or partial unemployment in the amounts and subject to the conditions stipulated in this chapter.

(A) No individual is entitled to a waiting period or benefits for any week unless the individual:

1. Has filed a valid application for determination of benefit rights in accordance with section 4141.28 of the Revised Code;

2. Has made a claim for benefits in accordance with section 4141.28 of the Revised Code;

3. (a) Has registered for work and thereafter continues to report to an employment office or other registration place maintained or designated by the director of job and family services. Registration shall be made in accordance with the time limits, frequency, and manner prescribed by the director.

(b) For purposes of division (A)(3) of this section, an individual has "registered" upon doing any of the following:

(i) Filing an application for benefit rights;

(ii) Making a weekly claim for benefits;

(iii) Reopening an existing claim following a period of employment or nonreporting.

(c) After an applicant is registered, that registration continues for a period of three calendar weeks, including the week during which the applicant registered. However, an individual is not registered for purposes of division (A)(3) of this section during any period in which the individual fails to report, as instructed by the director, or fails to reopen an existing claim following a period of employment.

(d) The director may, for good cause, extend the period of registration.

(e) For purposes of this section, "report" means contact by
phone, access electronically, or be present for an in-person appointment, as designated by the director.

(4) (a)(i) Is able to work and available for suitable work and, except as provided in division (A)(4)(a)(ii) or (iii) of this section, is actively seeking suitable work either in a locality in which the individual has earned wages subject to this chapter during the individual's base period, or if the individual leaves that locality, then in a locality where suitable work normally is performed.

(ii) The director may waive the requirement that a claimant be actively seeking work when the director finds that the individual has been laid off and the employer who laid the individual off has notified the director within ten days after the layoff, that work is expected to be available for the individual within a specified number of days not to exceed forty-five calendar days following the last day the individual worked. In the event the individual is not recalled within the specified period, this waiver shall cease to be operative with respect to that layoff.

(iii) The director may waive the requirement that a claimant be actively seeking work if the director determines that the individual has been laid off and the employer who laid the individual off has notified the director in accordance with division (C) of section 4141.28 of the Revised Code that the employer has closed the employer's entire plant or part of the employer's plant for a purpose other than inventory or vacation that will cause unemployment for a definite period not exceeding twenty-six weeks beginning on the date the employer notifies the director, for the period of the specific shutdown, if all of the following apply:

(I) The employer and the individuals affected by the layoff who are claiming benefits under this chapter jointly request the
exemption.

(II) The employer provides that the affected individuals shall return to work for the employer within twenty-six weeks after the date the employer notifies the director.

(III) The director determines that the waiver of the active search for work requirement will promote productivity and economic stability within the state.

(iv) Division (A)(4)(a)(iii) of this section does not exempt an individual from meeting the other requirements specified in division (A)(4)(a)(i) of this section to be able to work and otherwise fully be available for work. An exemption granted under division (A)(4)(a)(iii) of this section may be granted only with respect to a specific plant closing.

(b)(i) The individual shall be instructed as to the efforts that the individual must make in the search for suitable work, including that, within six months after October 11, 2013, the individual shall register with the OhioMeansJobs web site, except in any of the following circumstances:

(I) The individual is an individual described in division (A)(4)(b)(iii) of this section;

(II) Where the active search for work requirement has been waived under division (A)(4)(a) of this section;

(III) Where the active search for work requirement is considered to be met under division (A)(4)(c), (d), or (e) of this section.

(ii) An individual who is registered with the OhioMeansJobs web site shall receive a weekly listing of available jobs based on information provided by the individual at the time of registration. For each week that the individual claims benefits, the individual shall keep a record of the individual's work search
efforts and shall produce that record in the manner and means
prescribed by the director.

(iii) No individual shall be required to register with the
OhioMeansJobs web site if the individual is legally prohibited
from using a computer, has a physical or visual impairment that
makes the individual unable to use a computer, or has a limited
ability to read, write, speak, or understand a language in which
the OhioMeansJobs web site is available.

(iv) As used in division (A)(4)(b) of this section:

(I) "OhioMeansJobs web site" means the electronic job
placement system operated by the state has the same meaning as in
section 6301.01 of the Revised Code.

(II) "Registration" includes the creation, electronic
posting, and maintenance of an active, searchable resume.

(c) An individual who is attending a training course approved
by the director meets the requirement of this division, if
attendance was recommended by the director and the individual is
regularly attending the course and is making satisfactory
progress. An individual also meets the requirements of this
division if the individual is participating and advancing in a
training program, as defined in division (P) of section 5709.61 of
the Revised Code, and if an enterprise, defined in division (B) of
section 5709.61 of the Revised Code, is paying all or part of the
cost of the individual's participation in the training program
with the intention of hiring the individual for employment as a
new employee, as defined in division (L) of section 5709.61 of the
Revised Code, for at least ninety days after the individual's
completion of the training program.

(d) An individual who becomes unemployed while attending a
regularly established school and whose base period qualifying
weeks were earned in whole or in part while attending that school,
meets the availability and active search for work requirements of division (A)(4)(a) of this section if the individual regularly attends the school during weeks with respect to which the individual claims unemployment benefits and makes self available on any shift of hours for suitable employment with the individual's most recent employer or any other employer in the individual's base period, or for any other suitable employment to which the individual is directed, under this chapter.

(e) An individual who is a member in good standing with a labor organization that refers individuals to jobs meets the active search for work requirement specified in division (A)(4)(a) of this section if the individual provides documentation that the individual is eligible for a referral or placement upon request and in a manner prescribed by the director.

(f) Notwithstanding any other provisions of this section, no otherwise eligible individual shall be denied benefits for any week because the individual is in training approved under section 236(a)(1) of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2296, nor shall that individual be denied benefits by reason of leaving work to enter such training, provided the work left is not suitable employment, or because of the application to any week in training of provisions in this chapter, or any applicable federal unemployment compensation law, relating to availability for work, active search for work, or refusal to accept work.

For the purposes of division (A)(4)(f) of this section, "suitable employment" means with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment, as defined for the purposes of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, and wages for such work at not less than eighty per cent of the individual's average weekly wage as determined for the purposes of that federal act.
(5) Is unable to obtain suitable work. An individual who is provided temporary work assignments by the individual's employer under agreed terms and conditions of employment, and who is required pursuant to those terms and conditions to inquire with the individual's employer for available work assignments upon the conclusion of each work assignment, is not considered unable to obtain suitable employment if suitable work assignments are available with the employer but the individual fails to contact the employer to inquire about work assignments.

(6) Participates in reemployment services, such as job search assistance services, if the individual has been determined to be likely to exhaust benefits under this chapter, including compensation payable pursuant to 5 U.S.C.A. Chapter 85, other than extended compensation, and needs reemployment services pursuant to the profiling system established by the director under division (K) of this section, unless the director determines that:

(a) The individual has completed such services; or

(b) There is justifiable cause for the claimant's failure to participate in such services.

Ineligibility for failure to participate in reemployment services as described in division (A)(6) of this section shall be for the week or weeks in which the claimant was scheduled and failed to participate without justifiable cause.

(7) Participates in the reemployment and eligibility assessment program, or other reemployment services, as required by the director. As used in division (A)(7) of this section, "reemployment services" includes job search assistance activities, skills assessments, and the provision of labor market statistics or analysis.

(a) For purposes of division (A)(7) of this section, participation is required unless the director determines that
either of the following circumstances applies to the individual:

(i) The individual has completed similar services.

(ii) Justifiable cause exists for the failure of the individual to participate in those services.

(b) Within six months after October 11, 2013, notwithstanding any earlier contact an individual may have had with a local one-stop county office OhioMeansJobs center, including as described defined in section 6301.08 6301.01 of the Revised Code, beginning with the eighth week after the week during which an individual first files a valid application for determination of benefit rights in the individual's benefit year, the individual shall report to a local one-stop county office OhioMeansJobs center for reemployment services in the manner prescribed by the director.

(c) An individual whose active search for work requirement has been waived under division (A)(4)(a) of this section or is considered to be satisfied under division (A)(4)(c), (d), or (e) of this section is exempt from the requirements of division (A)(7) of this section.

(B) An individual suffering total or partial unemployment is eligible for benefits for unemployment occurring subsequent to a waiting period of one week and no benefits shall be payable during this required waiting period. Not more than one week of waiting period shall be required of any individual in any benefit year in order to establish the individual's eligibility for total or partial unemployment benefits.

(C) The waiting period for total or partial unemployment shall commence on the first day of the first week with respect to which the individual first files a claim for benefits at an employment office or other place of registration maintained or designated by the director or on the first day of the first week.
with respect to which the individual has otherwise filed a claim for benefits in accordance with the rules of the department of job and family services, provided such claim is allowed by the director.

(D) Notwithstanding division (A) of this section, no individual may serve a waiting period or be paid benefits under the following conditions:

(1) For any week with respect to which the director finds that:

(a) The individual's unemployment was due to a labor dispute other than a lockout at any factory, establishment, or other premises located in this or any other state and owned or operated by the employer by which the individual is or was last employed; and for so long as the individual's unemployment is due to such labor dispute. No individual shall be disqualified under this provision if either of the following applies:

(i) The individual's employment was with such employer at any factory, establishment, or premises located in this state, owned or operated by such employer, other than the factory, establishment, or premises at which the labor dispute exists, if it is shown that the individual is not financing, participating in, or directly interested in such labor dispute;

(ii) The individual's employment was with an employer not involved in the labor dispute but whose place of business was located within the same premises as the employer engaged in the dispute, unless the individual's employer is a wholly owned subsidiary of the employer engaged in the dispute, or unless the individual actively participates in or voluntarily stops work because of such dispute. If it is established that the claimant was laid off for an indefinite period and not recalled to work prior to the dispute, or was separated by the employer prior to
the dispute for reasons other than the labor dispute, or that the individual obtained a bona fide job with another employer while the dispute was still in progress, such labor dispute shall not render the employee ineligible for benefits.

(b) The individual has been given a disciplinary layoff for misconduct in connection with the individual's work.

(2) For the duration of the individual's unemployment if the director finds that:

(a) The individual quit work without just cause or has been discharged for just cause in connection with the individual's work, provided division (D)(2) of this section does not apply to the separation of a person under any of the following circumstances:

(i) Separation from employment for the purpose of entering the armed forces of the United States if the individual is inducted into the armed forces within one of the following periods:

(I) Thirty days after separation;

(II) One hundred eighty days after separation if the individual's date of induction is delayed solely at the discretion of the armed forces.

(ii) Separation from employment pursuant to a labor-management contract or agreement, or pursuant to an established employer plan, program, or policy, which permits the employee, because of lack of work, to accept a separation from employment;

(iii) The individual has left employment to accept a recall from a prior employer or, except as provided in division (D)(2)(a)(iv) of this section, to accept other employment as provided under section 4141.291 of the Revised Code, or left or
was separated from employment that was concurrent employment at the time of the most recent separation or within six weeks prior to the most recent separation where the remuneration, hours, or other conditions of such concurrent employment were substantially less favorable than the individual's most recent employment and where such employment, if offered as new work, would be considered not suitable under the provisions of divisions (E) and (F) of this section. Any benefits that would otherwise be chargeable to the account of the employer from whom an individual has left employment or was separated from employment that was concurrent employment under conditions described in division (D)(2)(a)(iii) of this section, shall instead be charged to the mutualized account created by division (B) of section 4141.25 of the Revised Code, except that any benefits chargeable to the account of a reimbursing employer under division (D)(2)(a)(iii) of this section shall be charged to the account of the reimbursing employer and not to the mutualized account, except as provided in division (D)(2) of section 4141.24 of the Revised Code.

(iv) When an individual has been issued a definite layoff date by the individual's employer and before the layoff date, the individual quits to accept other employment, the provisions of division (D)(2)(a)(iii) of this section apply and no disqualification shall be imposed under division (D) of this section. However, if the individual fails to meet the employment and earnings requirements of division (A)(2) of section 4141.291 of the Revised Code, then the individual, pursuant to division (A)(5) of this section, shall be ineligible for benefits for any week of unemployment that occurs prior to the layoff date.

(b) The individual has refused without good cause to accept an offer of suitable work when made by an employer either in person or to the individual's last known address, or has refused or failed to investigate a referral to suitable work when directed
to do so by a local employment office of this state or another
state, provided that this division shall not cause a
disqualification for a waiting week or benefits under the
following circumstances:

(i) When work is offered by the individual's employer and the
individual is not required to accept the offer pursuant to the
terms of the labor-management contract or agreement; or

(ii) When the individual is attending a training course
pursuant to division (A)(4) of this section except, in the event
of a refusal to accept an offer of suitable work or a refusal or
failure to investigate a referral, benefits thereafter paid to
such individual shall not be charged to the account of any
employer and, except as provided in division (B)(1)(b) of section
4141.241 of the Revised Code, shall be charged to the mutualized
account as provided in division (B) of section 4141.25 of the
Revised Code.

(c) Such individual quit work to marry or because of marital,
parental, filial, or other domestic obligations.

(d) The individual became unemployed by reason of commitment
to any correctional institution.

(e) The individual became unemployed because of dishonesty in
connection with the individual's most recent or any base period
work. Remuneration earned in such work shall be excluded from the
individual's total base period remuneration and qualifying weeks
that otherwise would be credited to the individual for such work
in the individual's base period shall not be credited for the
purpose of determining the total benefits to which the individual
is eligible and the weekly benefit amount to be paid under section
4141.30 of the Revised Code. Such excluded remuneration and
noncredited qualifying weeks shall be excluded from the
calculation of the maximum amount to be charged, under division
(D) of section 4141.24 and section 4141.33 of the Revised Code, against the accounts of the individual's base period employers. In addition, no benefits shall thereafter be paid to the individual based upon such excluded remuneration or noncredited qualifying weeks.

For purposes of division (D)(2)(e) of this section, "dishonesty" means the commission of substantive theft, fraud, or deceitful acts.

(E) No individual otherwise qualified to receive benefits shall lose the right to benefits by reason of a refusal to accept new work if:

(1) As a condition of being so employed the individual would be required to join a company union, or to resign from or refrain from joining any bona fide labor organization, or would be denied the right to retain membership in and observe the lawful rules of any such organization.

(2) The position offered is vacant due directly to a strike, lockout, or other labor dispute.

(3) The work is at an unreasonable distance from the individual's residence, having regard to the character of the work the individual has been accustomed to do, and travel to the place of work involves expenses substantially greater than that required for the individual's former work, unless the expense is provided for.

(4) The remuneration, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

(F) Subject to the special exceptions contained in division (A)(4)(f) of this section and section 4141.301 of the Revised Code, in determining whether any work is suitable for a claimant in the administration of this chapter, the director, in addition
to the determination required under division (E) of this section, shall consider the degree of risk to the claimant's health, safety, and morals, the individual's physical fitness for the work, the individual's prior training and experience, the length of the individual's unemployment, the distance of the available work from the individual's residence, and the individual's prospects for obtaining local work.

(G) The "duration of unemployment" as used in this section means the full period of unemployment next ensuing after a separation from any base period or subsequent work and until an individual has become reemployed in employment subject to this chapter, or the unemployment compensation act of another state, or of the United States, and until such individual has worked six weeks and for those weeks has earned or been paid remuneration equal to six times an average weekly wage of not less than: eighty-five dollars and ten cents per week beginning on June 26, 1990; and beginning on and after January 1, 1992, twenty-seven and one-half per cent of the statewide average weekly wage as computed each first day of January under division (B)(3) of section 4141.30 of the Revised Code, rounded down to the nearest dollar, except for purposes of division (D)(2)(c) of this section, such term means the full period of unemployment next ensuing after a separation from such work and until such individual has become reemployed subject to the terms set forth above, and has earned wages equal to one-half of the individual's average weekly wage or sixty dollars, whichever is less.

(H) If a claimant is disqualified under division (D)(2)(a), (c), or (d) of this section or found to be qualified under the exceptions provided in division (D)(2)(a)(i), (iii), or (iv) of this section or division (A)(2) of section 4141.291 of the Revised Code, then benefits that may become payable to such claimant, which are chargeable to the account of the employer from whom the
individual was separated under such conditions, shall be charged to the mutualized account provided in section 4141.25 of the Revised Code, provided that no charge shall be made to the mutualized account for benefits chargeable to a reimbursing employer, except as provided in division (D)(2) of section 4141.24 of the Revised Code. In the case of a reimbursing employer, the director shall refund or credit to the account of the reimbursing employer any over-paid benefits that are recovered under division (B) of section 4141.35 of the Revised Code. Amounts chargeable to other states, the United States, or Canada that are subject to agreements and arrangements that are established pursuant to section 4141.43 of the Revised Code shall be credited or reimbursed according to the agreements and arrangements to which the chargeable amounts are subject.

(I)(1) Benefits based on service in employment as provided in divisions (B)(2)(a) and (b) of section 4141.01 of the Revised Code shall be payable in the same amount, on the same terms, and subject to the same conditions as benefits payable on the basis of other service subject to this chapter; except that after December 31, 1977:

(a) Benefits based on service in an instructional, research, or principal administrative capacity in an institution of higher education, as defined in division (Y) of section 4141.01 of the Revised Code; or for an educational institution as defined in division (CC) of section 4141.01 of the Revised Code, shall not be paid to any individual for any week of unemployment that begins during the period between two successive academic years or terms, or during a similar period between two regular but not successive terms or during a period of paid sabbatical leave provided for in the individual's contract, if the individual performs such services in the first of those academic years or terms and has a contract or a reasonable assurance that the individual will
perform services in any such capacity for any such institution in
the second of those academic years or terms.

(b) Benefits based on service for an educational institution
or an institution of higher education in other than an
instructional, research, or principal administrative capacity,
shall not be paid to any individual for any week of unemployment
which begins during the period between two successive academic
years or terms of the employing educational institution or
institution of higher education, provided the individual performed
those services for the educational institution or institution of
higher education during the first such academic year or term and,
there is a reasonable assurance that such individual will perform
those services for any educational institution or institution of
higher education in the second of such academic years or terms.

If compensation is denied to any individual for any week
under division (I)(1)(b) of this section and the individual was
not offered an opportunity to perform those services for an
institution of higher education or for an educational institution
for the second of such academic years or terms, the individual is
entitled to a retroactive payment of compensation for each week
for which the individual timely filed a claim for compensation and
for which compensation was denied solely by reason of division
(I)(1)(b) of this section. An application for retroactive benefits
shall be timely filed if received by the director or the
director's deputy within or prior to the end of the fourth full
calendar week after the end of the period for which benefits were
denied because of reasonable assurance of employment. The
provision for the payment of retroactive benefits under division
(I)(1)(b) of this section is applicable to weeks of unemployment
beginning on and after November 18, 1983. The provisions under
division (I)(1)(b) of this section shall be retroactive to
September 5, 1982, only if, as a condition for full tax credit
against the tax imposed by the "Federal Unemployment Tax Act," 53
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311, the United States
secretary of labor determines that retroactivity is required by
federal law.

(c) With respect to weeks of unemployment beginning after
December 31, 1977, benefits shall be denied to any individual for
any week which commences during an established and customary
vacation period or holiday recess, if the individual performs any
services described in divisions (I)(1)(a) and (b) of this section
in the period immediately before the vacation period or holiday
recess, and there is a reasonable assurance that the individual
will perform any such services in the period immediately following
the vacation period or holiday recess.

(d) With respect to any services described in division
(I)(1)(a), (b), or (c) of this section, benefits payable on the
basis of services in any such capacity shall be denied as
specified in division (I)(1)(a), (b), or (c) of this section to
any individual who performs such services in an educational
institution or institution of higher education while in the employ
of an educational service agency. For this purpose, the term
"educational service agency" means a governmental agency or
governmental entity that is established and operated exclusively
for the purpose of providing services to one or more educational
institutions or one or more institutions of higher education.

(e) Any individual employed by a county board of
developmental disabilities shall be notified by the thirtieth day
of April each year if the individual is not to be reemployed the
following academic year.

(f) Any individual employed by a school district, other than
a municipal school district as defined in section 3311.71 of the
Revised Code, shall be notified by the first day of June each year
if the individual is not to be reemployed the following academic
(2) No disqualification will be imposed, between academic years or terms or during a vacation period or holiday recess under this division, unless the director or the director's deputy has received a statement in writing from the educational institution or institution of higher education that the claimant has a contract for, or a reasonable assurance of, reemployment for the ensuing academic year or term.

(3) If an individual has employment with an educational institution or an institution of higher education and employment with a noneducational employer, during the base period of the individual's benefit year, then the individual may become eligible for benefits during the between-term, or vacation or holiday recess, disqualification period, based on employment performed for the noneducational employer, provided that the employment is sufficient to qualify the individual for benefit rights separately from the benefit rights based on school employment. The weekly benefit amount and maximum benefits payable during a disqualification period shall be computed based solely on the nonschool employment.

(J) Benefits shall not be paid on the basis of employment performed by an alien, unless the alien had been lawfully admitted to the United States for permanent residence at the time the services were performed, was lawfully present for purposes of performing the services, or was otherwise permanently residing in the United States under color of law at the time the services were performed, under section 212(d)(5) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101:

(1) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.
(2) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to the individual are not payable because of the individual's alien status shall be made except upon a preponderance of the evidence that the individual had not, in fact, been lawfully admitted to the United States.

(K) The director shall establish and utilize a system of profiling all new claimants under this chapter that:

(1) Identifies which claimants will be likely to exhaust regular compensation and will need job search assistance services to make a successful transition to new employment;

(2) Refers claimants identified pursuant to division (K)(1) of this section to reemployment services, such as job search assistance services, available under any state or federal law;

(3) Collects follow-up information relating to the services received by such claimants and the employment outcomes for such claimant's subsequent to receiving such services and utilizes such information in making identifications pursuant to division (K)(1) of this section; and

(4) Meets such other requirements as the United States secretary of labor determines are appropriate.

(L) Except as otherwise provided in division (A)(6) of this section, ineligibility pursuant to division (A) of this section shall begin on the first day of the week in which the claimant becomes ineligible for benefits and shall end on the last day of the week preceding the week in which the claimant satisfies the eligibility requirements.

(M) The director may adopt rules that the director considers necessary for the administration of division (A) of this section.

Sec. 4141.43. (A) The director of job and family services may
cooperate with the industrial commission, the bureau of workers' compensation, the United States internal revenue service, the United States employment service, and other similar departments and agencies, as determined by the director, in the exchange or disclosure of information as to wages, employment, payrolls, unemployment, and other information. The director may employ, jointly with one or more of such agencies or departments, auditors, examiners, inspectors, and other employees necessary for the administration of this chapter and employment and training services for workers in the state.

(B) The director may make the state's record relating to the administration of this chapter available to the railroad retirement board and may furnish the board at the board's expense such copies thereof as the board deems necessary for its purposes.

(C) The director may afford reasonable cooperation with every agency of the United States charged with the administration of any unemployment compensation law.

(D) The director may enter into arrangements with the appropriate agencies of other states or of the United States or Canada whereby individuals performing services in this and other states for a single employer under circumstances not specifically provided for in division (B) of section 4141.01 of the Revised Code or in similar provisions in the unemployment compensation laws of such other states shall be deemed to be engaged in employment performed entirely within this state or within one of such other states or within Canada, and whereby potential rights to benefits accumulated under the unemployment compensation laws of several states or under such a law of the United States, or both, or of Canada may constitute the basis for the payment of benefits through a single appropriate agency under terms that the director finds will be fair and reasonable as to all affected interests and will not result in any substantial loss to the
unemployment compensation fund.

(E) The director may enter into agreements with the appropriate agencies of other states or of the United States or Canada:

(1) Whereby services or wages upon the basis of which an individual may become entitled to benefits under the unemployment compensation law of another state or of the United States or Canada shall be deemed to be employment or wages for employment by employers for the purposes of qualifying claimants for benefits under this chapter, and the director may estimate the number of weeks of employment represented by the wages reported to the director for such claimants by such other agency, provided such other state agency or agency of the United States or Canada has agreed to reimburse the unemployment compensation fund for such portion of benefits paid under this chapter upon the basis of such services or wages as the director finds will be fair and reasonable as to all affected interests;

(2) Whereby the director will reimburse other state or federal or Canadian agencies charged with the administration of unemployment compensation laws with such reasonable portion of benefits, paid under the law of such other states or of the United States or of Canada upon the basis of employment or wages for employment by employers, as the director finds will be fair and reasonable as to all affected interests. Reimbursements so payable shall be deemed to be benefits for the purpose of section 4141.09 and division (A) of section 4141.30 of the Revised Code. However, no reimbursement so payable shall be charged against any employer's account for the purposes of section 4141.24 of the Revised Code if the employer's account, under the same or similar circumstances, with respect to benefits charged under the provisions of this chapter, other than this section, would not be charged or, if the claimant at the time the claimant files the
combined wage claim cannot establish benefit rights under this chapter. This noncharging shall not be applicable to a nonprofit organization that has elected to make payments in lieu of contributions under section 4141.241 of the Revised Code, except as provided in division (D)(2) of section 4141.24 of the Revised Code. The director may make to other state or federal or Canadian agencies and receive from such other state or federal or Canadian agencies reimbursements from or to the unemployment compensation fund, in accordance with arrangements pursuant to this section.

(3) Notwithstanding division (B)(2)(f) of section 4141.01 of the Revised Code, the director may enter into agreements with other states whereby services performed for a crew leader, as defined in division (BB) of section 4141.01 of the Revised Code, may be covered in the state in which the crew leader either:

(a) Has the crew leader's place of business or from which the crew leader's business is operated or controlled;

(b) Resides if the crew leader has no place of business in any state.

(F) The director may apply for an advance to the unemployment compensation fund and do all things necessary or required to obtain such advance and arrange for the repayment of such advance in accordance with Title XII of the "Social Security Act" as amended.

(G) The director may enter into reciprocal agreements or arrangements with the appropriate agencies of other states in regard to services on vessels engaged in interstate or foreign commerce whereby such services for a single employer, wherever performed, shall be deemed performed within this state or within such other states.

(H) The director shall participate in any arrangements for the payment of compensation on the basis of combining an
individual's wages and employment, covered under this chapter, with the individual's wages and employment covered under the unemployment compensation laws of other states which are approved by the United States secretary of labor in consultation with the state unemployment compensation agencies as reasonably calculated to assure the prompt and full payment of compensation in such situations and which include provisions for:

(1) Applying the base period of a single state law to a claim involving the combining of an individual's wages and employment covered under two or more state unemployment compensation laws, and

(2) Avoiding the duplicate use of wages and employment by reason of such combining.


(J) The director may disclose wage information furnished to or maintained by the director under Chapter 4141. of the Revised Code to a consumer reporting agency as defined by the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended, for the purpose of verifying an individual's income under a written
agreement that requires all of the following:

(1) A written statement of informed consent from the individual whose information is to be disclosed;

(2) A written statement confirming that the consumer reporting agency and any other entity to which the information is disclosed or released will safeguard the information from illegal or unauthorized disclosure;

(3) A written statement confirming that the consumer reporting agency will pay to the bureau all costs associated with the disclosure.

The director shall prescribe a manner and format in which this information may be provided.

(K) The director shall adopt rules defining the requirements of the release of individual income verification information specified in division (J) of this section, which shall include all terms and conditions necessary to meet the requirements of federal law as interpreted by the United States department of labor or considered necessary by the director for the proper administration of this division.

(L) The director shall disclose information furnished to or maintained by the director under this chapter upon request and on a reimbursable basis as required by section 303 of the "Social Security Act," 42 U.S.C.A. 503, and section 3304 of the "Internal Revenue Code," 26 U.S.C.A. 3304.

Sec. 4141.51. (A) An employer who wishes to participate in the SharedWork Ohio program shall submit a plan to the director of job and family services in which the employer does all of the following:

(1) Identifies the participating employees by name, social security number, affected unit, and normal weekly hours of work;
(2) Describes the manner in which the employer will implement the requirements of the SharedWork Ohio program, including the proposed reduction percentage, which shall be between ten per cent and fifty per cent, and any temporary closure of the participating employer's business for equipment maintenance or other similar circumstances that the employer knows may occur during the effective period of an approved plan;

(3) Includes a plan for giving advance notice, if feasible, to an employee whose normal weekly hours of work are to be reduced and, if advance notice is not feasible, an explanation of why that notice is not feasible;

(4) Includes a certification by the employer that the aggregate reduction in the number of hours worked by the employees of the employer is in lieu of layoffs and includes an estimate of the number of layoffs that would have occurred absent the ability to participate in the SharedWork Ohio program;

(5) Includes a certification by the employer that if the employer provides health benefits and retirement benefits under a defined benefit plan, as defined in 26 U.S.C. 414(j), as amended, or contributions under a defined contribution plan as defined in 26 U.S.C. 414(i), as amended, to any employee whose normal weekly hours of work are reduced under the program that such benefits will continue to be provided to an employee participating in the SharedWork Ohio program under the same terms and conditions as though the normal weekly hours of work of the employee had not been reduced or to the same extent as other employees not participating in the program;

(6) Permits eligible employees to participate, as appropriate, in training to enhance job skills approved by the director, including employer-sponsored training or worker training funded under the federal "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801 et seq., as amended "Workforce
Innovation and Opportunity Act," 29 U.S.C. 3101 et seq.;

(7) Includes any other information as required by the United States secretary of labor or the director under the rules the director adopts under section 4141.50 of the Revised Code;

(8) Includes an attestation by the employer that the terms of the written plan submitted by the employer and implementation of that plan are consistent with obligations of the employer under the applicable federal and state laws;

(9) Includes a certification by the employer that the employer will promptly notify the director of any change in the business that includes the sale or transfer of all or part of the business, and that the employer will notify any successor in interest to the employer's business prior to the transfer of all or part of the business, of the existence of any approved shared work plan;

(10) Includes a certification by the employer that, as of the date the employer submits the plan, the employer is current on all reports and has paid all contributions, reimbursements, interest, and penalties due under this chapter;

(11) Includes an assurance from the employer that the employer will remain current on all employer reporting and payments of contributions, reimbursements, interest, and penalties as required by this chapter;

(12) Includes a certification by the employer that none of the participating employees are employed on a seasonal, temporary, or intermittent basis;

(13) Includes an assurance from the employer that the employer will not reduce a participating employee's normal weekly hours of work by more than the reduction percentage, except in the event of a temporary closure of the employer's business for equipment maintenance, or when the employee takes approved time.
off during the week with pay, and the combined work hours and paid leave hours equal the number of hours the employee would have worked under the plan.

(B) The director shall approve a shared work plan if an employer includes in the plan all of the information, certifications, and assurances required under division (A) of this section.

(C) The director shall approve or deny a shared work plan and shall send a written notice to the employer stating whether the director approved or denied the plan not later than thirty days after the director receives the plan. If the director denies approval of a shared work plan, the director shall state the reasons for denying approval in the written notice sent to the employer.

(D) The director shall enforce the requirements of the SharedWork Ohio program in the same manner as the director enforces the requirements of this chapter, including under section 4141.40 of the Revised Code.

Sec. 4301.42. For the purpose of providing revenue for the support of the state, a tax is hereby levied on the sale of beer in sealed bottles and cans having twelve ounces or less of liquid content, at the rate of fourteen one hundredths at one of the following rates:

(A) For beer containing not more than twelve per cent alcohol by volume, two hundred thirty-nine one-thousandths of one cent on each ounce of liquid content or fractional part of each ounce of liquid content, and on such containers in excess of twelve ounces, at the rate of eighty-four one hundredths;

(B) For beer containing more than twelve per cent alcohol by volume, seven hundred eighty-one one-thousandths of one cent on
each six ounces ounce of liquid content or fractional part of each six ounces ounce of liquid content. Sections

Sections 4307.01 to 4307.12 of the Revised Code apply in the administration of the tax imposed by this section. Manufacturers, bottlers, and canners of beer, wholesale dealers in beer, and S permit holders have the duty to pay the tax imposed by this section and are entitled to the privileges in the manner provided in section 4303.33 of the Revised Code.

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of the Revised Code:

(1) "Gallon" or "wine gallon" means one hundred twenty-eight fluid ounces.

(2) "Sale" or "sell" includes exchange, barter, gift, distribution, and, except with respect to A-4 permit holders, offer for sale.

(B) For the purposes of providing revenues for the support of the state and encouraging the grape industries in the state, a tax is hereby levied on the sale or distribution of wine in Ohio, except for known sacramental purposes, at the rate of thirty cents per wine gallon for sparkling and carbonated wine and champagne, and vermouth at one of the following rates:

(1) For wine containing not less than four per cent of alcohol by volume and not more than fourteen per cent of alcohol by volume, ninety-eight cents per wine gallon for and sparkling and carbonated wine and champagne, fifty-one cents per wine gallon;

(2) For wine containing more than fourteen per cent but not more than twenty-one per cent of alcohol by volume and vermouth, one dollar and six sixty-seven cents per wine gallon for vermouth, and one dollar and forty-eight cents per wine gallon for
sparkling and carbonated wine and champagne, the tax levied under division (B) of this section shall be paid by the holders of A-2, A-2f, and B-5 permits or by any other person selling or distributing wine upon which no tax has been paid. From the tax paid under this section on wine, vermouth, and sparkling and carbonated wine and champagne, the treasurer of state shall credit to the Ohio grape industries fund created under section 924.54 of the Revised Code a sum equal to one cent per gallon for each gallon upon which the tax is paid.

(C) For the purpose of providing revenues for the support of the state, there is hereby levied a tax on prepared and bottled highballs, cocktails, cordials, and other mixed beverages at the rate of one dollar two dollars and twenty-four cents per wine gallon to be paid by holders of A-4 permits or by any other person selling or distributing those products upon which no tax has been paid. Only one sale of the same article shall be used in computing the amount of tax due. The tax on mixed beverages to be paid by holders of A-4 permits under this section shall not attach until the ownership of the mixed beverage is transferred for valuable consideration to a wholesaler or retailer, and no payment of the tax shall be required prior to that time.

(D) During the period of July 1, 2015 through June 30, 2019, from the tax paid under this section on wine, vermouth, and sparkling and carbonated wine and champagne, the treasurer of state shall credit to the Ohio grape industries fund created under section 924.54 of the Revised Code a sum equal to two cents per gallon upon which the tax is paid. The amount credited under this division is in addition to the amount credited to the Ohio grape industries fund under division (B) of this section.

(E) For the purpose of providing revenues for the support of the state, there is hereby levied a tax on cider at the rate of twenty-four forty and eight-tenths cents per wine gallon to be
paid by the holders of A-2, A-2f, and B-5 permits or by any other person selling or distributing cider upon which no tax has been paid. Only one sale of the same article shall be used in computing the amount of the tax due.

**Sec. 4303.26.** (A) Applications for regular permits authorized by sections 4303.02 to 4303.23 of the Revised Code may be filed with the division of liquor control. No permit shall be issued by the division until fifteen days after the application for it is filed. An applicant for the issuance of a new permit shall pay a processing fee of one hundred dollars when filing application for the permit, if the permit is then available, or shall pay the processing fee when a permit becomes available, if it is not available when the applicant initially files the application. When an application for a new class C or D permit is filed, when class C or D permits become available, or when an application for transfer of ownership of a class C or D permit or transfer of a location of a class C or D permit is filed, no permit shall be issued, nor shall the location or the ownership of a permit be transferred, by the division until the division notifies the legislative authority of the municipal corporation, if the business or event is or is to be located within the corporate limits of a municipal corporation, or the clerk of the board of county commissioners and the fiscal officer of the board of township trustees in the county in which the business or event is or is to be conducted, if the business is or is to be located outside the corporate limits of a municipal corporation, and an opportunity is provided officials or employees of the municipal corporation or county and township, who shall be designated by the legislative authority of the municipal corporation or the board of county commissioners or board of township trustees, for a complete hearing upon the advisability of the issuance, transfer of ownership, or transfer of location of the permit. In this hearing,
no objection to the issuance, transfer of ownership, or transfer
of location of the permit shall be based upon noncompliance of the
proposed permit premises with local zoning regulations which
prohibit the sale of beer or intoxicating liquor, in an area zoned
for commercial or industrial uses, for a permit premises that
would otherwise qualify for a proper permit issued by the
division.

When the division sends notice to the legislative or
executive authority of the political subdivision, as required by
this section, the division shall also so notify, by certified
mail, return receipt requested, or by personal service, the chief
peace officer of the political subdivision. Upon the request of
the chief peace officer, the division shall send the chief peace
officer a copy of the application for the issuance or the transfer
of ownership or location of the permit and all other documents or
materials filed by the applicant or applicants in relation to the
application. The chief peace officer may appear and testify,
either in person or through a representative, at any hearing held
on the advisability of the issuance, transfer of ownership, or
transfer of location of the permit. The hearing shall be held in
the central office of the division, except that upon written
request of the legislative authority of the municipal corporation
or the board of county commissioners or board of township
trustees, the hearing shall be held in the county seat of the
county where the applicant's business is or is to be conducted.

If the business or event specified in an application for the
issuance, transfer of ownership, or transfer of location of any
regular permit authorized by sections 4303.02 to 4303.23 of the
Revised Code, except for an F-2 permit, is, or is to be operated,
within five hundred feet from the boundaries of a parcel of real
estate having situated on it a school, church, library, public
playground, or township park, no permit shall be issued, nor shall
the location or the ownership of a permit be transferred, by the division until written notice of the filing of the application with the division is served, by certified mail, return receipt requested, or by personal service, upon the authorities in control of the school, church, library, public playground, or township park and an opportunity is provided them for a complete hearing upon the advisability of the issuance, transfer of ownership, or transfer of location of the permit. In this hearing, no objection to the issuance, transfer of ownership, or transfer of location of the permit shall be based upon the noncompliance of the proposed permit premises with local zoning regulations which prohibit the sale of beer or intoxicating liquor, in an area zoned for commercial or industrial uses, for a permit premises that would otherwise qualify for a proper permit issued by the division. Upon the written request of any of these authorities, the hearing shall be held in the county seat of the county where the applicant's business is or is to be conducted.

A request for any hearing authorized by this section shall be made no later than thirty days from the time of notification by the division. This thirty-day period begins on the date the division mails notice to the legislative authority or the date on which the division mails notice to or, by personal service, serves notice upon, the institution. The division shall conduct a hearing if the request for the hearing is postmarked by the deadline date. The division may allow, upon cause shown by the requesting legislative authority or board, an extension of thirty additional days for the legislative authority of the municipal corporation, board of township trustees of the township, or board of county commissioners of the county in which a permit premises is or is to be located to object to the issuance, transfer of ownership, or transfer of location of a permit. The request for the extension shall be made by the legislative authority or board to the division no later than thirty days after the time of notification.
by the division.

(B) When an application for transfer of ownership of a permit is filed with the division, the division shall give notice of the application to the department of taxation tax commissioner. Within twenty days after receiving this notification, the department of taxation commissioner shall notify the division of liquor control and the proposed transforee of the permit if the permit holder owes to this state any delinquent horse-racing taxes, alcoholic beverage taxes, motor fuel taxes, petroleum activity taxes, sales or use taxes or, cigarette taxes, other tobacco product taxes, income taxes withheld from employee compensation, commercial activity taxes, or gross casino revenue taxes, or has failed to file any sales tax returns or employee income tax withholding corresponding returns or submit any information required by the commissioner, as required for such taxes, to the extent that the any delinquent taxes and delinquent returns are payment or return, or any failure to submit information, is known to the department of taxation at that the time of the application. The division shall not transfer ownership of the permit until payments known to be delinquent are resolved, returns known to be delinquent are filed, and until the tax or withholding delinquency is resolved any information required by the commissioner has been provided. As used in this division, "resolved" means that the tax or withholding delinquency delinquent payment has been paid in full or an amount sufficient to satisfy the delinquency delinquent payment is in escrow for the benefit of the state. The department of taxation commissioner shall notify the division of the resolution. After the division has received the notification from the department of taxation commissioner, the division may proceed to transfer ownership of the permit. Nothing in this division shall be construed to affect or limit the responsibilities or liabilities of the transferor or the transforee imposed by Chapter 3769., 4301., 4303., 4305.,
5735., 5736., 5739. or, 5741., 5743., 5747., 5751., or 5753. of the Revised Code.

(2) Notwithstanding section 5703.21 of the Revised Code, nothing prohibits the department of taxation from disclosing to the division or to the proposed transferee or the proposed transferee's designated agent any information pursuant to division (B)(1) of this section.

(C) No F or F-2 permit shall be issued for an event until the applicant has, by means of a form that the division shall provide to the applicant, notified the chief peace officer of the political subdivision in which the event will be conducted of the date, time, place, and duration of the event.

(D) The division of liquor control shall notify an applicant for a permit authorized by sections 4303.02 to 4303.23 of the Revised Code of an action pending or judgment entered against a liquor permit premises, of which the division has knowledge, pursuant to section 3767.03 or 3767.05 of the Revised Code if the applicant is applying for a permit at the location of the premises that is the subject of the action under section 3767.03 or judgment under section 3767.05 of the Revised Code.

Sec. 4303.271. (A) Except as provided in divisions (B) and (D) of this section, the holder of a permit issued under sections 4303.02 to 4303.232 of the Revised Code, who files an application for the renewal of the same class of permit for the same premises, shall be entitled to the renewal of the permit. The division of liquor control shall renew the permit unless the division rejects for good cause any renewal application, subject to the right of the applicant to appeal the rejection to the liquor control commission.

(B) The legislative authority of the municipal corporation, the board of township trustees, or the board of county
commissioners of the county in which a permit premises is located may object to the renewal of a permit issued under sections 4303.11 to 4303.183 of the Revised Code for any of the reasons contained in division (A) of section 4303.292 of the Revised Code. Any objection shall be made no later than thirty days prior to the expiration of the permit, and the division shall accept the objection if it is postmarked no later than thirty days prior to the expiration of the permit. The objection shall be made by a resolution specifying the reasons for objecting to the renewal and requesting a hearing, but no objection shall be based upon noncompliance of the permit premises with local zoning regulations that prohibit the sale of beer or intoxicating liquor in an area zoned for commercial or industrial uses, for a permit premises that would otherwise qualify for a proper permit issued by the division. The resolution shall be accompanied by a statement by the chief legal officer of the political subdivision that, in the chief legal officer's opinion, the objection is based upon substantial legal grounds within the meaning and intent of division (A) of section 4303.292 of the Revised Code.

Upon receipt of a resolution of a legislative authority or board objecting to the renewal of a permit and a statement from the chief legal officer, the division shall set a time for the hearing and send by certified mail to the permit holder, at the permit holder's usual place of business, a copy of the resolution and notice of the hearing. The division shall then hold a hearing in the central office of the division, except that, upon written request of the legislative authority or board, the hearing shall be held in the county seat of the county in which the permit premises is located, to determine whether the renewal shall be denied for any of the reasons contained in division (A) of section 4303.292 of the Revised Code. Only the reasons for refusal contained in division (A) of section 4303.292 of the Revised Code and specified in the resolution of objection shall be considered.
at the hearing.

The permit holder and the objecting legislative authority or board shall be parties to the proceedings under this section and shall have the right to be present, to be represented by counsel, to offer evidence, to require the attendance of witnesses, and to cross-examine witnesses at the hearing.

(C) An application for renewal of a permit shall be filed with the division at least fifteen days prior to the expiration of an existing permit, and the existing permit shall continue in effect as provided in section 119.06 of the Revised Code until the application is approved or rejected by the division. Any holder of a permit, which has expired through failure to be renewed as provided in this section, shall obtain a renewal of the permit, upon filing an application for renewal with the division, at any time within thirty days from the date of the expired permit. A penalty of ten per cent of the permit fee shall be paid by the permit holder if the application for renewal is not filed at least fifteen days prior to the expiration of the permit.

(D)(1) Annually, the tax commissioner shall cause the horse-racing, alcoholic beverage, motor fuel, petroleum activity, sales and use, cigarette, other tobacco products, employer withholding, commercial activity, and gross casino revenue tax records in the department of taxation for each holder of a permit issued under sections 4303.02 to 4303.232 of the Revised Code to be examined to determine if the permit holder is delinquent in filing any sales or withholding tax returns or has any outstanding liability for sales or withholding tax, penalties, or interest imposed pursuant to Chapter 5739. or sections 5747.06 and 5747.07 of the Revised Code, submitting any information required by the commissioner, or remitting any payments with respect to those taxes or any fees, charges, penalties, or interest related to those taxes.
If any delinquency or liability exists, the commissioner shall send a notice of that fact by certified mail, return receipt requested, to the permit holder at the mailing address shown in the records of the department. The notice shall specify, in as much detail as is possible, the periods for which returns have not been filed and the nature and amount of unpaid assessments and other liabilities and shall be sent on or before the first day of the third month preceding the month in which the permit expires. The commissioner also shall notify the division of liquor control of the delinquency or liability, identifying the permit holder by name and permit number.

(2)(a) Except as provided in division (D)(4) of this section, the division of liquor control shall not renew the permit of any permit holder the tax commissioner has identified as being delinquent in filing any sales or withholding tax returns or as being liable for outstanding sales or withholding tax, penalties, or interest, providing any information, or remitting any payments with respect to the taxes listed in division (D)(1) of this section as of the first day of the sixth month preceding the month in which the permit expires, or of any permit holder the commissioner has identified as having been assessed by the department on or before the first day of the third month preceding the month in which the permit expires, until the division is notified by the tax commissioner that the delinquency, liability, or assessment has been resolved.

(b)(i) Within ninety days after the date on which the permit expires, any permit holder whose permit is not renewed under this division may file an appeal with the liquor control commission. The commission shall notify the tax commissioner regarding the filing of any such appeal. During the period in which the appeal is pending, the permit shall not be renewed by the division. The permit shall be reinstated if the permit holder and the tax...
commissioner or the attorney general demonstrate to the liquor 47164
control commission that the commissioner's notification of a 47165
delinquency or assessment was in error or that the issue of the 47166
delinquency or assessment has been resolved. 47167

(ii) A permit holder who has filed an appeal under division 47168
(D)(2)(b)(i) of this section may file a motion to withdraw the 47169
appeal. The division of liquor control may renew a permit holder's 47170
permit if the permit holder has withdrawn such an appeal and the 47171
division receives written certification from the tax commissioner 47172
that the permit holder's delinquency or assessment has been 47173
resolved.

(3) A permit holder notified of delinquency or liability 47175
under this section may protest the notification to the tax 47176
commissioner on the basis that no returns are return or 47177
information is delinquent and no tax, penalties fee, charge, 47178
penalty, or interest is outstanding. The commissioner shall 47179
expeditiously consider any evidence submitted by the permit holder 47180
and, if it is determined that the notification was in error, 47181
immediately shall inform the division of liquor control that the 47182
renewal application may be granted. The renewal shall not be 47183
denied if the delinquency or unreported liability is the subject 47184
of a bona fide dispute pursuant to section 5717.02, 5717.04, 47185
5719.13, or 5747.13 of the Revised Code as to the validity of the 47186
delinquency or unreported liability and is the subject of an 47187
assessment and of an appeal properly filed by the permit holder. 47188

(4) If the commissioner concludes that under the 47189
circumstances the permit holder's delinquency or liability has 47190
been conditionally resolved, the commissioner shall allow the 47191
permit to be renewed, conditioned upon the permit holder's 47192
continuing performance in satisfying the delinquency and 47193
liability. The conditional nature of the renewal shall be 47194
specified in the notification given to the division of liquor 47195
control under division (D)(1) of this section. Upon receipt of notice of the resolution, the division shall issue a conditional renewal. If the taxpayer defaults on any agreement to pay the delinquency or liability or fails to keep subsequent tax or fee payments current, the liquor control commission, upon request and proof of the default or failure to keep subsequent tax or fee payments current, shall indefinitely suspend the permit holder's permit until all taxes or fees and interest due are paid.

(5) The commissioner may adopt rules to assist in administering the duties imposed by this section.

Sec. 4303.33. (A) Every A-1 or A-1c permit holder in this state, every bottler, importer, wholesale dealer, broker, producer, or manufacturer of beer outside this state and within the United States, and every B-1 permit holder and importer importing beer from any manufacturer, bottler, person, or group of persons however organized outside the United States for sale or distribution for sale in this state, on or before the eighteenth day of each month, shall make and file with the tax commissioner upon a form prescribed by the tax commissioner an advance tax payment in an amount estimated to equal the taxpayer's tax liability for the month in which the advance tax payment is made. If the advance tax payment credits claimed on the report are for advance tax payments received by the tax commissioner on or before the eighteenth day of the month covered by the report, the taxpayer is entitled to an additional credit of three per cent of the advance tax payment and a discount of three per cent shall be allowed the taxpayer at the time of filing the report if filed as provided in division (B) of this section on any amount by which the tax liability reflected in the report exceeds the advance tax payment estimate by not more than ten per cent. The additional three per cent credit and three per cent discount shall be in consideration for advancing the payment of the tax and other
services performed by the permit holder and other taxpayers in the collection of the tax.

"Advance tax payment credit" means credit for payments made by an A-1, A-1c, or B-1 permit holder and any other persons during the period covered by a report which was made in anticipation of the tax liability required to be reported on that report.

"Tax liability" as used in division (A) of this section means the total gross tax liability of an A-1, A-1c, or B-1 permit holder and any other persons for the period covered by a report before any allowance for credits and discount.

(B) Every A-1 or A-1c permit holder in this state, every bottler, importer, wholesale dealer, broker, producer, or manufacturer of beer outside this state and within the United States, every B-1 permit holder importing beer from any manufacturer, bottler, person, or group of persons however organized outside the United States, and every S permit holder, on or before the tenth day of each month, shall make and file a report for the preceding month upon a form prescribed by the tax commissioner which report shall show the amount of beer produced, sold, and distributed for sale in this state by the A-1 or A-1c permit holder, sold and distributed for sale in this state by each manufacturer, bottler, importer, wholesale dealer, or broker outside this state and within the United States, the amount of beer imported into this state from outside the United States and sold and distributed for sale in this state by the B-1 permit holder or importer, and the amount of beer sold in this state by the S permit holder.

The report shall be filed by mailing remitting it to the tax commissioner, together with payment of the tax levied by sections 4301.42 and 4305.01 of the Revised Code shown to be due on the report after deduction of advance payment credits and any
additional credits or discounts provided for under this section.

(E)-(B) (1) Every A-2, A-2f, A-4, B-2, B-2a, B-3, B-4, B-5, and S permit holder in this state, on or before the eighteenth tenth day of each month, shall make and file a report with the tax commissioner upon a form prescribed by the tax commissioner which report shall show, on the report of each A-2, A-2f, A-4, B-2a, and S permit holder the amount of wine, cider, and mixed beverages produced and sold, or sold in this state by each such A-2, A-2f, A-4, B-2a, and S permit holder for the next preceding calendar month and such other information as the tax commissioner requires, and on the report of each such B-2, B-3, B-4, and B-5 permit holder the amount of wine, cider, and mixed beverages purchased from an importer, broker, wholesale dealer, producer, or manufacturer located outside this state and sold and distributed in this state by such B-2, B-3, B-4, and B-5 permit holder, for the next preceding calendar month and such other information as the tax commissioner requires.

(2) Every such A-2, A-2f, A-4, B-2, B-2a, B-3, B-4, B-5, and S permit holder in this state shall remit with the report the tax levied by sections 4301.43 and, if applicable, 4301.432 of the Revised Code less a discount thereon of three per cent of the total tax so levied and paid, provided the return is filed together with remittance of in the amount of tax shown to be due thereon on the report, within the time prescribed. Any permit holder or other persons who fail to file a report under this section, for each day the person so fails, may be required to forfeit and pay into the state treasury the sum of one dollar as revenue arising from the tax imposed by sections 4301.42, 4301.43, 4301.432, and 4305.01 of the Revised Code, and that sum may be collected by assessment in the manner provided in section 4305.13 of the Revised Code.

(3) If the tax commissioner determines that the quantity
reported by a person does not warrant monthly reporting, the commissioner may authorize the filing of returns and the payment of the tax required by this section for periods longer than one month.

(D) Every B-1 permit holder and importer in this state importing beer from any manufacturer, bottler, person, or group of persons however organized, outside the United States, if required by the tax commissioner shall post a bond payable to the state in such form and amount as the commissioner prescribes with surety to the satisfaction of the tax commissioner, conditioned upon the payment to the tax commissioner of taxes levied by sections 4301.42 and 4305.01 of the Revised Code.

(E) No such wine, beer, cider, or mixed beverages sold or distributed in this state shall be taxed more than once under sections 4301.42, 4301.43, and 4305.01 of the Revised Code.

(E) As used in this section:

(1) "Cider" has the same meaning as in section 4301.01 of the Revised Code.

(2) "Wine" has the same meaning as in section 4301.01 of the Revised Code, except that "wine" does not include cider.

(F) All money collected by the tax commissioner under this section shall be paid to the treasurer of state as revenue arising from the taxes levied by sections 4301.42, 4301.43, 4301.432, and 4305.01 of the Revised Code.

Sec. 4303.332. The first three hundred ten thousand gallons of beer sold or distributed in this state during the calendar year by an A-1c permit holder in this state shall receive a credit against taxes levied in the following calendar year be exempt from taxes levied under sections 4301.42 and 4305.01 of the Revised Code on not more than nine million three hundred
thousand gallons of beer sold or distributed in this state. The credit may be claimed monthly against taxes levied under one or more of those sections as the reports required by section 4303.33 of the Revised Code are due. At the time the report for December is due for a calendar year during which a permit holder is eligible to receive a credit under this section, if the permit holder has claimed less than the credit due on nine million three hundred thousand gallons, including credit claimed on the December report, the permit holder may claim a refund of taxes previously reported and paid under section 4303.33 of the Revised Code during the calendar year on a number of gallons equal to the difference between nine million three hundred thousand gallons and the number of gallons for which a credit has been claimed under this section. For the purpose of providing this refund, taxes previously paid under section 4303.33 of the Revised Code during the calendar year shall not be considered final until the December report is filed. The tax commissioner shall prescribe forms for and allow the credits and refunds authorized by this section.

Sec. 4303.333. (A) An A-2 or A-2f permit holder in this state whose total production of wine, wherever produced, which but for this exemption is taxable under section 4301.43 of the Revised Code does not exceed five hundred thousand gallons in a calendar year, shall be allowed an exemption from the taxes levied under section 4301.43 of the Revised Code on wine produced and sold or distributed in this state. The exemption Both of the following are exempted from taxes levied under section 4301.43 of the Revised Code:

(A) Wine produced and sold or distributed in this state by an A-2 or A-2f permit holder in this state, provided the permit holder's total production of wine otherwise taxable under that
section but for this division does not exceed five hundred thousand gallons in a calendar year:

(B) The first three hundred ten thousand gallons of cider produced and sold or distributed in this state during the calendar year by an A-2 or A-2f permit holder in this state.

The exemptions authorized under this section may be claimed monthly against current taxes levied under section 4301.43 of the Revised Code as the reports required by section 4303.33 of the Revised Code are due. At the time the report for December is due for a calendar year during which a permit holder claimed an exemption under this section, if the permit holder has paid the tax levied under section 4301.43 of the Revised Code, the permit holder may claim a refund of such tax paid during the calendar year or shall remit any additional tax due because it did not qualify for the exemption on the December report. For the purpose of providing this refund, taxes previously paid under section 4303.33 of the Revised Code during the calendar year shall not be considered final until the December report is filed.

(B) The tax commissioner shall prescribe forms for and allow the exemptions and refunds authorized by this section.

Sec. 4305.01. For the purpose of reimbursing the state for the expenses of administering Chapters 4301. and 4303. of the Revised Code and to provide revenues for the support of the state, a tax is hereby levied on the sale or distribution in this state of beer, whether in barrels or other containers, excepting in sealed bottles or cans, at the rate of five dollars and fifty-eight cents one of the following rates:

(A) For beer containing not more than twelve per cent alcohol by volume, nine dollars and forty-nine cents per barrel of thirty-one gallons:
(B) For beer containing more than twelve per cent alcohol by volume, thirty-one dollars per barrel of thirty-one gallons.

The tax commissioner shall exercise, with respect to the administration of the tax imposed by this section, all the powers and duties vested in or imposed by sections 4307.04 to 4307.07 of the Revised Code, so far as consistent with this section. Manufacturers and consignees of beer in barrels or other containers, excepting in sealed bottles or cans, and railroad companies, express companies, and other public carriers transporting shipments of such beer are subject, with respect to such tax, to the same duties and entitled to the same privileges as are required or permitted by those sections.

The revenue derived from the tax on the sale and distribution of beer pursuant to this section and section 4301.42 of the Revised Code shall be for the use of credited to the general revenue fund.

The tax refund fund created by section 5703.052 of the Revised Code may be drawn upon by the tax commissioner for any refunds authorized to be made by the commissioner in sections 4303.33, 4307.05, and 4307.07 of the Revised Code for beer.

Sec. 4501.07. There is hereby created the public safety highway patrol custodial fund, which shall be in the custody of the treasurer of state, but shall not be part of the state treasury. Except as otherwise provided in section 5502.1321 of the Revised Code, all money seized during investigations or other enforcement activities of the highway patrol shall be deposited into the fund or otherwise safeguarded as provided in Chapter 2981. of the Revised Code. The director of public safety shall transfer money upon resolution of all legal proceedings in accordance with Chapter 2981. of the Revised Code.
Sec. 4503.15. Owners and lessees of motor vehicles who are residents of this state and hold an unrevoked and unexpired license duly admitting them to the practice of medicine in this state, upon application, accompanied by proof of the issuance to the applicant by this state of a certificate license issued pursuant to section 4731.14 of the Revised Code authorizing the person to engage in the practice of medicine, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the regular license fee, as prescribed under sections 4503.04 and 4503.10 of the Revised Code, and the payment of an additional fee of ten dollars, which shall be for the purpose of compensating the bureau of motor vehicles for additional services required in the issuing of license plates under this section, shall be issued a validation sticker and license plates, or a validation sticker alone when required by section 4503.191 of the Revised Code, for passenger cars and other vehicles of a class approved by the registrar. Such license plates, in addition to the letters and numbers ordinarily inscribed thereon, shall be inscribed with the word "physician."

Sec. 4503.503. (A) The owner or lessee of any passenger car, noncommercial motor vehicle, recreational vehicle, or other vehicle of a class approved by the registrar of motor vehicles may apply to the registrar for the registration of the vehicle and issuance of "Ohio agriculture" license plates. The application for "Ohio agriculture" license plates may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code. Upon receipt of the completed application and compliance with division (B) of this section, the registrar shall issue to the applicant the appropriate vehicle registration and a set of "Ohio agriculture" license plates with a validation sticker or a validation sticker alone when required by

In addition to the letters and numbers ordinarily inscribed thereon, "Ohio agriculture" license plates shall be inscribed with words and markings selected and designed by the Ohio farm bureau federation, in consultation with representatives of agricultural commodity organizations of this state. The registrar shall approve the final design. "Ohio agriculture" license plates shall bear county identification stickers that identify the county of registration as required under section 4503.19 of the Revised Code.

(B) "Ohio agriculture" license plates and validation stickers shall be issued upon payment of the regular license tax as prescribed under section 4503.04 of the Revised Code, any applicable motor vehicle tax levied under Chapter 4504. of the Revised Code, any applicable fee prescribed by section 4503.40 or 4503.42 of the Revised Code, a bureau of motor vehicles administrative fee of ten dollars, the contribution specified under division (C) of this section, and compliance with all other applicable laws relating to the registration of motor vehicles.

(C) For each application for registration and registration renewal received under this section, the registrar shall collect a contribution of twenty dollars. The registrar shall transmit this contribution to the treasurer of state for deposit in the Ohio agriculture license plate scholarship state treasury to the credit of the agro Ohio fund created in section 901.90 901.04 of the Revised Code.

(D) The registrar shall deposit the bureau administrative fee of ten dollars specified in division (B) of this section, the purpose of which is to compensate the bureau for the additional services required in the issuing of the applicant's "Ohio agriculture" license plates, into the state bureau of motor
Sec. 4503.77. (A) As used in this section:

(1) "Nonstandard license plate" means all of the following:

(a) A license plate issued under sections 4503.52, 4503.55, 4503.56, 4503.57, 4503.70, 4503.71, 4503.72, and 4503.75 of the Revised Code;

(b) A license plate issued under a program that is reestablished under division (D) of this section and that meets the requirements contained in division (B) of section 4503.78 of the Revised Code;

(c) Except as may otherwise be specifically provided by law, any license plate created after August 21, 1997.

(2) For purposes of license plates issued under sections 4503.503 and 4503.504 of the Revised Code, "sponsor" includes the Ohio agriculture license plate scholarship fund board created in section 901.90 of the Revised Code and the director of agriculture.

(B)(1) If, during any calendar year, the total number of motor vehicle registrations involving a particular type of nonstandard license plate is less than twenty-five, including both new registrations and registration renewals, the registrar of motor vehicles, on or after the first day of January, but not later than the fifteenth day of January of the following year, shall send a written notice to the sponsor of that type of nonstandard license plate, if a sponsor exists, informing the sponsor of this fact. The registrar also shall inform the sponsor that if, during the calendar year in which the written notice is sent, the total number of motor vehicle registrations involving the sponsor's nonstandard license plate again is less than twenty-five, the program involving that type of nonstandard
license plate will be terminated on the thirty-first day of December of the calendar year in which the written notice is sent and, except as provided in division (C) of this section, no motor vehicle registration application involving either the actual issuance of that type of nonstandard license plate or the registration renewal of a motor vehicle displaying that type of nonstandard license plate will be accepted by the registrar or a deputy registrar beginning the first day of January of the next calendar year. The registrar also shall inform the sponsor that if the program involving the sponsor's nonstandard license plate is terminated under this section, it may be reestablished pursuant to division (D) of this section.

(2) If, during any calendar year, the total number of motor vehicle registrations involving a particular type of nonstandard license plate is less than twenty-five, including both new registrations and registration renewals, and no sponsor exists for that license plate, the registrar shall issue a public notice on or after the first day of January, but not later than the fifteenth day of January of the following year, stating that fact. The notice also shall inform the public that if, during the calendar year in which the registrar issues the public notice, the total number of motor vehicle registrations for that type of nonstandard license plate, including both new registrations and registration renewals, again is less than twenty-five, the program involving that type of nonstandard license plate will be terminated on the thirty-first day of December of the calendar year in which the registrar issues the public notice and, except as provided in division (C) of this section, no motor vehicle registration application involving either the actual issuance of that type of nonstandard license plate or the registration renewal of a motor vehicle displaying that type of nonstandard license plate will be accepted by the registrar or a deputy registrar beginning on the first day of January of the next calendar year.
(C) If the program involving a type of nonstandard license plate is terminated under division (B) of this section, the registration of any motor vehicle displaying that type of nonstandard license plate at the time of termination may be renewed so long as the nonstandard license plates remain serviceable. If the nonstandard license plates of such a motor vehicle become unfit for service, the owner of the motor vehicle may apply for the issuance of nonstandard license plates of that same type, but the registrar or deputy registrar shall issue such nonstandard license plates only if at the time of application the stock of the bureau contains license plates of that type of nonstandard license plate. If, at the time of such application, the stock of the bureau does not contain license plates of that type of nonstandard license plate, the registrar or deputy registrar shall inform the owner of that fact, and the application shall be refused.

If the program involving a type of nonstandard license plate is terminated under division (B) of this section and the registration of motor vehicles displaying such license plates continues as permitted by this division, the registrar, for as long as such registrations continue to be issued, shall continue to collect and distribute any contribution that was required to be collected and distributed prior to the termination of that program.

(D) If the program involving a nonstandard license plate is terminated under division (B)(1) of this section, the sponsor of that license plate may apply to the registrar for the reestablishment of the program. If the program involving that nonstandard license plate is reestablished, the reestablishment is subject to division (B) of section 4503.78 of the Revised Code.
Revised Code, a motor vehicle dealer or person acting on behalf of a motor vehicle dealer may display, offer for sale, or sell a used motor vehicle and a manufactured housing dealer or person acting on behalf of a manufactured housing dealer may display, offer for sale, or sell a used manufactured home or used mobile home without having first obtained a certificate of title for the vehicle in the name of the dealer by complying with this section.

(1) The dealer or person acting on behalf of the dealer shall possess a bill of sale for each used motor vehicle, used manufactured home, and used mobile home proposed to be displayed, offered for sale, or sold under this section or a properly executed power of attorney or other related documents from the prior owner of the motor vehicle, manufactured home, or mobile home giving the dealer or person acting on behalf of the dealer authority to have a certificate of title to the motor vehicle, manufactured home, or mobile home issued in the name of the dealer, and shall retain copies of all such documents in the dealer's or person's files until such time as a certificate of title in the dealer's name is issued for each such motor vehicle, manufactured home, or mobile home by the clerk of the court of common pleas. Such documents shall be available for inspection by the bureau of motor vehicles and the division of real estate of the department of commerce during normal business hours.

(2) If the attorney general has paid a retail purchaser of the dealer or a secured party under division (D), (E), or (G) of this section within three years prior to such date, the dealer shall post with the attorney general's office in favor of this state a bond of a surety company authorized to do business in this state, in an amount of not less than twenty-five thousand dollars, to be used solely for the purpose of compensating retail purchasers of motor vehicles, manufactured homes, or mobile homes.
who suffer damages due to failure of the dealer or person acting on behalf of the dealer to comply with this section. Failure to post a bond constitutes a deceptive act or practice in connection with a consumer transaction and is a violation of section 1345.02 of the Revised Code. The dealer's surety shall notify the registrar and attorney general when a bond of a motor vehicle dealer is canceled and shall notify the manufactured homes commission division of real estate of the department of commerce and the attorney general when a bond of a manufactured housing dealer is canceled. Such notification of cancellation shall include the effective date of and reason for cancellation.

(B) If a retail purchaser purchases a used motor vehicle, used manufactured home, or used mobile home for which the dealer, pursuant to and in accordance with division (A) of this section, does not have a certificate of title issued in the name of the dealer at the time of the sale, the retail purchaser has an unconditional right to demand the dealer rescind the transaction if one of the following applies:

(1) The dealer fails, on or before the fortieth day following the date of the sale, to obtain a title in the name of the retail purchaser.

(2) The title for the vehicle indicates that it is a rebuilt salvage vehicle, and the fact that it is a rebuilt salvage vehicle was not disclosed to the retail purchaser in writing prior to the execution of the purchase agreement.

(3) The title for the vehicle indicates that the dealer has made an inaccurate odometer disclosure to the retail purchaser.

(4) The title for the vehicle indicates that it is a "buyback" vehicle as defined in section 1345.71 of the Revised Code, and the fact that it is a "buyback" vehicle was not disclosed to the retail purchaser in the written purchase
agreement.

(5) The motor vehicle is a used manufactured home or used mobile home, as defined by section 4781.01 of the Revised Code, that has been repossessed under Chapter 1309. or 1317. of the Revised Code, but a certificate of title for the repossessed home has not yet been transferred by the repossessing party to the dealer on the date the retail purchaser purchases the used manufactured home or used mobile home from the dealer, and the dealer fails to obtain a certificate of title on or before the fortieth day after the dealer obtains the certificate of title for the home from the repossessing party or the date on which an occupancy permit for the home is delivered to the purchaser by the appropriate legal authority, whichever occurs later.

(C)(1) If the circumstance described in division (B)(1) of this section applies, a retail purchaser or the retail purchaser's representative shall provide the dealer notice of the request for recision. Such notification shall occur not later than sixty days from the date the motor vehicle is titled in the name of the retail purchaser. The dealer shall have the opportunity to comply with the dealer's obligation to refund the full purchase price of the motor vehicle. Reimbursement shall be only in such a manner as to reimburse the retail purchaser any money the retail purchaser actually paid and, in the case of a lender of the retail purchaser, the amount paid by the lender to purchase the contract or finance the sale of the vehicle. If a vehicle was taken in trade as a down payment, the dealer shall return the vehicle to the consumer, unless the dealer remitted payment to a third party to satisfy any security interest. If the dealer remitted payment, the dealer shall reimburse the purchaser the value of the vehicle, as evidenced by the bill of sale.

(2) If any of the circumstances described in division (B)(2), (3), or (4) of this section apply, a retail
purchaser or the retail purchaser's representative shall provide notice to the dealer of a request for rescission. Such notification shall occur not later than one hundred eighty days from the date the vehicle is titled in the name of the retail purchaser. Upon timely notification, the dealer shall have the opportunity to comply with the dealer's obligation to refund the full purchase price of the motor vehicle. Reimbursement shall be only in such a manner as to reimburse the retail purchaser any money the retail purchaser actually paid and, in the case of a lender of the retail purchaser, the amount paid by the lender to purchase the contract or finance the sale of the vehicle. If a vehicle was taken in trade as a down payment, the dealer shall return the vehicle to the consumer, unless the dealer remitted payment to a third party to satisfy any security interest. If the dealer remitted payment, the dealer shall reimburse the purchaser the value of the vehicle, as evidenced by the bill of sale.

(3) If any of the circumstances described in division (B)(5) of this section apply, a retail purchaser or the retail purchaser's representative shall notify the dealer and afford the dealer the opportunity to comply with the dealer's obligation to rescind the manufactured home or mobile home transaction.

(4) If the retail purchaser does not deliver notice to the dealer within the applicable time period specified in division (C)(1), (2), or (3) of this section, the retail purchaser shall not be entitled to any recovery or have any cause of action under this section.

(5) Nothing in division (C) of this section shall be construed as prohibiting the dealer and the retail purchaser or their representatives from negotiating a compromise resolution that is satisfactory to both parties.

(D) If a retail purchaser notifies a dealer of one or more of the circumstances listed in division (B) of this section within
the applicable time period specified in division (C)(1), (2), or (3) of this section and the dealer fails to comply with the requirements for rescission as prescribed in division (C) of this section or reach a satisfactory compromise with the retail purchaser within seven business days of presentation of the retail purchaser's rescission claim, the retail purchaser may apply to the attorney general for payment from the fund of the full purchase price to the retail purchaser.

(E)(1) Upon application by a retail purchaser for payment from the fund, if the attorney general is satisfied that one or more of the circumstances contained in divisions (B)(1) to (5) of this section exist, and notification has been given within the applicable time period specified in division (C)(1), (2), or (3) of this section, the attorney general shall cause at maximum the full purchase price of the vehicle, manufactured home, or mobile home plus the cost of any additional temporary license placards to be paid to the retail purchaser from the fund. The attorney general may require delivery of the vehicle, manufactured home, or mobile home to the attorney general prior to reimbursement from the fund. Reimbursement shall be only in such a manner as to do either of the following:

(a) Reimburse the retail purchaser any money the retail purchaser actually paid and, in the case of a lender of the retail purchaser, the amount paid by the lender to purchase the contract or finance the sale of the vehicle;

(b) If the retail purchaser wishes to retain the vehicle, the attorney general, in the attorney general's sole discretion, may pay a lienholder of record or other holder of a secured interest in such manner that title can be transferred to the retail purchaser free of encumbrances, other than a security interest granted by the retail purchaser at the time of vehicle purchase.

(2) The attorney general, in the attorney general's sole discretion.
discretion, also may cause the cost of additional temporary license placards to be paid from the fund.

(F) The attorney general may sell or otherwise dispose of any used motor vehicle, manufactured home, or mobile home that is delivered to the attorney general under this section, and may collect the proceeds of any bond posted under division (A) of this section by a dealer who has failed to comply with division (D) of this section. The proceeds from all such sales and collections shall be deposited into the title defect revision fund for use as specified in section 1345.52 of the Revised Code.

(G) If a dealer fails to submit payment of a secured interest on a trade-in vehicle as agreed to by the dealer and retail purchaser and none of the circumstances in divisions (B)(1) to (5) applies, the retail purchaser may apply to the attorney general for payment to the secured creditor from the fund. The attorney general shall demand immediate payment from the dealer and if payment has not been made or is not immediately forthcoming, the attorney general may cause an amount equal to that which the dealer agreed to pay to the secured creditor to be paid from the fund, along with any additional interest and late fees resulting from the dealer's failure to pay the secured creditor in a timely manner.

(H) Failure by a dealer to comply with both divisions (B) and (C) of this section constitutes a deceptive act or practice in connection with a consumer transaction, and is a violation of section 1345.02 of the Revised Code.

(I) The remedy provided in this section to retail purchasers is in addition to any remedies otherwise available to the retail purchaser for the same conduct of the dealer or person acting on behalf of the dealer under federal law or the laws of this state or a political subdivision of this state.
(J) If, at any time during any calendar year, the balance in the title defect rescission fund is less than three hundred thousand dollars, the attorney general may assess all motor vehicle dealers licensed under Chapter 4517. of the Revised Code and all manufactured housing dealers licensed under Chapter 4781. of the Revised Code one hundred fifty dollars for deposit into the title defect rescission fund until the balance in the fund reaches three hundred thousand dollars. A notice of assessment shall be sent to each dealer at its licensed location.

If a motor vehicle dealer or manufactured housing dealer fails to comply with this division, the attorney general may bring a civil action in a court of competent jurisdiction to collect the amount the dealer failed to pay to the attorney general for deposit into the fund.

(K) Nothing in this section shall be construed as providing for payment of attorney fees to the retail purchaser.

(L) As used in this section:

(1) "Full purchase price" means the contract price, including charges for dealer installed options and accessories, all finance, credit insurance, and service contract charges incurred by the retail purchaser, all sales tax, license and registration fees, and the amount of any negative equity that was not already paid by the dealer to a third party to satisfy a lien, as reflected in the contract.

(2) "Retail purchaser" means a person, other than a motor vehicle dealer or a manufactured housing dealer, who in good faith purchases a used motor vehicle for purposes other than resale.

Sec. 4511.19. (A)(1) No person shall operate any vehicle, streetcar, or trackless trolley within this state, if, at the time of the operation, any of the following apply:
(a) The person is under the influence of alcohol, a drug of abuse, or a combination of them.

(b) The person has a concentration of eight-hundredths of one per cent or more but less than seventeen-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.

(c) The person has a concentration of ninety-six-thousandths of one per cent or more but less than two hundred four-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.

(d) The person has a concentration of eight-hundredths of one gram or more but less than seventeen-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.

(e) The person has a concentration of eleven-hundredths of one gram or more but less than two hundred thirty-eight-thousandths of one gram by weight of alcohol per one hundred milliliters of the person's urine.

(f) The person has a concentration of seventeen-hundredths of one per cent or more by weight per unit volume of alcohol in the person's whole blood.

(g) The person has a concentration of two hundred four-thousandths of one per cent or more by weight per unit volume of alcohol in the person's blood serum or plasma.

(h) The person has a concentration of seventeen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath.

(i) The person has a concentration of two hundred thirty-eight-thousandths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine.
(j) Except as provided in division (K) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:

(i) The person has a concentration of amphetamine in the person's urine of at least five hundred nanograms of amphetamine per milliliter of the person's urine or has a concentration of amphetamine in the person's whole blood or blood serum or plasma of at least one hundred nanograms of amphetamine per milliliter of the person's whole blood or blood serum or plasma.

(ii) The person has a concentration of cocaine in the person's urine of at least one hundred fifty nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine per milliliter of the person's whole blood or blood serum or plasma.

(iii) The person has a concentration of cocaine metabolite in the person's urine of at least one hundred fifty nanograms of cocaine metabolite per milliliter of the person's urine or has a concentration of cocaine metabolite in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine metabolite per milliliter of the person's whole blood or blood serum or plasma.

(iv) The person has a concentration of heroin in the person's urine of at least two thousand nanograms of heroin per milliliter of the person's urine or has a concentration of heroin in the person's whole blood or blood serum or plasma of at least fifty nanograms of heroin per milliliter of the person's whole blood or blood serum or plasma.

(v) The person has a concentration of heroin metabolite
(6-monoacetylmorphine) in the person's urine of at least ten nanograms of heroin metabolite (6-monoacetylmorphine) per milliliter of the person's urine or has a concentration of heroin metabolite (6-monoacetylmorphine) in the person's whole blood or blood serum or plasma of at least ten nanograms of heroin metabolite (6-monoacetylmorphine) per milliliter of the person's whole blood or blood serum or plasma.

(vi) The person has a concentration of L.S.D. in the person's urine of at least twenty-five nanograms of L.S.D. per milliliter of the person's urine or a concentration of L.S.D. in the person's whole blood or blood serum or plasma of at least ten nanograms of L.S.D. per milliliter of the person's whole blood or blood serum or plasma.

(vii) The person has a concentration of marihuana in the person's urine of at least ten nanograms of marihuana per milliliter of the person's urine or has a concentration of marihuana in the person's whole blood or blood serum or plasma of at least two nanograms of marihuana per milliliter of the person's whole blood or blood serum or plasma.

(viii) Either of the following applies:

(I) The person is under the influence of alcohol, a drug of abuse, or a combination of them, and, as measured by gas chromatography mass spectrometry, the person has a concentration of marihuana metabolite in the person's urine of at least fifteen nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least five nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

(II) As measured by gas chromatography mass spectrometry, the person has a concentration of marihuana metabolite in the
person's urine of at least thirty-five nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least fifty nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

(ix) The person has a concentration of methamphetamine in the person's urine of at least five hundred nanograms of methamphetamine per milliliter of the person's urine or has a concentration of methamphetamine in the person's whole blood or blood serum or plasma of at least one hundred nanograms of methamphetamine per milliliter of the person's whole blood or blood serum or plasma.

(x) The person has a concentration of phencyclidine in the person's urine of at least twenty-five nanograms of phencyclidine per milliliter of the person's urine or has a concentration of phencyclidine in the person's whole blood or blood serum or plasma of at least ten nanograms of phencyclidine per milliliter of the person's whole blood or blood serum or plasma.

(xi) The state board of pharmacy has adopted a rule pursuant to section 4729.041 of the Revised Code that specifies the amount of salvia divinorum and the amount of salvinorin A that constitute concentrations of salvia divinorum and salvinorin A in a person's urine, in a person's whole blood, or in a person's blood serum or plasma at or above which the person is impaired for purposes of operating any vehicle, streetcar, or trackless trolley within this state, the rule is in effect, and the person has a concentration of salvia divinorum or salvinorin A of at least that amount so specified by rule in the person's urine, in the person's whole blood, or in the person's blood serum or plasma.

(2) No person who, within twenty years of the conduct described in division (A)(2)(a) of this section, previously has
been convicted of or pleaded guilty to a violation of this
division, a violation of division (A)(1) or (B) of this section,
or any other equivalent offense shall do both of the following:

(a) Operate any vehicle, streetcar, or trackless trolley
within this state while under the influence of alcohol, a drug of
abuse, or a combination of them;

(b) Subsequent to being arrested for operating the vehicle,
streetcar, or trackless trolley as described in division (A)(2)(a)
of this section, being asked by a law enforcement officer to
submit to a chemical test or tests under section 4511.191 of the
Revised Code, and being advised by the officer in accordance with
section 4511.192 of the Revised Code of the consequences of the
person's refusal or submission to the test or tests, refuse to
submit to the test or tests.

(B) No person under twenty-one years of age shall operate any
vehicle, streetcar, or trackless trolley within this state, if, at
the time of the operation, any of the following apply:

(1) The person has a concentration of at least two-hundredths
of one per cent but less than eight-hundredths of one per cent by
weight per unit volume of alcohol in the person's whole blood.

(2) The person has a concentration of at least
three-hundredths of one per cent but less than
ninety-six-thousandths of one per cent by weight per unit volume
of alcohol in the person's blood serum or plasma.

(3) The person has a concentration of at least two-hundredths
of one gram but less than eight-hundredths of one gram by weight
of alcohol per two hundred ten liters of the person's breath.

(4) The person has a concentration of at least twenty-eight
one-thousandths of one gram but less than eleven-hundredths of one
gram by weight of alcohol per one hundred milliliters of the
person's urine.
(C) In any proceeding arising out of one incident, a person may be charged with a violation of division (A)(1)(a) or (A)(2) and a violation of division (B)(1), (2), or (3) of this section, but the person may not be convicted of more than one violation of these divisions.

(D)(1)(a) In any criminal prosecution or juvenile court proceeding for a violation of division (A)(1)(a) of this section or for an equivalent offense that is vehicle-related, the result of any test of any blood or urine withdrawn and analyzed at any health care provider, as defined in section 2317.02 of the Revised Code, may be admitted with expert testimony to be considered with any other relevant and competent evidence in determining the guilt or innocence of the defendant.

(b) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section or for an equivalent offense that is vehicle-related, the court may admit evidence on the concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine, or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within three hours of the time of the alleged violation. The three-hour time limit specified in this division regarding the admission of evidence does not extend or affect the two-hour time limit specified in division (A) of section 4511.192 of the Revised Code as the maximum period of time during which a person may consent to a chemical test or tests as described in that section. The court may admit evidence on the concentration of alcohol, drugs of abuse, or a combination of them as described in this division when a person submits to a blood, breath, urine, or other bodily substance test at the request of a law enforcement officer under section 4511.191 of the Revised Code or a blood or
The bodily substance withdrawn under division (D)(1)(b) of this section shall be analyzed in accordance with methods approved by the director of health by an individual possessing a valid permit issued by the director pursuant to section 3701.143 of the Revised Code.

(c) As used in division (D)(1)(b) of this section, "emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in section 4765.01 of the Revised Code.

(2) In a criminal prosecution or juvenile court proceeding for a violation of division (A) of this section or for an equivalent offense that is vehicle-related, if there was at the time the bodily substance was withdrawn a concentration of less than the applicable concentration of alcohol specified in divisions (A)(1)(b), (c), (d), and (e) of this section or less than the applicable concentration of a listed controlled substance or a listed metabolite of a controlled substance specified for a violation of division (A)(1)(j) of this section, that fact may be considered with other competent evidence in determining the guilt.
or innocence of the defendant. This division does not limit or affect a criminal prosecution or juvenile court proceeding for a violation of division (B) of this section or for an equivalent offense that is substantially equivalent to that division.

(3) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney, immediately upon the completion of the chemical test analysis.

If the chemical test was obtained pursuant to division (D)(1)(b) of this section, the person tested may have a physician, a registered nurse, or a qualified technician, chemist, or phlebotomist of the person's own choosing administer a chemical test or tests, at the person's expense, in addition to any administered at the request of a law enforcement officer. If the person was under arrest as described in division (A)(5) of section 4511.191 of the Revised Code, the arresting officer shall advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. If the person was under arrest other than described in division (A)(5) of section 4511.191 of the Revised Code, the form to be read to the person to be tested, as required under section 4511.192 of the Revised Code, shall state that the person may have an independent test performed at the person's expense. The failure or inability to obtain an additional chemical test by a person shall not preclude the admission of evidence relating to the chemical test or tests taken at the request of a law enforcement officer.

(4)(a) As used in divisions (D)(4)(b) and (c) of this section, "national highway traffic safety administration" means the national highway traffic safety administration established as an administration of the United States department of transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105.
(b) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section, of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine, if a law enforcement officer has administered a field sobriety test to the operator of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that were set by the national highway traffic safety administration, all of the following apply:

(i) The officer may testify concerning the results of the field sobriety test so administered.

(ii) The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.

(iii) If testimony is presented or evidence is introduced under division (D)(4)(b)(i) or (ii) of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

(c) Division (D)(4)(b) of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding.
(D)(4)(b) of this section.

(E)(1) Subject to division (E)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) or (B)(1), (2), (3), or (4) of this section or for an equivalent offense that is substantially equivalent to any of those divisions, a laboratory report from any laboratory personnel issued a permit by the department of health authorizing an analysis as described in this division that contains an analysis of the whole blood, blood serum or plasma, breath, urine, or other bodily substance tested and that contains all of the information specified in this division shall be admitted as prima-facie evidence of the information and statements that the report contains. The laboratory report shall contain all of the following:

(a) The signature, under oath, of any person who performed the analysis;

(b) Any findings as to the identity and quantity of alcohol, a drug of abuse, a controlled substance, a metabolite of a controlled substance, or a combination of them that was found;

(c) A copy of a notarized statement by the laboratory director or a designee of the director that contains the name of each certified analyst or test performer involved with the report, the analyst's or test performer's employment relationship with the laboratory that issued the report, and a notation that performing an analysis of the type involved is part of the analyst's or test performer's regular duties;

(d) An outline of the analyst's or test performer's education, training, and experience in performing the type of analysis as described in this division;
analysis involved and a certification that the laboratory satisfies appropriate quality control standards in general and, in this particular analysis, under rules of the department of health.

(2) Notwithstanding any other provision of law regarding the admission of evidence, a report of the type described in division (E)(1) of this section is not admissible against the defendant to whom it pertains in any proceeding, other than a preliminary hearing or a grand jury proceeding, unless the prosecutor has served a copy of the report on the defendant's attorney or, if the defendant has no attorney, on the defendant.

(3) A report of the type described in division (E)(1) of this section shall not be prima-facie evidence of the contents, identity, or amount of any substance if, within seven days after the defendant to whom the report pertains or the defendant's attorney receives a copy of the report, the defendant or the defendant's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interest of justice.

(F) Except as otherwise provided in this division, any physician, registered nurse, emergency medical technician-intermediate, emergency medical technician-paramedic, or qualified technician, chemist, or phlebotomist who withdraws blood from a person pursuant to this section or section 4511.191 or 4511.192 of the Revised Code, and any hospital, first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section or section 4511.191 or 4511.192 of the Revised Code, is immune from criminal liability and civil liability based upon a claim of assault and battery or any other claim that is not a claim of malpractice, for any act performed in withdrawing blood from the person. The immunity provided in this division also extends to an emergency medical service organization that employs an emergency medical technician-intermediate or
emergency medical technician-paramedic who withdraws blood under this section. The immunity provided in this division is not available to a person who withdraws blood if the person engages in willful or wanton misconduct.

As used in this division, "emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in section 4765.01 of the Revised Code.

(G)(1) Whoever violates any provision of divisions (A)(1)(a) to (i) or (A)(2) of this section is guilty of operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them. Whoever violates division (A)(1)(j) of this section is guilty of operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance. The court shall sentence the offender for either offense under Chapter 2929. of the Revised Code, except as otherwise authorized or required by divisions (G)(1)(a) to (e) of this section:

(a) Except as otherwise provided in division (G)(1)(b), (c), (d), or (e) of this section, the offender is guilty of a misdemeanor of the first degree, and the court shall sentence the offender to all of the following:

(i) If the sentence is being imposed for a violation of division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a mandatory jail term of three consecutive days. As used in this division, three consecutive days means seventy-two consecutive hours. The court may sentence an offender to both an intervention program and a jail term. The court may impose a jail term in addition to the three-day mandatory jail term or intervention program. However, in no case shall the cumulative jail term imposed for the offense exceed six months.
The court may suspend the execution of the three-day jail term under this division if the court, in lieu of that suspended term, places the offender under a community control sanction pursuant to section 2929.25 of the Revised Code and requires the offender to attend, for three consecutive days, a drivers' intervention program certified under section 5119.38 of the Revised Code. The court also may suspend the execution of any part of the three-day jail term under this division if it places the offender under a community control sanction pursuant to section 2929.25 of the Revised Code for part of the three days, requires the offender to attend for the suspended part of the term a drivers' intervention program so certified, and sentences the offender to a jail term equal to the remainder of the three consecutive days that the offender does not spend attending the program. The court may require the offender, as a condition of community control and in addition to the required attendance at a drivers' intervention program, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Chapter 5119. of the Revised Code by the director of mental health and addiction services that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose on the offender any other conditions of community control that it considers necessary.

(ii) If the sentence is being imposed for a violation of division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this section, except as otherwise provided in this division, a mandatory jail term of at least three consecutive days and a requirement that the offender attend, for three consecutive days, a drivers' intervention program that is certified pursuant to section 5119.38 of the Revised Code. As used in this division, three consecutive days means seventy-two consecutive hours. If the
court determines that the offender is not conducive to treatment in a drivers' intervention program, if the offender refuses to attend a drivers' intervention program, or if the jail at which the offender is to serve the jail term imposed can provide a driver's intervention program, the court shall sentence the offender to a mandatory jail term of at least six consecutive days.

The court may require the offender, under a community control sanction imposed under section 2929.25 of the Revised Code, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Chapter 5119. of the Revised Code by the director of mental health and addiction services, in addition to the required attendance at drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any other conditions of community control on the offender that it considers necessary.

(iii) In all cases, a fine of not less than three hundred seventy-five and not more than one thousand seventy-five dollars;

(iv) In all cases, a class five license suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(5) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(b) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to one violation of division (A) or (B) of this section or one other equivalent offense is guilty of a misdemeanor of the first degree.
The court shall sentence the offender to all of the following: 48230

   (i) If the sentence is being imposed for a violation of 48231
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 48232
mandatory jail term of ten consecutive days. The court shall 48233
impose the ten-day mandatory jail term under this division unless, 48234
subject to division (G)(3) of this section, it instead imposes a 48235
sentence under that division consisting of both a jail term and a 48236
term of house arrest with electronic monitoring, with continuous 48237
alcohol monitoring, or with both electronic monitoring and 48238
continuous alcohol monitoring. The court may impose a jail term in 48239
addition to the ten-day mandatory jail term. The cumulative jail 48240
term imposed for the offense shall not exceed six months. 48241

   In addition to the jail term or the term of house arrest with 48242
electronic monitoring or continuous alcohol monitoring or both 48243
types of monitoring and jail term, the court shall require the 48244
offender to be assessed by a community addiction services provider 48245
that is authorized by section 5119.21 of the Revised Code, subject 48246
to division (I) of this section, and shall order the offender to 48247
follow the treatment recommendations of the services provider. The 48248
purpose of the assessment is to determine the degree of the 48249
offender's alcohol usage and to determine whether or not treatment 48250
is warranted. Upon the request of the court, the services provider 48251
shall submit the results of the assessment to the court, including 48252
all treatment recommendations and clinical diagnoses related to 48253
alcohol use. 48254

   (ii) If the sentence is being imposed for a violation of 48255
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 48256
section, except as otherwise provided in this division, a 48257
mandatory jail term of twenty consecutive days. The court shall 48258
impose the twenty-day mandatory jail term under this division 48259
unless, subject to division (G)(3) of this section, it instead 48260
imposes a sentence under that division consisting of both a jail 48261
term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the twenty-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months.

In addition to the jail term or the term of house arrest with electronic monitoring or continuous alcohol monitoring or both types of monitoring and jail term, the court shall require the offender to be assessed by a community addiction service provider that is authorized by section 5119.21 of the Revised Code, subject to division (I) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The purpose of the assessment is to determine the degree of the offender's alcohol usage and to determine whether or not treatment is warranted. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

(iii) In all cases, notwithstanding the fines set forth in Chapter 2929. of the Revised Code, a fine of not less than five hundred twenty-five and not more than one thousand six hundred twenty-five dollars;

(iv) In all cases, a class four license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, immobilization of the vehicle involved in the
offense for ninety days in accordance with section 4503.233 of the Revised Code and impoundment of the license plates of that vehicle for ninety days.

(c) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to two violations of division (A) or (B) of this section or other equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the following:

(i) If the sentence is being imposed for a violation of division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a mandatory jail term of thirty consecutive days. The court shall impose the thirty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the thirty-day mandatory jail term. Notwithstanding the jail terms set forth in sections 2929.21 to 2929.28 of the Revised Code, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

(ii) If the sentence is being imposed for a violation of division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this section, a mandatory jail term of sixty consecutive days. The court shall impose the sixty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose
a jail term in addition to the sixty-day mandatory jail term. Notwithstanding the jail terms set forth in sections 2929.21 to 2929.28 of the Revised Code, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

(iii) In all cases, notwithstanding the fines set forth in Chapter 2929. of the Revised Code, a fine of not less than eight hundred fifty and not more than two thousand seven hundred fifty dollars;

(iv) In all cases, a class three license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(3) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with section 4503.234 of the Revised Code. Division (G)(6) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this division.

(vi) In all cases, the court shall order the offender to participate with a community addiction services provider authorized by section 5119.21 of the Revised Code, subject to division (I) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The operator of the services provider shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical
diagnoses related to alcohol use.

(d) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to three or four violations of division (A) or (B) of this section or other equivalent offenses or an offender who, within twenty years of the offense, previously has been convicted of or pleaded guilty to five or more violations of that nature is guilty of a felony of the fourth degree. The court shall sentence the offender to all of the following:

(i) If the sentence is being imposed for a violation of division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a mandatory prison term of one, two, three, four, or five years as required by and in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code or, in the discretion of the court, either a mandatory term of local incarceration of sixty consecutive days in accordance with division (G)(1) of section 2929.13 of the Revised Code or a mandatory prison term of sixty consecutive days in accordance with division (G)(2) of that section if the offender is not convicted of and does not plead guilty to a specification of that type. If the court imposes a mandatory term of local incarceration, it may impose a jail term in addition to the sixty-day mandatory term, the cumulative total of the mandatory term and the jail term for the offense shall not exceed one year, and, except as provided in division (A)(1) of section 2929.13 of the Revised Code, no prison term is authorized for the offense. If the court imposes a mandatory prison term, notwithstanding division (A)(4) of section 2929.14 of the Revised Code, it also may sentence the offender to a definite prison term that shall be not less than six months and not more than thirty
months and the prison terms shall be imposed as described in division (G)(2) of section 2929.13 of the Revised Code. If the court imposes a mandatory prison term or mandatory prison term and additional prison term, in addition to the term or terms so imposed, the court also may sentence the offender to a community control sanction for the offense, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

(ii) If the sentence is being imposed for a violation of division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this section, a mandatory prison term of one, two, three, four, or five years as required by and in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code or, in the discretion of the court, either a mandatory term of local incarceration of one hundred twenty consecutive days in accordance with division (G)(1) of section 2929.13 of the Revised Code or a mandatory prison term of one hundred twenty consecutive days in accordance with division (G)(2) of that section if the offender is not convicted of and does not plead guilty to a specification of that type. If the court imposes a mandatory term of local incarceration, it may impose a jail term in addition to the one hundred twenty-day mandatory term, the cumulative total of the mandatory term and the jail term for the offense shall not exceed one year, and, except as provided in division (A)(1) of section 2929.13 of the Revised Code, no prison term is authorized for the offense. If the court imposes a mandatory prison term, notwithstanding division (A)(4) of section 2929.14 of the Revised Code, it also may sentence the offender to a definite prison term that shall be not less than six months and not more than thirty months and the prison terms shall be imposed as described in division (G)(2) of section 2929.13 of the Revised Code. If the
court imposes a mandatory prison term or mandatory prison term and additional prison term, in addition to the term or terms so imposed, the court also may sentence the offender to a community control sanction for the offense, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

(iii) In all cases, notwithstanding section 2929.18 of the Revised Code, a fine of not less than one thousand three hundred fifty nor more than ten thousand five hundred dollars;

(iv) In all cases, a class two license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(2) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with section 4503.234 of the Revised Code. Division (G)(6) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this division.

(vi) In all cases, the court shall order the offender to participate with a community addiction services provider authorized by section 5119.21 of the Revised Code, subject to division (I) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The operator of the services provider shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical
diagnoses related to alcohol use.

(vii) In all cases, if the court sentences the offender to a mandatory term of local incarceration, in addition to the mandatory term, the court, pursuant to section 2929.17 of the Revised Code, may impose a term of house arrest with electronic monitoring. The term shall not commence until after the offender has served the mandatory term of local incarceration.

(e) An offender who previously has been convicted of or pleaded guilty to a violation of division (A) of this section that was a felony, regardless of when the violation and the conviction or guilty plea occurred, is guilty of a felony of the third degree. The court shall sentence the offender to all of the following:

(i) If the offender is being sentenced for a violation of division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a mandatory prison term of one, two, three, four, or five years as required by and in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code or a mandatory prison term of sixty consecutive days in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender is not convicted of and does not plead guilty to a specification of that type. The court may impose a prison term in addition to the mandatory prison term. The cumulative total of a sixty-day mandatory prison term and the additional prison term for the offense shall not exceed five years. In addition to the mandatory prison term or mandatory prison term and additional prison term the court imposes, the court also may sentence the offender to a community control sanction for the offense, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.
(ii) If the sentence is being imposed for a violation of division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this section, a mandatory prison term of one, two, three, four, or five years as required by and in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code or a mandatory prison term of one hundred twenty consecutive days in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender is not convicted of and does not plead guilty to a specification of that type. The court may impose a prison term in addition to the mandatory prison term. The cumulative total of a one hundred twenty-day mandatory prison term and the additional prison term for the offense shall not exceed five years. In addition to the mandatory prison term or mandatory prison term and additional prison term the court imposes, the court also may sentence the offender to a community control sanction for the offense, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

(iii) In all cases, notwithstanding section 2929.18 of the Revised Code, a fine of not less than one thousand three hundred fifty nor more than ten thousand five hundred dollars;

(iv) In all cases, a class two license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(2) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with section 4503.234 of the Revised
Code. Division (G)(6) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this division.

(vi) In all cases, the court shall order the offender to participate with a community addiction services provider authorized by section 5119.21 of the Revised Code, subject to division (I) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The operator of the services provider shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

(2) An offender who is convicted of or pleads guilty to a violation of division (A) of this section and who subsequently seeks reinstatement of the driver's or occupational driver's license or permit or nonresident operating privilege suspended under this section as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in division (F)(2) of section 4511.191 of the Revised Code.

(3) If an offender is sentenced to a jail term under division (G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and if, within sixty days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing, the court may impose an alternative sentence under this division that includes a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring.
As an alternative to a mandatory jail term of ten consecutive days required by division (G)(1)(b)(i) of this section, the court, under this division, may sentence the offender to five consecutive days in jail and not less than eighteen consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the five consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed six months. The five consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to the mandatory jail term of twenty consecutive days required by division (G)(1)(b)(ii) of this section, the court, under this division, may sentence the offender to ten consecutive days in jail and not less than thirty-six consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the ten consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed six months. The ten consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to a mandatory jail term of thirty consecutive days required by division (G)(1)(c)(i) of this section, the court, under this division, may sentence the offender to fifteen consecutive days in jail and not less than fifty-five consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the fifteen consecutive days in jail and the period of house arrest...
with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed one year. The fifteen consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to the mandatory jail term of sixty consecutive days required by division (G)(1)(c)(ii) of this section, the court, under this division, may sentence the offender to thirty consecutive days in jail and not less than one hundred ten consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the thirty consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed one year. The thirty consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

(4) If an offender's driver's or occupational driver's license or permit or nonresident operating privilege is suspended under division (G) of this section and if section 4510.13 of the Revised Code permits the court to grant limited driving privileges, the court may grant the limited driving privileges in accordance with that section. If division (A)(7) of that section requires that the court impose as a condition of the privileges that the offender must display on the vehicle that is driven subject to the privileges restricted license plates that are issued under section 4503.231 of the Revised Code, except as provided in division (B) of that section, the court shall impose that condition as one of the conditions of the limited driving privileges granted to the offender, except as provided in division (B) of section 4503.231 of the Revised Code.

(5) Fines imposed under this section for a violation of division (A) of this section shall be distributed as follows:
(a) Twenty-five dollars of the fine imposed under division (G)(1)(a)(iii), thirty-five dollars of the fine imposed under division (G)(1)(b)(iii), one hundred twenty-three dollars of the fine imposed under division (G)(1)(c)(iii), and two hundred ten dollars of the fine imposed under division (G)(1)(d)(iii) or (e)(iii) of this section shall be paid to an enforcement and education fund established by the legislative authority of the law enforcement agency in this state that primarily was responsible for the arrest of the offender, as determined by the court that imposes the fine. The agency shall use this share to pay only those costs it incurs in enforcing this section or a municipal OVI ordinance and in informing the public of the laws governing the operation of a vehicle while under the influence of alcohol, the dangers of the operation of a vehicle under the influence of alcohol, and other information relating to the operation of a vehicle under the influence of alcohol and the consumption of alcoholic beverages.

(b) Fifty dollars of the fine imposed under division (G)(1)(a)(iii) of this section shall be paid to the political subdivision that pays the cost of housing the offender during the offender's term of incarceration. If the offender is being sentenced for a violation of division (A)(1)(a), (b), (c), (d), (e), or (j) of this section and was confined as a result of the offense prior to being sentenced for the offense but is not sentenced to a term of incarceration, the fifty dollars shall be paid to the political subdivision that paid the cost of housing the offender during that period of confinement. The political subdivision shall use the share under this division to pay or reimburse incarceration or treatment costs it incurs in housing or providing drug and alcohol treatment to persons who violate this section or a municipal OVI ordinance, costs of any immobilizing or disabling device used on the offender's vehicle, and costs of electronic house arrest equipment needed for persons who violate...
this section.

(c) Twenty-five dollars of the fine imposed under division (G)(1)(a)(iii) and fifty dollars of the fine imposed under division (G)(1)(b)(iii) of this section shall be deposited into the county or municipal indigent drivers' alcohol treatment fund under the control of that court, as created by the county or municipal corporation under division (F) of section 4511.191 of the Revised Code.

(d) One hundred fifteen dollars of the fine imposed under division (G)(1)(b)(iii), two hundred seventy-seven dollars of the fine imposed under division (G)(1)(c)(iii), and four hundred forty dollars of the fine imposed under division (G)(1)(d)(iii) or (e)(iii) of this section shall be paid to the political subdivision that pays the cost of housing the offender during the offender's term of incarceration. The political subdivision shall use this share to pay or reimburse incarceration or treatment costs it incurs in housing or providing drug and alcohol treatment to persons who violate this section or a municipal OVI ordinance, costs for any immobilizing or disabling device used on the offender's vehicle, and costs of electronic house arrest equipment needed for persons who violate this section.

(e) Fifty dollars of the fine imposed under divisions (G)(1)(a)(iii), (G)(1)(b)(iii), (G)(1)(c)(iii), (G)(1)(d)(iii), and (G)(1)(e)(iii) of this section shall be deposited into the special projects fund of the court in which the offender was convicted and that is established under division (E)(1) of section 2303.201, division (B)(1) of section 1901.26, or division (B)(1) of section 1907.24 of the Revised Code, to be used exclusively to cover the cost of immobilizing or disabling devices, including certified ignition interlock devices, and remote alcohol monitoring devices for indigent offenders who are required by a judge to use either of these devices. If the court in which the
offender was convicted does not have a special projects fund that is established under division (E)(1) of section 2303.201, division (B)(1) of section 1901.26, or division (B)(1) of section 1907.24 of the Revised Code, the fifty dollars shall be deposited into the indigent drivers interlock and alcohol monitoring fund under division (I) of section 4511.191 of the Revised Code.

(f) Seventy-five dollars of the fine imposed under division (G)(1)(a)(iii), one hundred twenty-five dollars of the fine imposed under division (G)(1)(b)(iii), two hundred fifty dollars of the fine imposed under division (G)(1)(c)(iii), and five hundred dollars of the fine imposed under division (G)(1)(d)(iii) or (e)(iii) of this section shall be transmitted to the treasurer of state for deposit into the indigent defense support fund established under section 120.08 of the Revised Code.

(g) The balance of the fine imposed under division (G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this section shall be disbursed as otherwise provided by law.

(6) If title to a motor vehicle that is subject to an order of criminal forfeiture under division (G)(1)(c), (d), or (e) of this section is assigned or transferred and division (B)(2) or (3) of section 4503.234 of the Revised Code applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national automobile dealers association. The proceeds of any fine so imposed shall be distributed in accordance with division (C)(2) of that section.

(7) In all cases in which an offender is sentenced under division (G) of this section, the offender shall provide the court with proof of financial responsibility as defined in section 4509.01 of the Revised Code. If the offender fails to provide that proof of financial responsibility, the court, in addition to any other penalties provided by law, may order restitution pursuant to
section 2929.18 or 2929.28 of the Revised Code in an amount not exceeding five thousand dollars for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under division (G) of this section.

(8) As used in division (G) of this section, "electronic monitoring," "mandatory prison term," and "mandatory term of local incarceration" have the same meanings as in section 2929.01 of the Revised Code.

(H) Whoever violates division (B) of this section is guilty of operating a vehicle after underage alcohol consumption and shall be punished as follows:

(1) Except as otherwise provided in division (H)(2) of this section, the offender is guilty of a misdemeanor of the fourth degree. In addition to any other sanction imposed for the offense, the court shall impose a class six suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(6) of section 4510.02 of the Revised Code.

(2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of division (A) or (B) of this section or other equivalent offenses, the offender is guilty of a misdemeanor of the third degree. In addition to any other sanction imposed for the offense, the court shall impose a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of section 4510.02 of the Revised Code.
(3) If the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1416 of the Revised Code and if the court imposes a jail term for the violation of division (B) of this section, the court shall impose upon the offender an additional definite jail term pursuant to division (E) of section 2929.24 of the Revised Code.

(4) The offender shall provide the court with proof of financial responsibility as defined in section 4509.01 of the Revised Code. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to section 2929.28 of the Revised Code in an amount not exceeding five thousand dollars for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the violation of division (B) of this section.

(I)(1) No court shall sentence an offender to an alcohol treatment program under this section unless the treatment program complies with the minimum standards for alcohol treatment programs adopted under Chapter 5119. of the Revised Code by the director of mental health and addiction services.

(2) An offender who stays in a drivers' intervention program or in an alcohol treatment program under an order issued under this section shall pay the cost of the stay in the program. However, if the court determines that an offender who stays in an alcohol treatment program under an order issued under this section is unable to pay the cost of the stay in the program, the court may order that the cost be paid from the court's indigent drivers' alcohol treatment fund.

(J) If a person whose driver's or commercial driver's license or permit or nonresident operating privilege is suspended under this section files an appeal regarding any aspect of the person's
trial or sentence, the appeal itself does not stay the operation of the suspension.

(K) Division (A)(1)(j) of this section does not apply to a person who operates a vehicle, streetcar, or trackless trolley while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that division, if both of the following apply:

(1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.

(2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.

(L) The prohibited concentrations of a controlled substance or a metabolite of a controlled substance listed in division (A)(1)(j) of this section also apply in a prosecution of a violation of division (D) of section 2923.16 of the Revised Code in the same manner as if the offender is being prosecuted for a prohibited concentration of alcohol.

(M) All terms defined in section 4510.01 of the Revised Code apply to this section. If the meaning of a term defined in section 4510.01 of the Revised Code conflicts with the meaning of the same term as defined in section 4501.01 or 4511.01 of the Revised Code, the term as defined in section 4510.01 of the Revised Code applies to this section.

(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, as adopted by the supreme court under authority of section 2937.46 of the Revised Code, do not apply to felony violations of this section. Subject to division (N)(2) of this section, the Rules of Criminal Procedure apply to felony violations of this section.
(2) If, on or after January 1, 2004, the supreme court modifies the Ohio Traffic Rules to provide procedures to govern felony violations of this section, the modified rules shall apply to felony violations of this section.

Sec. 4561.01. As used in sections 4561.01 to 4561.25 of the Revised Code this chapter:

(A) "Aviation" means transportation by aircraft; operation of aircraft; the establishment, operation, maintenance, repair, and improvement of airports, landing fields, and other air navigation facilities; and all other activities connected therewith or incidental thereto.

(B) "Aircraft" means any contrivance used or designed for navigation or flight in the air, excepting a parachute or other contrivance for such navigation used primarily as safety equipment.

(C) "Airport" means any location either on land or water which is used for the landing and taking off of aircraft.

(D) "Landing field" means any location either on land or water of such size and nature as to permit the landing or taking off of aircraft with safety, and used for that purpose but not equipped to provide for the shelter, supply, or care of aircraft.

(E) "Air navigation facility" means any facility used, available for use, or designed for use in aid of navigation of aircraft, including airports, landing fields, facilities for the servicing of aircraft or for the comfort and accommodation of air travelers, and any structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid to the safe taking off, navigation, and landing of aircraft, or to the safe and efficient operation or maintenance of an airport or landing field, and any combination of
such facilities.

(F) "Air navigation hazard" means any structure, object of natural growth, or use of land, that obstructs the air space required for the flight of aircraft in landing or taking off at any airport or landing field, or that otherwise is hazardous to such landing or taking off.

(G) "Air navigation," "navigation of aircraft," or "navigate aircraft" means the operation of aircraft in the air space over this state.

(H) "Airperson" means any individual who, as the person in command, or as pilot, mechanic, or member of the crew, engages in the navigation of aircraft.

(I) "Airway" means a route in the air space over and above the lands or waters of this state, designated by the Ohio aviation board as a route suitable for the navigation of aircraft.

(J) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.

(K) "Government agency" means a state agency, state institution of higher education, regional port authority, or any other political subdivision of the state, or the federal government or other states.

(L) "Navigable airspace" means the imaginary surfaces around an airport as specified in 14 C.F.R. part 77, as amended, including any clear zone surface, horizontal surface, conical surface, primary surface, approach surface, and transitional surface, as well as any terminal obstacle clearance area and en route obstacle clearance area.

(M) "Obstruction" means any structure, natural or
artificially made, permanent or temporary, existing or future, that penetrates the navigable airspace.

(N) "Structure" means any object, whether permanent or temporary, including, but not limited to, a building, tower, crane, scaffold, smokestack, earth formation, transmission line, flagpole, ship mast, traverse way, and mobile object.

(O) "Commence to install, erect, construct, or establish" means undertaking any action that affects the natural environment of the site of a structure or object of natural growth, including, but not limited to, clearing of land, excavation, or planting, but excluding surveying changes needed for temporary use of the site and excluding uses in securing geological data, including making necessary borings to ascertain foundation conditions.

Sec. 4561.021. There is hereby created in the division of multi-modal planning and programs of the department of transportation the office of aviation. The director of transportation shall appoint the administrator of the office of aviation, who shall serve at the pleasure of the director. The administrator of the office of aviation shall be responsible to the director for the organization, direction, and supervision of the work of the office and the exercise of the powers and the performance of the duties assigned to the office. Subject to Chapter 124. of the Revised Code and civil service regulations, the administrator, with the approval of the director, shall select and appoint the necessary employees. The director also may employ experts for assistance in any specific matter at a reasonable rate of compensation.

Sec. 4561.05. The department of transportation shall administer Chapter 4561. of the Revised Code. The department may adopt and promulgate such rules as it determines necessary to
carry out this chapter.

The department may issue and amend orders, and make, promulgate, and amend, reasonable general and special rules and procedure, and establish minimum standards, and create application forms and establish application fees for permits issued under this chapter.

The department may establish safety rules governing obstructions, air navigation hazards, and the location, size, use, and equipment of airports and landing areas, and rules governing air marking, the use of signs or lights designed to be visible from the air, and other air navigation facilities.

All rules and amendments thereto, prescribed by the department, shall conform to and coincide with, so far as possible, the "Civil Aeronautics Act of 1938," 52 Stat. 973, 49 U.S.C. 401, as amended, passed by the congress of the United States, and the air commerce regulations issued pursuant thereto any federal laws and regulations governing aviation and air navigation, including 49 U.S.C. 401 to 501 and 14 C.F.R. part 77, as amended.

All acts of the department authorized under this section shall be carried on in conformity with Chapter 119. of the Revised Code.

Sec. 4561.31. (A)(1) Except as provided in divisions (D), and (E), and (F) of this section, no person shall install, erect, construct, establish, or commence to install, erect, construct, or establish, any structure or object of natural growth in this state, any part of which will penetrate or is reasonably expected to penetrate into or through any airport's clear zone surface, horizontal surface, conical surface, primary surface, approach surface, or transitional surface navigable airspace without first obtaining a permit from the department of transportation under
section 4561.34 of the Revised Code. The replacement of an
existing structure or object of natural growth with, respectively,
a structure or object that is not more than ten feet or twenty per-
cent higher than the height of the existing structure or object,
whichever is higher, does not constitute commencing to install a
structure or object, except when any part of the structure or
object will penetrate or is reasonably expected to penetrate into
or through any airport's clear zone surface, horizontal surface,
conical surface, primary surface, approach surface, or
transitional surface. Such replacement of a like structure or
object is not exempt from any other requirements of state or local
law.

(2) No person shall substantially change, as determined by
the department, the height or location of any structure or object
of natural growth in this state, any part of which, as a result of
such change, will penetrate or is reasonably expected to penetrate
into or through any airport's clear zone surface, horizontal
surface, conical surface, primary surface, approach surface, or
transitional surface navigable airspace, and for which
installation had commenced or which was already installed prior to
October 15, 1991, without first obtaining a permit from the
department under section 4561.34 of the Revised Code. This
division does not exempt the structure or object from any other
requirements of state or local law.

(3) No person shall substantially change, as determined by
the department, the height or location of any structure or object
of natural growth for which a permit was issued pursuant to
section 4561.34 of the Revised Code, without first obtaining an
amended permit from the department under that section.

(B) No person shall install, erect, construct, establish,
operate, or maintain any structure or object of natural growth for
which a permit has been issued under section 4561.34 of the Revised Code, except in compliance with the permit's terms and conditions and with any rules or orders issued under sections 4561.30 to 4561.39 of the Revised Code this chapter.

(C) The holder of a permit issued under section 4561.34 of the Revised Code, with the department's approval, may transfer the permit to another person who agrees to comply with its terms and conditions.

(D) Any person who receives a permit to construct, establish, substantially change, or substantially alter a structure or object of natural growth from an airport zoning board on or after October 15, 1991, under Chapter 4563. of the Revised Code is not required to apply for a permit from the department under sections 4561.30 to 4561.39 of the Revised Code, provided that the airport zoning board has adopted airport zoning regulations pursuant to section 4563.032 of the Revised Code.

(E) Any person who receives a certificate from the power siting board pursuant to section 4906.03 or 4906.10 of the Revised Code on or after October 15, 1991, is not required to apply for a permit from the department under sections 4561.30 to 4561.39 of the Revised Code this chapter.

(F) Any person who, in accordance with 14 C.F.R. 77.11 to 77.19 part 77, notified the federal aviation administration prior to June 1, 1991, that the person proposes to construct, establish, substantially change, or substantially alter a structure or object of natural growth is not required to apply for a permit from the department under sections 4561.30 to 4561.39 of the Revised Code this chapter in connection with the construction, establishment, substantial change, or substantial alteration of the structure or object of natural growth either as originally proposed to the federal aviation administration or as altered as the person or the federal aviation administration considers necessary, provided that
the federal aviation administration, pursuant to 14 C.F.R. Part 77, does not determine that the proposed construction, establishment, substantial change, or substantial alteration of the structure or object of natural growth would be a hazard to air navigation.

(G)(1) Whoever violates division (A)(1) or (2) of this section is guilty of a misdemeanor of the third degree. Each day of violation constitutes a separate offense.

(2)(F) Whoever violates division (A)(3) or (B) of this section is guilty of a misdemeanor of the first degree. Each day of violation constitutes a separate offense.

Sec. 4561.32. (A) In accordance with Chapter 119. of the Revised Code, the department of transportation shall adopt, and may amend and rescind, any rules necessary to administer sections 4561.30 to 4561.39 of the Revised Code and shall adopt rules based in whole upon the obstruction standards set forth in 14 C.F.R. 77.21 to 77.29 Part 77, as amended, to uniformly regulate the height and location of structures and objects of natural growth in any airport's clear zone surface, horizontal surface, conical surface, primary surface, approach surface, or transitional surface navigable airspace. The rules shall provide that the department may grant a permit under section 4561.34 of the Revised Code that includes a waiver from full compliance with the obstruction standards. The rules shall also provide that the department shall base its decision on whether to grant such a waiver on sound aeronautic principles, as set out in F.A.A. technical manuals, as amended, including advisory circular 150/5300-13, "airport design standards"; 7400.2c, "airspace procedures handbook,"; and the U.S. terminal procedures handbook.

(B) The department may conduct any studies or investigations it considers necessary to carry out sections 4561.30 to 4561.31 to
Sec. 4561.33. (A) An applicant for a permit required by section 4561.31 of the Revised Code shall file with the department of transportation an application made on forms the department prescribes, which shall contain the following information:

(1) A description of the structure or object of natural growth for which the permit is sought, its location, and the planned date of commencement of installation;

(2) A statement explaining the need for the structure or object;

(3) A statement of the reasons why the proposed location is best suited for the structure or object;

(4) Any additional information the applicant considers relevant or the department requires.

An application for an amended permit shall be in the form and contain the information the department prescribes.

In lieu of an application prescribed by the department, an applicant may file a copy of the federal aviation administration's form 7460-1, notice of proposed construction or alteration do the following not less than forty-five days nor more than two years prior to the proposed installation, erection, construction, establishment, change, alteration, or use:

(1) File a completed federal aviation administration "notice of proposed construction or alteration" form 7460-1 with the federal aviation administration;

(2) If the office of aviation requires the submission of an application in addition to the submission of form 7460-1, file a completed application with the office of aviation in the form and containing the information required by the office of aviation.
The applicant also shall pay any applicable fees at the time the applicant submits the form, application, or both, as applicable.

The time period within which an application must be submitted may be waived at the discretion of the administrator of the office of aviation for unforeseen emergencies.

(B) An applicant for an amended permit shall file a completed application with the office of aviation if the applicant has received notice of the denial of a permit from the office. The applicant shall submit the application in the form and containing the information required by the office of aviation not less than thirty days nor more than two years prior to the planned date of commencement of installation or substantial change. This period may be waived by the department for unforeseen emergencies.

(C) If the structure or object in the application could have a potential impact on a military installation, as such an impact is described in the airfield land use compatibility study of that military installation, the applicant shall send, within seven days after the filing of his the application, a copy of the application to the commander of the installation and the appropriate branch of the United States department of defense.

(D) It is not necessary that ownership of, option for, or other possessory right to a specific site be held by the applicant before an application may be filed under this section.

(E) If the department has reason to believe that any person has installed, erected, constructed, established, changed, or altered, or is commencing to install, erect, construct, establish, change, or alter, a structure or object of natural growth for which a permit appears to be required under section 4561.31 of the Revised Code, but concerning which no application for a permit under section 4561.34 of the Revised Code has been filed, the
department shall issue an order to such person to appear before
the department and show cause why a permit need not be obtained.

**Sec. 4561.34.** (A) The department of transportation, subject
to Chapter 119. of the Revised Code, shall grant or deny a permit
for which an application has been filed under section 4561.33 of
the Revised Code. In determining whether to grant or deny a
permit, the department shall determine whether the height and
location of a structure or object of natural growth, as set forth
in the permit application, will be an obstruction to air
navigation based upon the rules adopted under section 4561.32 of
the Revised Code if installed, erected, constructed, or
established as proposed. In the case of an application to
substantially change an existing structure or object, the
department shall determine whether the change in the height or
location of the structure or object, as set forth in the
application, will create such an obstruction. The consideration of
safety shall be paramount to considerations of economic or
technical factors. In making a determination under this division
the department shall render its decision upon the record, but may
consider findings and recommendations of other governmental
entities and interested persons concerning the proposed structure
or object; however, those findings and recommendations are not
binding on the department.

(B) The department may grant a permit under this section
subject to any modification of the height or location of a
structure or object the department considers necessary. In the
absence of such modification or unless it grants a waiver from
compliance with the obstruction standards, the department shall
deny a permit if it determines, in accordance with division (A) of
this section, that a proposed structure or object or a change to
an existing structure or object, as set forth in the application,
would be an obstruction to air navigation based upon the rules
adopted under section 4561.32 of the Revised Code.

(C) In rendering a decision on an application for a permit, the department shall issue an opinion stating its reasons for the action taken. The department shall serve upon the applicant and each party, as provided in division (C) of section 4561.33 of the Revised Code, a copy of its decision regarding a permit and the opinion.

Sec. 4561.341. Pursuant to any consultation with the power siting board regarding an application for certification under section 4906.03 or 4906.10 of the Revised Code, the office of aviation of the division of multi-modal planning and programs of the department of transportation shall review the application to determine whether the facility constitutes or will constitute an obstruction to air navigation based upon the rules adopted under section 4561.32 of the Revised Code. Upon review of the application, if the office determines that the facility constitutes or will constitute an obstruction to air navigation, it shall provide, in writing, this determination and either the terms, conditions, and modifications that are necessary for the applicant to eliminate the obstruction or a statement that compliance with the obstruction standards may be waived, to the power siting board under section 4906.03 or 4906.10 of the Revised Code, as appropriate.

Sec. 4561.36. (A) The department of transportation shall not issue any permit under sections 4561.30 to 4561.39 of the Revised Code this chapter that will result in the creation of an obstruction to air navigation based upon the rules adopted under section 4561.32 of the Revised Code, unless the department waives compliance with the obstruction standards included in those rules.

(B) Sections 4561.30 to 4561.39 of the Revised Code de
chapter does not authorize the department to restrict the height or location of structures or objects of natural growth under those sections for any reason other than to ensure the safety of aircraft in landing and taking off at an airport, the safety of persons occupying or using the area, and the security of property.

Sec. 4561.37. Sections 4561.30 to 4561.39 of the Revised Code (A)(1) This chapter and rules adopted under it shall not be construed to require the removal or lowering of, or the making of any other change in, any structure or object of natural growth not conforming to rules or orders of the department of transportation under those sections when adopted or amended, or otherwise interfere with the continuance of any nonconforming use, except that, if ordered by the department, the that was in existence prior to October 15, 1991.

(2) Division (A)(1) of this section does not apply if the structure or object of natural growth is substantially changed, as determined by the department of transportation, after the effective date of this amendment.

(B)(1) If any provision of this chapter or rule adopted under it is enacted, adopted, or amended after a permit has been issued for a structure or object of natural growth under this chapter, the provision does not apply to that structure or object of natural growth.

(2) Division (B)(1) of this section does not apply if the structure or object of natural growth is substantially changed, as determined by the department, after the effective date of the enacted, adopted, or amended provision.

(C) The owner of a nonconforming structure or object with regard to which a nonconforming use is voluntarily discontinued for two years or more, or a nonconforming structure or object that is permanently placed out of service or partially dismantled,
destroyed, deteriorated, or decayed shall demolish or remove that structure or object; and, if ordered to do so by the department.

If any nonconforming use is voluntarily discontinued for two years or more, any future use of the premises shall be in conformity with sections 4561.30 to 4561.39 of the Revised Code this chapter.

Sec. 4561.38. With respect to any structure or object of natural growth for which a permit is required under section 4561.34 of the Revised Code, rules adopted or orders issued under sections 4561.30 to 4561.39 of the Revised Code this chapter and the terms and conditions of any permit issued under those sections this chapter prevail in the event of a conflict with any airport zoning regulation adopted under sections 4563.01 to 4563.21 of the Revised Code, any local regulation under section 4905.65 of the Revised Code, any zoning regulation otherwise applicable to the structure or object, or the terms or conditions of any permit issued under sections 4563.01 to 4563.21 of the Revised Code after the effective date of this section October 15, 1991.

Sec. 4561.39. In addition to any other remedy provided by law, the department of transportation may institute in any court of competent jurisdiction an action to prevent, restrain, correct, or abate any alleged violation or threatened violation of sections 4561.30 to 4561.31 of the Revised Code or any rule adopted or order issued under them. The court may grant such relief as may be necessary, including either of the following:

(A) Authorizing the department or an agent of the department to enter upon the property on which the structure or object of natural growth is located;

(B) Authorizing the department or an agent of the department to remove or demolish the structure or object of natural growth or to otherwise correct or abate the violation or threatened
violation at the expense of the owner of the property.

**Sec. 4561.40.** The department of transportation and the office of aviation is not liable for any damages caused by a structure or object of natural growth that is an obstruction to the navigable airspace if either of the following applies:

(A) The structure or object of natural growth was installed, erected, constructed, established, changed, or altered without a permit issued under this chapter.

(B) A permit was issued under this chapter for the structure or object of natural growth but the structure or object of natural growth was installed, erected, constructed, established, changed, or altered in a manner not in compliance with the terms and conditions of the permit.

**Sec. 4563.01.** As used in sections 4563.01 to 4563.21 of the Revised Code:

(A) "Airport" means any area of land designed and set aside for the landing and taking off of aircraft, and for that purpose possessing one or more hard surfaced runways of a length of not less than three thousand five hundred feet, and designed for the storing, repair, and operation of aircraft, and utilized or to be utilized in the interest of the public for such purposes, and any area of land designed for such purposes for which designs, plans, and specifications conforming to the above requirements have been approved by the office of aviation of the division of multi-modal planning and programs of the department of transportation and for which not less than seventy per cent of the area shown by such designs and plans to constitute the total area has been acquired. An airport is "publicly owned" if the portion thereof used for the landing and taking off of aircraft is owned, operated, leased to, or leased by the United States, any agency or department thereof,
this state or any other state, or any political subdivision of this state or any other state, or any other governmental body, public agency, or public corporation, or any combination thereof.

(B) "Airport hazard" means any structure or object of natural growth or use of land within an airport hazard area that obstructs the air space required for the flight of aircraft in landing or taking off at any airport or is otherwise hazardous to such landing or taking off of aircraft.

(C) "Airport hazard area" means any area of land adjacent to an airport that has been declared to be an "airport hazard area" by the office of aviation in connection with any airport approach plan recommended by the office.

(D) "Political subdivision" means any municipal corporation, township, or county.

(E) "Person" means any individual, firm, copartnership, corporation, company, association, joint stock association, or body politic and includes any trustee, receiver, assignee, or other similar representative thereof.

(F) "Structure" means any erected object, including, without limitation, buildings, towers, smokestacks, and overhead transmission lines.

Sec. 4563.032. Any airport zoning board that adopts, administers, and enforces airport zoning regulations for an airport hazard area under section 4563.03 of the Revised Code shall adopt, as regulations, the rules adopted by the department of transportation under section 4561.32 of the Revised Code that are based in whole upon the obstruction standards set forth in 14 C.F.R. 77.21 to 77.29 part 77, as amended, to uniformly regulate the height and location of structures and objects of natural growth in any airport's clear zone surface, horizontal surface,
Sec. 4709.01. As used in this chapter:

(A)(1) Except as provided in division (A)(2) of this section, "the practice of barbering" means any one or more of the following when performed upon the head, neck, or face for cosmetic purposes and when performed upon the public for pay, free, or otherwise:

(a) Shaving the face, shaving around the vicinity of the ears and neckline, or trimming facial hair;
(b) Cutting or styling hair;
(c) Facials, skin care, or scalp massages;
(d) Shampooing, bleaching, coloring, straightening, or permanent waving hair;
(e) Cutting, fitting, or forming head caps for wigs or hair pieces.

(2) "The practice of barbering" does not include the practice of natural hair styling.

(B) "Sanitary" means free of infectious agents, disease, or infestation by insects or vermin and free of soil, dust, or foreign material.

(C) "Barber" means any person who engages in or attempts to engage in the practice of barbering.

(D) "Barber school" means any establishment that engages in or attempts to engage in the teaching of the practice of barbering.

(E) "Barber teacher" means any person who engages in or attempts to engage in the teaching of the practice of barbering.
(F) "Assistant barber teacher" means any person who assists a barber teacher in the teaching of the practice of barbering.

(G) "Barber pole" means a cylinder or pole with alternating stripes of any combination including red and white, and red, white, and blue, which run diagonally along the length of the cylinder or pole.

(H) "The practice of natural hair styling" means work done for a fee or other form of compensation, by any person, utilizing techniques performed by hand that result in tension on hair roots such as twisting, wrapping, weaving, extending, locking, or braiding of the hair, and which work does not include the application of dyes, reactive chemicals, or other preparations to alter the color or to straighten, curl, or alter the structure of the hair.

(I) "Braiding" means intertwining the hair in a systematic motion to create patterns in a three-dimensional form, inverting the hair against the scalp along part of a straight or curved row of intertwined hair, or twisting the hair in a systematic motion, and includes extending the hair with natural or synthetic hair fibers.

(J) "Straight-razor license" means a license granted pursuant to division (E) of section 4709.07 of the Revised Code that permits an individual to engage in the conduct described in division (A)(1)(a) of this section.

Sec. 4709.02. Except as provided in this chapter, no person shall do any of the following:

(A) Engage Subject to division (M) of this section, engage in or attempt to engage in the practice of barbering, hold themselves out as a practicing barber, or advertise in a manner that indicates they are a barber, without a barber license issued.
pursuant to this chapter;

(B) Operate or attempt to operate a barber shop without a barber shop license issued pursuant to this chapter;

(C) Engage in or attempt to engage in the teaching of or assist in the teaching of the practice of barbering without a barber teacher or assistant barber teacher license issued pursuant to this chapter;

(D) Advertise barbering services unless the establishment and personnel employed therein are licensed pursuant to this chapter;

(E) Use or display a barber pole for the purpose of offering barber services to the consuming public without a barber shop license issued pursuant to this chapter;

(F) Operate or attempt to operate a barber school without a barber school license issued pursuant to this chapter;

(G) Teach or attempt to teach any phase of barbering for pay, free, or otherwise without approval from the state cosmetology and barber board;

(H) Being a barber, knowingly continue the practice of barbering, or being a student, knowingly continue as a student in any barber school, while such person has an infectious, contagious, or communicable disease;

(I) Obtain or attempt to obtain a license by fraudulent misrepresentation for money, other than the required fee, or any other thing of value;

(J) Practice or attempt to practice barbering by fraudulent misrepresentation;

(K) Employ another person to perform or himself perform the practice of barbering in a licensed barber shop unless that person is licensed as a barber under this chapter;

(L) Use any room or place for barbering which is also used
for residential or other business purposes, unless it is separated by a substantial ceiling-high partition. This does not exclude hair care products used and sold in barber shops or the sale of clothing and related accessories as authorized by division (F) of section 4709.09 of the Revised Code.

(M) On or after April 21, 2018, engage in or attempt to engage in the activities described in division (A)(1)(a) of section 4709.01 of the Revised Code without a straight-razor license issued pursuant to this chapter;

(N) Violate any rule adopted by the board or department of health for barber shops or barber schools.

Sec. 4709.05. In addition to any other duty imposed on the state cosmetology and barber board under this chapter or Chapter 4713. of the Revised Code, the board shall do all of the following:

(A) Organize by electing a chairperson from its members to serve a one-year term;

(B) Hold regular meetings, at the times and places as it determines for the purpose of conducting the examinations required under this chapter, and hold additional meetings for the transaction of necessary business;

(C) Provide for suitable quarters, in the city of Columbus, for the conduct of its business and the maintenance of its records;

(D) Adopt a common seal for the authentication of its orders, communications, and records;

(E)(B) Maintain a record of its proceedings and a register of persons licensed as barbers. The register shall include each licensee's name, place of business, residence, and licensure date and number, and a record of all licenses issued, refused, renewed,
suspended, or revoked. The records are open to public inspection at all reasonable times.

(F) Annually, on or before the first day of January, make a report to the governor of all its official acts during the preceding year, its receipts and disbursements, recommendations it determines appropriate, and an evaluation of board activities intended to aid or protect consumers of barber services;

(G) Employ an executive director who shall do all things requested by the board for the administration and enforcement of this chapter. The executive director shall employ inspectors, clerks, and other assistants as the executive director determines necessary.

(H) Ensure that the practice of barbering is conducted only in a licensed barber shop, except when the practice of barbering is performed on a person whose physical or mental disability prevents that person from going to a licensed barber shop;

(I) Conduct or have conducted the examination for applicants to practice as licensed barbers at least four times per year at the times and places the board determines;

(J) Adopt rules, in accordance with Chapter 119. of the Revised Code, to administer and enforce this chapter and which cover all of the following:

1) Sanitary standards for the operation of barber shops and barber schools that conform to guidelines established by the department of health;

2) The content of the examination required of an applicant for a barber license. The examination shall include a practical demonstration and a written test, shall relate only to the practice of barbering, and shall require the applicant to demonstrate that the applicant has a thorough knowledge of and
competence in the proper techniques in the safe use of chemicals used in the practice of barbering.

(3) Continuing education requirements for persons licensed pursuant to this chapter. The board may impose continuing education requirements upon a licensee for a violation of this chapter or the rules adopted pursuant thereto or if the board determines that the requirements are necessary to preserve the health, safety, or welfare of the public.

(4) Requirements for the licensure of barber schools, barber teachers, and assistant barber teachers;

(5) Requirements for students of barber schools;

(6) Any other area the board determines appropriate to administer or enforce this chapter.

(K) Annually review the rules adopted pursuant to division (J) of this section in order to compare those rules with the rules adopted by the state board of cosmetology pursuant to section 4713.08 of the Revised Code. If the barber board determines that the rules adopted by the state board of cosmetology, including, but not limited to, rules concerning using career technical schools, would be beneficial to the barbering profession, the barber board shall adopt rules similar to those it determines would be beneficial for barbers.

(L) Prior to adopting any rule under this chapter, indicate at a formal hearing the reasons why the rule is necessary as a protection of the persons who use barber services or as an improvement of the professional standing of barbers in this state;

(G) Furnish each owner or manager of a barber shop and barber school with a copy of all sanitary rules adopted pursuant to division (J)(E) of this section;

(H) Conduct such investigations and inspections of persons
and establishments licensed or unlicensed pursuant to this chapter and for that purpose, any member of the board or any of its authorized agents may enter and inspect any place of business of a licensee or a person suspected of violating this chapter or the rules adopted pursuant thereto, during normal business hours;

(1) Upon the written request of an applicant and the payment of the appropriate fee, provide to the applicant licensure information concerning the applicant;

(2) Do all things necessary for the proper administration and enforcement of this chapter.

Sec. 4709.07. (A) Each person who desires to obtain an initial license to practice barbering shall apply to the state cosmetology and barber board, on forms provided by the board. The application form shall include the name of the person applying for the license and evidence that the applicant meets all of the requirements of division (B) of this section. The application shall be accompanied by two signed current photographs of the applicant, in the size determined by the board, that show only the head and shoulders of the applicant, and the examination application fee.

(B) In order to take the required barber examination and to qualify for licensure as a barber, an applicant must demonstrate that the applicant meets all of the following:

(1) Is of good moral character;

(2) Is at least eighteen years of age;

(3) Has an eighth grade education or an equivalent education as determined by the state board of education in the state where the applicant resides;

(4) Has graduated with at least eighteen thousand eight hundred hours of training from a board-approved barber school or
has graduated with at least one thousand hours of training from a board-approved barber school in this state and has a current cosmetology or hair designer license issued pursuant to Chapter 4713. of the Revised Code. No hours of instruction earned by an applicant five or more years prior to the examination apply to the hours of study required by this division.

(C) Any applicant who meets all of the requirements of divisions (A) and (B) of this section may take the barber examination at the time and place specified by the board. If the applicant fails to attain at least a seventy-five per cent pass rate on each part of the examination, the applicant is ineligible for licensure; however, the applicant may reapply for examination within ninety days after the date of the release of the examination scores by paying the required reexamination fee. An applicant is only required to take that part or parts of the examination on which the applicant did not receive a score of seventy-five per cent or higher. If the applicant fails to reapply for examination within ninety days or fails the second examination, in order to reapply for examination for licensure the applicant shall complete an additional course of study of not less than two hundred hours, in a board-approved barber school. The board shall provide to an applicant, upon request, a report which explains the reasons for the applicant's failure to pass the examination.

(D) The board shall issue a license to practice barbering to any applicant who, to the satisfaction of the board, meets the requirements of divisions (A) and (B) of this section, who passes the required examination, and pays the initial licensure fee. Every licensed barber shall display the certificate of licensure in a conspicuous place adjacent to or near the licensed barber's work chair, along with a signed current photograph, in the size determined by the board, showing head and shoulders only.
Notwithstanding any other provision in this section, a person who desires to engage in the activities described in division (A)(1)(a) of section 4709.01 of the Revised Code shall apply to the board for a straight-razor license as follows:

(1) The applicant shall include, on a form provided by the board, the name of the person applying for the straight-razor license and evidence that the applicant meets all of the requirements of division (E)(2) of this section. The application shall be accompanied by two signed, current photographs of the applicant, in the size determined by the board, that show only the head and shoulders of the applicant, and an application fee specified by the board.

(2) In conjunction with the application required by division (E)(1) of this section, an applicant for a straight-razor license must demonstrate the following:

(a) That the applicant is at least eighteen years of age;

(b) That the applicant has an eighth grade education or an equivalent education in the state where the applicant resides;

(c) That the applicant has completed at least two hundred forty hours of training in the activities described in division (A)(1)(a) of section 4709.01 of the Revised Code from a board-approved barber school or has completed one hundred twenty hours of training in the activities described in division (A)(1)(a) of section 4709.01 of the Revised Code from a board-approved barber school in this state and has a current cosmetology or hair designer license issued pursuant to Chapter 4713. of the Revised Code. No hours of instruction earned by an applicant five or more years prior to the submission of an application count towards the hours of training required by this division.

(3) The board shall issue a straight-razor license to any
applicant who, to the satisfaction of the board, meets the requirements of divisions (E)(1) and (2) of this section and pays the initial licensure fee as established by rules adopted by the board. Every individual maintaining an active straight-razor license shall display the certificate of licensure in a conspicuous place along with a signed current photograph, in the size determined by the board, showing head and shoulders only.

Sec. 4709.08. Any person who holds a current license or registration to practice as a barber in any other state or district of the United States or country whose requirements for licensure or registration of barbers are substantially equivalent to the requirements of this chapter and rules adopted under it and that extends similar reciprocity to persons licensed as barbers in this state may apply to the state cosmetology and barber board for a barber license. The board shall, without examination, unless the board determines to require an examination, issue a license to practice as a licensed barber in this state if the person meets the requirements of this section, is at least eighteen years of age and of good moral character, and pays the required fees. The board may waive any of the requirements of this section.

Sec. 4709.09. (A) Each person who desires to obtain a barber shop license shall apply to the state cosmetology and barber board, on forms provided by the board. The board shall issue a barber shop license to a person if the board determines that the person meets all of the requirements of division (B) of this section and pays the required license and inspection fees.

(B) In order for a person to qualify for a license to operate a barber shop, the barber shop shall meet all of the following requirements:

(1) Be in the charge and under the immediate supervision of a
licensed barber;

(2) Be equipped to provide running hot and cold water and proper drainage;

(3) Sanitize and maintain in a sanitary condition, all instruments and supplies;

(4) Keep towels and linens clean and sanitary and in a dry, dust-proof container;

(5) Display the shop license and a copy of the board's sanitary rules in a conspicuous place in the working area.

(C) Any licensed barber who leases space in a licensed barber shop and engages in the practice of barbering independent and free from supervision of the owner or manager of the barber shop is considered to be engaged in the operation of a separate and distinct barber shop and shall obtain a license to operate a barber shop pursuant to this section.

(D) A shop license is not transferable from one owner to another and if an owner or operator of a barber shop permanently ceases offering barber services at the shop, the owner or operator shall return the barber shop license to the board within ten days of the cessation of services.

(E)(1) Manicurists licensed under Chapter 4713. of the Revised Code may practice manicuring in a barber shop.

(2) Tanning facilities issued a permit under section 4713.48 of the Revised Code may be operated in a barber shop.

(F) Clothing and related accessories may be sold at retail in a barber shop so long as these sales maintain the integrity of the facility as a barber shop.

Sec. 4709.10. (A) Each person who desires to obtain a license to operate a barber school shall apply to the state cosmetology
and barber board, on forms provided by the board. The board shall issue a barber school license to a person if the board determines that the person meets and will comply with all of the requirements of division (B) of this section and pays the required licensure and inspection fees.

(B) In order for a person to qualify for a license to operate a barber school, the barber school to be operated by the person must meet all of the following requirements:

(1) Have a training facility sufficient to meet the required educational curriculum established by the board, including enough space to accommodate all the facilities and equipment required by rule by the board;

(2) Provide sufficient licensed teaching personnel to meet the minimum pupil-teacher ratio established by rule of the board;

(3) Have established and provide to the board proof that it has met all of the board requirements to operate a barber school, as adopted by rule of the board;

(4) File with the board a program of its curriculum, accounting for not less than eighteen one thousand eight hundred hours of instruction in the courses of theory and practical demonstration required by rule of the board;

(5) File with the board a surety bond in the amount of ten thousand dollars issued by a bonding company licensed to do business in this state. The bond shall be in the form prescribed by the board and conditioned upon the barber school's continued instruction in the theory and practice of barbering. The bond shall continue in effect until notice of its termination is provided to the board. In no event, however, shall the bond be terminated while the barber school is in operation. Any student who is injured or damaged by reason of a barber school's failure to continue instruction in the theory and practice of barbering
may maintain an action on the bond against the barber school or
the surety, or both, for the recovery of any money or tuition paid
in advance for instruction in the theory and practice of barbering
which was not received. The aggregate liability of the surety to
all students shall not exceed the sum of the bond.

(6) Maintain adequate record keeping to ensure that it has
met the requirements for records of student progress as required
by board rule;

(7) Establish minimum standards for acceptance of student
applicants for admission to the barber school. The barber school
may establish entrance requirements which are more stringent than
those prescribed by the board, but the requirements must at a
minimum require the applicant to meet all of the following:

(a) Be at least seventeen years of age;
(b) Be of good moral character;
(c) Have an eighth grade education, or an equivalent
education as determined by the state board of education;
(d) Submit two signed current photographs of himself the
applicant, in the size determined by the board.

(8) Have a procedure to submit every student applicant's
admission application to the board for the board's review and
approval prior to the applicant's admission to the barber school;

(9) Operate in a manner which reflects credit upon the
barbering profession;

(10) Offer a curriculum of study which covers all aspects of
the scientific fundamentals of barbering as specified by rule of
the board;

(11) Employ no more than two licensed assistant barber
teachers for each licensed barber teacher employed or fewer than
two licensed teachers or one licensed teacher and one licensed
assistant teacher at each facility.

(C) Each person who desires to obtain a barber teacher or assistant barber teacher license shall apply to the barber board, on forms provided by the barber board. The board shall only issue a barber teacher license to a person who meets all of the following requirements:

(1) Holds a current barber license issued pursuant to this chapter and has at least eighteen months of work experience in a licensed barber shop or has been employed as an assistant barber teacher under the supervision of a licensed barber teacher for at least one year, unless, for good cause, the board waives this requirement;

(2) Meets such other requirements as adopted by rule by the board;

(3) Passes the required examination; and

(4) Pays the required fees. If an applicant fails to pass the examination, he the applicant may reapply for the examination and licensure no earlier than one year after the failure to pass and provided that during that period, he the applicant remains employed as an assistant barber teacher.

The board shall only issue an assistant barber teacher license to a person who holds a current barber license issued pursuant to this chapter and pays the required fees.

(D) Any person who meets the qualifications of an assistant teacher pursuant to division (C) of this section, may be employed as an assistant teacher, provided that within five days after the commencement of the employment the barber school submits to the board, on forms provided by the board, the applicant's qualifications.

Sec. 4709.12. (A) The state cosmetology and barber board
shall charge and collect the following fees:

(1) For the application to take the barber examination, ninety dollars;

(2) For an application to retake any part of the barber examination, forty-five dollars;

(3) For the initial issuance of a license to practice as a barber, thirty dollars;

(4) For the biennial renewal of the license to practice as a barber, one hundred ten dollars;

(5) For the restoration of an expired barber license, one hundred dollars, and seventy-five dollars for each lapsed year, provided that the total fee shall not exceed six hundred ninety dollars;

(6) For the issuance of a duplicate barber or shop license, forty-five dollars;

(7) For the inspection of a new barber shop, change of ownership, or reopening of premises or facilities formerly operated as a barber shop, and issuance of a shop license, one hundred ten dollars;

(8) For the biennial renewal of a barber shop license, seventy-five dollars;

(9) For the restoration of a barber shop license, one hundred ten dollars;

(10) For each inspection of premises for location of a new barber school, or each inspection of premises for relocation of a currently licensed barber school, seven hundred fifty dollars;

(11) For the initial barber school license, one thousand dollars, and one thousand dollars for the renewal of the license;

(12) For the restoration of a barber school license, one hundred ten dollars.
thousand dollars;

(13) For the issuance of a student registration, forty dollars;

(14) For the examination and issuance of a biennial teacher license, one hundred eighty-five dollars;

(15) For the renewal of a biennial teacher license, one hundred fifty dollars;

(16) For the restoration of an expired teacher license, two hundred twenty-five dollars, and sixty dollars for each lapsed year, provided that the total fee shall not exceed four hundred fifty dollars;

(17) For the issuance of a barber license by reciprocity pursuant to section 4709.08 of the Revised Code, three hundred dollars;

(18) For providing licensure information concerning an applicant, upon written request of the applicant, forty dollars.

(B) The board, subject to the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that the fees do not exceed the amounts permitted by this section by more than fifty per cent.

(C) In addition to any other fee charged and collected under this section, the barber board shall ask each person renewing a license to practice as a barber whether the person wishes to make a two-dollar voluntary contribution to the Ed Jeffers barber museum. The board shall transmit any contributions to the treasurer of state for deposit into the occupational licensing fund.

Sec. 4709.13. (A) The state cosmetology and barber board may refuse to issue or renew or may suspend or revoke or impose conditions upon any license issued pursuant to this chapter for
any one or more of the following causes:

(1) Advertising by means of knowingly false or deceptive statements;

(2) Habitual drunkenness or possession of or addiction to the use of any controlled drug prohibited by state or federal law;

(3) Immoral or unprofessional conduct;

(4) Continuing to be employed in a barber shop wherein rules of the board or department of health are violated;

(5) Employing any person who does not have a current Ohio license to perform the practice of barbering;

(6) Owning, managing, operating, or controlling any barber school or portion thereof, wherein the practice of barbering is carried on, whether in the same building or not, without displaying a sign at all entrances to the places where the barbering is carried on, indicating that the work therein is done by students exclusively;

(7) Owning, managing, operating, or controlling any barber shop, unless it displays a recognizable sign or barber pole indicating that it is a barber shop, and the sign or pole is clearly visible at the main entrance to the shop;

(8) Violating any sanitary rules approved by the department of health or the board;

(9) Employing another person to perform or personally perform the practice of barbering in a licensed barber shop unless that person is licensed as a barber under this chapter;

(10) Gross incompetence.

(B)(1) The board may refuse to renew or may suspend or revoke or impose conditions upon any license issued pursuant to this chapter for conviction of or plea of guilty to a felony committed after the person has been issued a license under this chapter,
shown by a certified copy of the record of the court in which the person was convicted or pleaded guilty.

(2) A conviction or plea of guilty to a felony committed prior to being issued a license under this chapter shall not disqualify a person from being issued an initial license under this chapter.

(C) Prior to taking any action under division (A) or (B) of this section, the board shall provide the person with a statement of the charges against the person and notice of the time and place of a hearing on the charges. The board shall conduct the hearing according to Chapter 119. of the Revised Code. Any person dissatisfied with a decision of the board may appeal the board's decision to the court of common pleas in Franklin county.

(D) The board may adopt rules in accordance with Chapter 119. of the Revised Code, specifying additional grounds upon which the board may take action under division (A) of this section.

Sec. 4709.14. (A) If the state cosmetology and barber board determines that any person is violating or threatening to violate any provision of this chapter or the rules adopted pursuant thereto and such violation or threatened violation is a threat to the health or safety of persons who use barber services, the board may apply to a court of competent jurisdiction in the county in which the violation or threatened violation occurred or will occur for injunctive relief and such other relief to prevent further violations. The attorney general shall, at the board's request, represent the board in any such action.

(B) If the board determines, after a hearing conducted in accordance with Chapter 119. of the Revised Code, that any person has violated any provision of this chapter or the rules adopted pursuant thereto, the board may, in addition to any other action it may take or any other penalty imposed pursuant to this chapter,
impose one or more fines upon the person. In no event, however, shall the fines imposed under this division exceed five hundred dollars for a first offense or one thousand dollars for each subsequent offense.

(C) A person who allegedly has violated a provision of this chapter for which the board proposes to impose a fine may pay the board the amount of the fine and waive the right to an adjudicatory hearing conducted under Chapter 119. of the Revised Code and described in division (B) of this section.

Sec. 4709.23. No phase of barbering shall be taught for pay, free, or otherwise, without approval from the state cosmetology and barber board.

Sec. 4713.01. As used in this chapter:

"Apprentice instructor" means an individual holding a practicing license issued by the state board of cosmetology and barber board who is engaged in learning or acquiring knowledge of the occupation of an instructor of a branch of cosmetology at a school of cosmetology.

"Beauty salon" means a salon in which an individual is authorized to engage in all branches of cosmetology.

"Biennial licensing period" means the two-year period beginning on the first day of February of an odd-numbered year and ending on the last day of January of the next odd-numbered year.

"Boutique salon" means a salon in which an individual engages in boutique services and no other branch of cosmetology.

"Boutique services" means braiding, threading, and shampooing.

"Braiding" means intertwining the hair in a systematic motion to create patterns in a three-dimensional form, inverting the hair
against the scalp along part of a straight or curved row of
intertwined hair, or twisting the hair in a systematic motion, and
includes extending the hair with natural or synthetic hair fibers.

"Branch of cosmetology" means the practice of cosmetology,
practice of esthetics, practice of hair design, practice of
manicuring, practice of natural hair styling, or practice of
boutique services.

"Cosmetic therapy" has the same meaning as in section 4731.15
of the Revised Code.

"Cosmetologist" means an individual authorized to engage in
all branches of cosmetology in a licensed facility.

"Cosmetology" means the art or practice of embellishment,
cleansing, beautification, and styling of hair, wigs, postiches,
face, body, or nails.

"Cosmetology instructor" means an individual authorized to
teach the theory and practice of all branches of cosmetology at a
school of cosmetology.

"Esthetician" means an individual who engages in the practice
of esthetics but no other branch of cosmetology in a licensed
facility.

"Esthetics instructor" means an individual who teaches the
theory and practice of esthetics, but no other branch of
cosmetology, at a school of cosmetology.

"Esthetics salon" means a salon in which an individual
engages in the practice of esthetics but no other branch of
cosmetology.

"Eye lash extensions" include temporary and semi-permanent
enhancements designed to add length, thickness, and fullness to
natural eyelashes.

"Hair designer" means an individual who engages in the
practice of hair design but no other branch of cosmetology in a licensed facility.

"Hair design instructor" means an individual who teaches the theory and practice of hair design, but no other branch of cosmetology, at a school of cosmetology.

"Hair design salon" means a salon in which an individual engages in the practice of hair design but no other branch of cosmetology.

"Hair removal" includes tweezing, waxing, sugaring, and threading. "Hair removal" does not include electrolysis.

"Independent contractor" means an individual who is not an employee of a salon but practices a branch of cosmetology within a salon in a licensed facility.

"Instructor license" means a license to teach the theory and practice of a branch of cosmetology at a school of cosmetology.

"Licensed facility" means any premises, building, or part of a building licensed under section 4713.41 of the Revised Code in which cosmetology services are authorized by the state board of cosmetology and barber board to be performed.

"Advanced cosmetologist" means an individual authorized to work in a beauty salon and engage in all branches of cosmetology.

"Advanced esthetician" means an individual authorized to work in an esthetics salon, but no other type of salon, and engage in the practice of esthetics, but no other branch of cosmetology.

"Advanced hair designer" means an individual authorized to work in a hair design salon, but no other type of salon, and engage in the practice of hair design, but no other branch of cosmetology.

"Advanced license" means a license to work in a salon and practice the branch of cosmetology practiced at the salon.
"Advanced manicurist" means an individual authorized to work in a nail salon, but no other type of salon, and engage in the practice of manicuring, but no other branch of cosmetology.

"Advanced natural hair stylist" means an individual authorized to work in a natural hair style salon, but no other type of salon, and engage in the practice of natural hair styling, but no other branch of cosmetology.

"Manicurist" means an individual who engages in the practice of manicuring but no other branch of cosmetology in a licensed facility.

"Manicurist instructor" means an individual who teaches the theory and practice of manicuring, but no other branch of cosmetology, at a school of cosmetology.

"Nail salon" means a salon in which an individual engages in the practice of manicuring but no other branch of cosmetology.

"Natural hair stylist" means an individual who engages in the practice of natural hair styling but no other branch of cosmetology in a licensed facility.

"Natural hair style instructor" means an individual who teaches the theory and practice of natural hair styling, but no other branch of cosmetology, at a school of cosmetology.

"Natural hair style salon" means a salon in which an individual engages in the practice of natural hair styling but no other branch of cosmetology.

"Practice of braiding" means utilizing the technique of intertwining hair in a systematic motion to create patterns in a three-dimensional form, including patterns that are inverted, upright, or singled against the scalp that follow along straight or curved partings. It may include twisting or locking the hair while adding bulk or length with human hair, synthetic hair, or
both and using simple devices such as clips, combs, and hairpins. "Practice of braiding" does not include application of weaving, bonding, and fusion of individual strands or wefts; application of dyes, reactive chemicals, or other preparations to alter the color or straighten, curl, or alter the structure of hair; embellishing or beautifying hair by cutting or singeing, except as needed to finish the ends of synthetic fibers used to add bulk to or lengthen hair.

"Practice of cosmetology" means the practice of all branches of cosmetology.

"Practice of esthetics" means the application of cosmetics, tonics, antiseptics, creams, lotions, or other preparations for the purpose of skin beautification and includes preparation of the skin by manual massage techniques or by use of electrical, mechanical, or other apparatus; enhancement of the skin by skin care, facials, body treatments, hair removal, and other treatments; and eye lash extension services.

"Practice of hair design" means embellishing or beautifying hair, wigs, or hairpieces by arranging, dressing, pressing, curling, waving, permanent waving, cleansing, cutting, singeing, bleaching, coloring, braiding, weaving, or similar work. "Practice of hair design" includes utilizing techniques performed by hand that result in tension on hair roots such as twisting, wrapping, weaving, extending, locking, or braiding of the hair.

"Practice of manicuring" means cleaning, trimming, shaping the free edge of, or applying polish to the nails of any individual; applying nail enhancements and embellishments to any individual; massaging the hands and lower arms up to the elbow of any individual; massaging the feet and lower legs up to the knee of any individual; using lotions or softeners on the hands and feet of any individual; or any combination of these types of services.
"Practice of natural hair styling" means utilizing techniques performed by hand that result in tension on hair roots such as twisting, wrapping, weaving, extending, locking, or braiding of the hair. "Practice of natural hair styling" does not include the application of dyes, reactive chemicals, or other preparations to alter the color or to straighten, curl, or alter the structure of the hair. "Practice of natural hair styling" also does not include embellishing or beautifying hair by cutting or singeising, except as needed to finish off the end of a braid, or by dressing, pressing, curling, waving, permanent waving, or similar work.

"Practicing license" means a license to practice a branch of cosmetology in a licensed facility.

"Salon" means a licensed facility on any premises, building, or part of a building in which an individual engages in the practice of one or more branches of cosmetology. "Salon" does not include a barber shop licensed under Chapter 4709. of the Revised Code. "Salon" does not mean a tanning facility, although a tanning facility may be located in a salon.

"School of cosmetology" means any premises, building, or part of a building in which students are instructed in the theories and practices of one or more branches of cosmetology.

"Shampooing" means the act of cleansing and conditioning an individual's hair under the supervision of an individual licensed under this chapter and in preparation to immediately receive a service from a licensee.

"Student" means an individual, other than an apprentice instructor, who is engaged in learning or acquiring knowledge of the practice of a branch of cosmetology at a school of cosmetology.

"Tanning facility" means any premises, building, or part of a building that contains one or more rooms or booths with any of the
following:

(A) Equipment or beds used for tanning human skin by the use of fluorescent sun lamps using ultraviolet or other artificial radiation;

(B) Equipment or booths that use chemicals applied to human skin, including chemical applications commonly referred to as spray-on, mist-on, or sunless tans;

(C) Equipment or beds that use visible light for cosmetic purposes.

"Threading" includes a service that results in the removal of hair from its follicle from around the eyebrows and from other parts of the face with the use of a single strand of thread and an astringent, if the service does not use chemicals of any kind, wax, or any implements, instruments, or tools to remove hair.

Sec. 4713.02. (A) There is hereby created the state board of cosmetology and barber board, consisting of all of the following members appointed by the governor, with the advice and consent of the senate:

(1) One individual holding a current, valid cosmetologist or cosmetology instructor license at the time of appointment;

(2) Two individuals holding current, valid cosmetologist licenses and actively engaged in managing beauty salons for a period of not less than five years at the time of appointment;

(3) One individual who holds a current, valid independent contractor license at the time of appointment and practices a branch of cosmetology;

(4) One individual who represents individuals who teach the theory and practice of a branch of cosmetology at a vocational or career-technical school;
(5) One owner or executive actively engaged in the daily operations of a licensed school of cosmetology;

(6) One owner of at least five licensed salons;

(7) One individual who is either a certified nurse practitioner or clinical nurse specialist holding a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code or a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(8) One individual representing the general public;

(9) One individual who holds a current, valid tanning permit and who has owned or managed a tanning facility for at least five years immediately preceding the individual's appointment;

(10) One individual who holds a current, valid esthetician license and who has been actively practicing esthetics for a period of not less than five years immediately preceding the individual's appointment;

(11) Two barbers, one of whom is an employer barber and one of whom is employed as a barber, both of whom have been licensed as barbers in this state for at least five years immediately preceding their appointment.

(B) The superintendent of public instruction shall nominate three individuals for the governor to choose from when making an appointment under division (A)(4) of this section.

(C) All members shall be at least twenty-five years of age, residents of the state, and citizens of the United States. No more than two members, at any time, shall be graduates of the same school of cosmetology. Not more than one member shall have a common financial connection with any school of cosmetology, salon, barber school, or barber shop.
Terms of office are for five years. Terms shall commence on the first day of November and end on the thirty-first day of October. Each member shall hold office from the date of appointment until the end of the term for which appointed. In case of a vacancy occurring on the board, the governor shall, in the same manner prescribed for the regular appointment to the board, fill the vacancy by appointing a member. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. Before entering upon the discharge of the duties of the office of member, each member shall take, and file with the secretary of state, the oath of office required by Section 7 of Article XV, Ohio Constitution.

The members of the board shall receive an amount fixed pursuant to Chapter 124. of the Revised Code per diem for every meeting of the board which they attend, together with their necessary expenses, and mileage for each mile necessarily traveled.

The members of the board shall annually elect, from among their number, a chairperson and a vice-chairperson. The executive director appointed pursuant to section 4713.06 of the Revised Code shall serve as the board's secretary.

(D) The board shall prescribe the duties of its officers and establish an office within Franklin county. The board shall keep all records and files at the office and have the records and files at all reasonable hours open to public inspection in accordance with section 149.43 of the Revised Code and any rules adopted by the board in compliance with this state's record retention policy. The board also shall adopt a seal for the authentication of its
orders, communications, and records.

(E) The governor may remove any member for cause prior to the expiration of the member's term of office.

(F) Whenever the term "state board of cosmetology" is used, referred to, or designated in statute, rule, contract, grant, or other document, the use, reference, or designation shall be deemed to mean the "state cosmetology and barber board" or the executive director of the state cosmetology and barber board, whichever is appropriate in context. Whenever the term "barber board" is used, referred to, or designated in statute, rule, contract, grant, or other document, the use, reference, or designation shall be deemed to mean the "state cosmetology and barber board" or the executive director of the state cosmetology and barber board, whichever is appropriate in context.

Sec. 4713.03. The state board of cosmetology and barber board shall hold meetings to transact its business at least four times a year. The board may hold additional meetings as, in its judgment, are necessary. The board shall meet at the times and places it selects.

Sec. 4713.04. The state board of cosmetology and barber board may authorize any of its members, in writing, to undertake any proceedings authorized by this chapter, and the finding or order of such members is the finding of the board when confirmed by it.

Sec. 4713.05. All receipts of the state board of cosmetology and barber board shall be deposited into the state treasury to the credit of the occupational licensing and regulatory fund. All vouchers of the board shall be approved by the board chairperson or executive director, or both, as authorized by the board.
Sec. 4713.06. The state board of cosmetology and barber board shall annually appoint an executive director. The executive director may not be a member of the board, but subsequent to appointment, shall serve as secretary of the board. The executive director, before entering upon the discharge of the executive director's duties, shall file with the secretary of state a good and sufficient bond payable to the state, to ensure the faithful performance of duties of the office of executive director. The bond shall be in an amount the board requires. The premium of the bond shall be paid from appropriations made to the board for operating purposes. Whenever the term "executive director of the state board of cosmetology" or the term "executive director of the barber board," or variations thereof, is used, referred to, or designated in statute, rule, contract, grant, or other document, the use, reference, or designation shall be deemed to mean the "executive director of the state cosmetology and barber board."

The board may employ inspectors, examiners, consultants on contents of examinations, clerks, or other individuals as necessary for the administration of this chapter and Chapter 4709. of the Revised Code. All inspectors and examiners shall be licensed cosmetologists pursuant to this chapter or licensed barbers pursuant to Chapter 4709. of the Revised Code.

The board may appoint inspectors to inspect and investigate all facilities regulated by this chapter and Chapter 4709. of the Revised Code, including tanning facilities, to ensure compliance with this chapter and Chapter 4709. of the Revised Code, the rules adopted pursuant to it by the board, and the board's policies, in accordance with division (A)(11) of section 4713.07 of the Revised Code.

Sec. 4713.07. (A) The state board of cosmetology and barber board shall do all of the following:
(1) Regulate the practice of cosmetology and all of its branches in this state;

(2) Investigate or inspect, when evidence appears to demonstrate that an individual has violated any provision of this chapter or any rule adopted pursuant to it, the activities or premises of a license holder or unlicensed individual;

(3) Adopt rules in accordance with section 4713.08 of the Revised Code;

(4) Prescribe and make available application forms to be used by individuals seeking admission to an examination conducted under section 4713.24 of the Revised Code or a license or registration issued under this chapter;

(5) Prescribe and make available application forms to be used by individuals seeking renewal of a license or registration issued under this chapter;

(6) Provide a toll-free number and an online service to receive complaints alleging violations of this chapter or Chapter 4709. of the Revised Code;

(7) Report to the proper prosecuting officer violations of section 4713.14 of the Revised Code of which the board is aware;

(8) Submit a written report annually to the governor that provides all of the following:

(a) A discussion of the conditions in this state of the branches of cosmetology;

(b) An evaluation of board activities intended to aid or protect consumers;

(c) A brief summary of the board's proceedings during the year the report covers;

(d) A statement of all money that the board received and expended during the year the report covers.
(9) Keep a record of all of the following:

(a) The board's proceedings;

(b) The name and last known physical address, electronic mail address, and telephone number of each individual issued a license or registration under this chapter;

(c) The date and number of each license, permit, and registration that the board issues.

(10) Assist ex-offenders and military veterans who hold licenses issued by the board to find employment within salons or other facilities within this state;

(11) Require inspectors appointed pursuant to section 4713.06 of the Revised Code to conduct inspections of licensed or permitted facilities, including salons and boutique salons, schools of cosmetology, barber schools, barber shops, and tanning facilities, within ninety days of the opening for business of a licensed facility, upon complaints reported to the board, within ninety days after a violation was documented at a facility, and at least once every two years. Any individual, after providing the individual's name and contact information, may report to the board any information the individual may have that appears to show a violation of any provision of this chapter or rule adopted under it or a violation of any provision of Chapter 4709. of the Revised Code or rule adopted by the board pursuant to Chapter 4709. of the Revised Code. In the absence of bad faith, any individual who reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable for damages in a civil action as a result of the report or testimony. For the purpose of inspections, an independent contractor shall be added to the board's records as an individual salon.

(12) Supply a copy of the poster created pursuant to division
(B) of section 5502.63 of the Revised Code to each person authorized to operate a salon, school of cosmetology, tanning facility, or other type of facility under this chapter;

(13) All other duties that this chapter imposes on the board. 

(B) The board may delegate any of the duties listed in division (A) of this section to the executive director of the board or to an individual designated by the executive director.

Sec. 4713.071. (A) Beginning one year after the effective date of this section, the state board of cosmetology and barber board shall annually submit a written report to the governor, president of the senate, and speaker of the house of representatives. The report shall list all of the following for the preceding twelve-month period:

(1) The number of students enrolled in courses at licensed public and private schools of cosmetology and barbering;

(2) The number of students graduating from licensed public and private schools of cosmetology and barbering;

(3) The annual cost for students to attend each licensed public or private school of cosmetology and barbering;

(4) The loan default rates for licensed public and private schools of cosmetology and barbering;

(5) The first-time licensure passage rate for graduates of all public and private schools of cosmetology and barbering;

(6) The total number of new and renewal licenses in each profession;

(7) The total number of complaint-driven inspections conducted by the board;

(8) The total number and type of violations, including a list of the top ten violations, which shall aid in the identification
of focus areas for continuing education purposes;

(9) The twenty salons and individuals cited with the most violations for unlicensed workers;

(10) The number of adjudications or other disciplinary action taken by the board.

(B) The board shall include in the final report under division (A) of this section any recommendations it has for changes to this chapter or Chapter 4709, of the Revised Code.

Sec. 4713.08. (A) The state board of cosmetology and barber board shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this chapter. The rules shall do all of the following:

(1) Govern the practice of the branches of cosmetology;

(2) Specify conditions an individual must satisfy to qualify for a temporary pre-examination work permit under section 4713.22 of the Revised Code and the conditions and method of renewing a temporary pre-examination work permit under that section;

(3) Provide for the conduct of examinations under section 4713.24 of the Revised Code;

(4) Specify conditions under which the board will take into account, under section 4713.32 of the Revised Code, instruction an applicant for a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code received more than five years before the date of application for the license;

(5) Provide for the granting of waivers under section 4713.29 of the Revised Code;

(6) Specify conditions an applicant must satisfy for the board to issue the applicant a license under section 4713.34 of the Revised Code without the applicant taking an examination.
conducted under section 4713.24 of the Revised Code;

(7) Specify locations in which glamour photography services in which a branch of cosmetology is practiced may be provided;

(8) Establish conditions and the fee for a temporary special occasion work permit under section 4713.37 of the Revised Code and specify the amount of time such a permit is valid;

(9) Specify conditions an applicant must satisfy for the board to issue the applicant an independent contractor license under section 4713.39 of the Revised Code and the fee for issuance and renewal of the license;

(10) Establish conditions under which food may be sold at a salon;

(11) Specify which professions regulated by a professional regulatory board of this state may be practiced in a salon under section 4713.42 of the Revised Code;

(12) Establish standards for the provision of cosmetic therapy, massage therapy, or other professional service in a salon pursuant to section 4713.42 of the Revised Code;

(13) Establish standards for board approval of, and the granting of credits for, training in branches of cosmetology at schools of cosmetology licensed in this state;

(14) Establish the manner in which a school of cosmetology licensed under section 4713.44 of the Revised Code may offer post-secondary and advanced practice programs;

(15) Establish sanitary standards for the practice of the branches of cosmetology, salons, and schools of cosmetology;

(16) Establish the application process for obtaining a tanning facility permit under section 4713.48 of the Revised Code, including the amount of the fee for an initial or renewed permit;

(17) Establish standards for installing and operating a
tanning facility in a manner that ensures the health and safety of consumers, including standards that do all of the following:

(a) Establish a maximum safe time of exposure to radiation and a maximum safe temperature at which sun lamps may be operated;

(b) Require consumers to wear protective eyeglasses;

(c) Require consumers to be supervised as to the length of time consumers use the facility's sun lamps;

(d) Require the operator to prohibit consumers from standing too close to sun lamps and to post signs warning consumers of the potential effects of radiation on individuals taking certain medications and of the possible relationship of the radiation to skin cancer;

(e) Require the installation of protective shielding for sun lamps and handrails for consumers;

(f) Require floors to be dry during operation of lamps;

(g) Establish procedures an operator must follow in making reasonable efforts in compliance with section 4713.50 of the Revised Code to determine the age of an individual seeking to use sun lamp tanning services.

(18)(a) If the board, under section 4713.61 of the Revised Code, develops a procedure for classifying licenses inactive, do both of the following:

(i) Establish a fee for having a license classified inactive that reflects the cost to the board of providing the inactive license service. If one or more renewal periods have elapsed since the license was valid, the fee shall not include lapsed renewal fees for more than three of those renewal periods;

(ii) Specify the continuing education that an individual whose license has been classified inactive must complete to have the license restored. The continuing education shall be sufficient
to ensure the minimum competency in the use or administration of a new procedure or product required by a licensee necessary to protect public health and safety. The requirement shall not exceed the cumulative number of hours of continuing education that the individual would have been required to complete had the individual retained an active license.

(b) In addition, the board may specify the conditions and method for granting a temporary work permit to practice a branch of cosmetology to an individual whose license has been classified inactive.

(19) Establish a fee for approval of a continuing education program under section 4713.62 of the Revised Code that is adequate to cover any expense the board incurs in the approval process;

(20) Anything else necessary to implement this chapter.

(B)(1) The rules adopted under division (A)(2) of this section may establish additional conditions for a temporary pre-examination work permit under section 4713.22 of the Revised Code that are applicable to individuals who practice a branch of cosmetology in another state or country.

(2) The rules adopted under division (A)(18)(b) of this section may establish additional conditions for a temporary work permit that are applicable to individuals who practice a branch of cosmetology in another state.

(C) The conditions specified in rules adopted under division (A)(6) of this section may include that an applicant is applying for a license to practice a branch of cosmetology for which the board determines an examination is unnecessary.

(D) The rules adopted under division (A)(11) of this section shall not include a profession if practice of the profession in a salon is a violation of a statute or rule governing the profession.
(E) The sanitary standards established under division (A)(15) of this section shall focus in particular on precautions to be employed to prevent infectious or contagious diseases being created or spread. The board shall consult with the Ohio department of health when establishing the sanitary standards.

(F) The fee established by rules adopted under division (A)(16) of this section shall cover the cost the board incurs in inspecting tanning facilities and enforcing the board's rules but may not exceed one hundred dollars per location of such facilities.

Sec. 4713.081. The state board of cosmetology and barber board shall furnish a copy of the sanitary standards established by rules adopted under section 4713.08 of the Revised Code to each individual to whom the board issues a practicing license, advanced license to operate a salon or school of cosmetology, or boutique services registration. The board also shall furnish a copy of the sanitary standards to each individual providing cosmetic therapy, massage therapy, or other professional service in a salon under section 4713.42 of the Revised Code. A salon or school of cosmetology provided a copy of the sanitary standards shall post the standards in a public and conspicuous place in the salon or school.

Sec. 4713.082. The state board of cosmetology and barber board shall furnish a copy of the standards established by rules adopted under section 4713.08 of the Revised Code for installing and operating a tanning facility to each individual to whom the board issues a permit to operate a tanning facility. An individual provided a copy of the standards shall post the standards in a public and conspicuous place in the tanning facility.

Sec. 4713.09. The state board of cosmetology and barber board...
may adopt rules in accordance with section 4713.08 of the Revised Code to establish a continuing education requirement, not to exceed eight hours in a biennial licensing period, as a condition of renewal for a practicing license, advanced license, instructor license, or boutique services registration. These hours may include training in identifying and addressing the crime of trafficking in persons as described in section 2905.32 of the Revised Code. At least two of the eight hours of the continuing education requirement must be achieved in courses concerning safety and sanitation, and at least one hour of the eight hours of the continuing education requirement must be achieved in courses concerning law and rule updates.

Sec. 4713.10. (A) The state board of cosmetology shall charge and collect the following fees:

(1) For a temporary pre-examination work permit under section 4713.22 of the Revised Code, seven not more than fifteen dollars and fifty cents;

(2) For initial application to take an examination under section 4713.24 of the Revised Code, thirty-one not more than forty dollars and fifty cents;

(3) For application to take an examination under section 4713.24 of the Revised Code by an applicant who has previously applied to take, but failed to appear for, the examination, forty not more than fifty-five dollars;

(4) For application to re-take an examination under section 4713.24 of the Revised Code by an applicant who has previously appeared for, but failed to pass, the examination, thirty-one not more than forty dollars and fifty cents;

(5) For the issuance of a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code, forty-five not more than
seventy-five dollars;

(6) For the issuance of a license under section 4713.34 of the Revised Code, not more than seventy dollars;

(7) For renewal of a license issued under section 4713.28, 4713.30, 4713.31, or 4713.34 of the Revised Code, forty-five not more than seventy dollars;

(8) For the issuance or renewal of a cosmetology school license, not more than two hundred fifty dollars;

(9) For the issuance of a new salon license or the change of name or ownership of a salon license under section 4713.41 of the Revised Code, seventy-five not more than one hundred dollars;

(10) For the renewal of a salon license under section 4713.41 of the Revised Code, sixty not more than ninety dollars;

(11) For the restoration of an expired license that may be restored pursuant to section 4713.63 of the Revised Code, an amount equal to the sum of the current license renewal fee and a lapsed renewal fee of not more than forty-five dollars per license renewal period that has elapsed since the license was last issued or renewed;

(12) For the issuance of a duplicate of any license, twenty not more than thirty dollars;

(13) For the preparation and mailing of a licensee's records to another state for a reciprocity license, not more than fifty dollars;

(14) For the processing of any fees related to a check from a licensee returned to the board for insufficient funds, an additional thirty dollars.

(B) The board shall adjust the fees biennially, by rule, within the limits established by division (A) of this section, to provide sufficient revenues to meet its expenses.
(C) The board may establish an installment plan for the payment of fines and fees and may reduce fees as considered appropriate by the board.

(D) At the request of a person who is temporarily unable to pay a fee imposed under division (A) of this section, or on its own motion, the board may extend the date payment is due by up to ninety days. If the fee remains unpaid after the date payment is due, the amount of the fee shall be certified to the attorney general for collection in the form and manner prescribed by the attorney general. The attorney general may assess the collection cost to the amount certified in such a manner and amount as prescribed by the attorney general.

Sec. 4713.11. The state board of cosmetology and barber board, subject to the approval of the controlling board, may establish fees in excess of the amounts provided by section 4713.10 of the Revised Code, provided that any fee increase does not exceed the amount permitted by more than fifty per cent.

Sec. 4713.13. Whenever in the judgment of the state board of cosmetology and barber board any individual has engaged in or is about to engage in any acts or practices that constitute a violation of this chapter, or any rule adopted under this chapter, the board may apply to the appropriate court for an order enjoining the acts or practices, and upon a showing by the board that the individual has engaged in the acts or practices, the court shall grant an injunction, restraining order, or other order as may be appropriate.

Sec. 4713.141. An inspector employed by the state board of cosmetology and barber board may take a sample of a product used or sold in a salon or school of cosmetology for the purpose of examining the sample, or causing an examination of the sample to
be made, to determine whether division (M) of section 4713.14 of the Revised Code has been violated.

Should the results of the test prove that division (M) of section 4713.14 of the Revised Code has been violated, the board shall take action in accordance with section 4713.64 of the Revised Code. A fine imposed under that section shall include the cost of the test. The person's license may be suspended or revoked.

Sec. 4713.17. (A) The following persons are exempt from the provisions of this chapter, except, as applicable, section 4713.42 of the Revised Code:

(1) All individuals authorized to practice medicine, surgery, dentistry, and nursing or any of its branches in this state;

(2) Commissioned surgical and medical officers of the United States army, navy, air force, or marine hospital service when engaged in the actual performance of their official duties, and attendants attached to same;

(3) Barbers, insofar as their usual and ordinary vocation and profession is concerned;

(4) Funeral directors, embalmers, and apprentices licensed or registered under Chapter 4717. of the Revised Code;

(5) Persons who are engaged in the retail sale, cleaning, or beautification of wigs and hairpieces but who do not engage in any other act constituting the practice of a branch of cosmetology;

(6) Volunteers of hospitals, and homes as defined in section 3721.01 of the Revised Code, who render service to registered patients and inpatients who reside in such hospitals or homes. Such volunteers shall not use or work with any chemical
products such as permanent wave, hair dye, or chemical hair relaxer, which without proper training would pose a health or safety problem to the patient.

(7) Nurse aides and other employees of hospitals and homes as defined in section 3721.01 of the Revised Code, who practice a branch of cosmetology on registered patients only as part of general patient care services and who do not charge patients directly on a fee for service basis;

(8) Cosmetic therapists and massage therapists who hold current, valid certificates to practice cosmetic or massage therapy issued by the state medical board under section 4731.15 of the Revised Code, to the extent their actions are authorized by their certificates to practice;

(9) Inmates who provide services related to a branch of cosmetology to other inmates, except when those services are provided in a licensed school of cosmetology within a state correctional institution for females.

(B) The director of rehabilitation and correction shall oversee the services described in division (A)(9) of this section with respect to sanitation and adopt rules governing those types of services provided by inmates.

Sec. 4713.20. Each individual who seeks admission to an examination conducted under section 4713.24 of the Revised Code shall submit both of the following to the state board of cosmetology and barber board:

(A) As part of a license application, proof that the individual satisfies all conditions to obtain the license for which the examination is conducted, other than the requirement to have passed the examination;

(B) A set of the individual's biometric fingerprint scan
taken at the board's offices.

Sec. 4713.22. (A) The state board of cosmetology and barber board shall issue a temporary pre-examination work permit to an individual who applies under section 4713.20 of the Revised Code for admission to an examination conducted under section 4713.24 of the Revised Code, if the individual satisfies all of the following conditions:

(1) Is seeking a practicing license or an instructor license;

(2) Has not previously failed an examination conducted under section 4713.24 of the Revised Code to determine the applicant's fitness to practice or instruct the branch of cosmetology for which the individual seeks a license;

(3) Pays to the board the applicable fee;

(4) Satisfies all other conditions established by rules adopted under section 4713.08 of the Revised Code.

(B) An individual issued a temporary pre-examination work permit may practice the branch of cosmetology for which the individual seeks a practicing license until the date the individual is scheduled to take an examination under section 4713.24 of the Revised Code. The individual shall practice under the supervision of an individual holding a current, valid license appropriate for the type of salon in which the permit holder practices.

(C) An individual issued a temporary pre-examination work permit may instruct the branch of cosmetology for which the individual seeks an instructor license for a period not to exceed one hundred twenty days.

(D) A temporary pre-examination work permit is renewable in accordance with rules adopted under section 4713.08 of the Revised Code.
Sec. 4713.24. (A) The state board of cosmetology and barber board shall conduct an examination for each individual who satisfies the requirements established by section 4713.20 of the Revised Code for admission to the examination. Examinations for licensure for any branch of cosmetology shall assess the ability of a prospective cosmetology professional to maintain a safe and sanitary place of service delivery. The board may develop and administer the appropriate examination or enter into an agreement with a national testing service to develop the examination, administer the examination, or both. The examination shall be specific to the type of license the individual seeks and satisfy all of the following conditions:

1. Include both practical demonstrations and written or oral tests related to the type of license the individual seeks;
2. Relate only to a branch of cosmetology, but not be confined to any special system or method;
3. Be consistent in both practical and technical requirements for the type of license the individual seeks;
4. Be of sufficient thoroughness to satisfy the board as to the individual's skill in and knowledge of the branch of cosmetology for which the examination is conducted.

(B) Not later than two years after the effective date of this amendment September 13, 2016, the board shall create a curriculum and an examination for individuals seeking licensure to become an instructor and shall conduct an examination for each individual who satisfies the requirements established pursuant to section 4713.31 of the Revised Code for admission to the examination.

(C) The board shall adopt rules regarding the equipment or supplies an individual is required to bring to an examination described in this section.
(D) The board shall not release the questions developed for the examinations and the practical demonstrations used in the testing process, except for the following purposes:

1. Reviewing or rewriting of any part of the examination on a periodic basis as prescribed in rules adopted under section 4713.08 of the Revised Code;

2. Testing of individuals in another state for admission to the profession of cosmetology or any of its branches as required under a contract or by means of a license with that state;

3. Complying with a public records request after which the questions or the demonstrations have become a public record under division (F) of this section and otherwise may lawfully be released.

(E) The examination papers and the scored results of the practical demonstrations of each individual examined by the board shall be open for inspection by the individual or the individual's attorney for at least ninety days following the announcement of the individual's grade, except for papers that under the terms of a contract with a testing service are not available for inspection. On written request of an individual or the individual's attorney made to the board not later than ninety days after announcement of the individual's grade, the board shall have the individual's practical examination papers regraded manually.

(F) Test materials, examinations, or evaluation tools used in an examination for licensure under this chapter that the board develops or contracts with a private or government entity to administer shall become public records under section 149.43 of the Revised Code fifteen years after the materials, examinations, or tools were first used in an assessment for licensure, unless the release of the record is otherwise prohibited by state or federal law, or the record is deemed to be the proprietary information of
Sec. 4713.25. (A) The state board of cosmetology and barber board may administer a separate advanced cosmetologist examination for individuals who complete an advanced cosmetologist training course separate from a cosmetologist training course. The board may combine the advanced cosmetologist examination with the cosmetologist examination for individuals who complete a combined cosmetologist and advanced cosmetologist training course.

(B) The board may administer a separate advanced esthetician examination for individuals who complete an advanced esthetician training course separate from an esthetician training course. The board may combine the advanced esthetician examination with the esthetician examination for individuals who complete an esthetician and advanced esthetician training course.

(C) The board may administer a separate advanced hair designer examination for individuals who complete an advanced hair designer training course separate from a hair designer training course. The board may combine the advanced hair designer examination with the hair designer examination for individuals who complete a hair designer and advanced hair designer training course.

(D) The board may administer a separate advanced manicurist examination for individuals who complete an advanced manicurist training course separate from a manicurist training course. The board may combine the advanced manicurist examination with the manicurist examination for individuals who complete a manicurist and advanced manicurist training course.

(E) The board may administer a separate advanced natural hair stylist examination for individuals who complete an advanced natural hair stylist training course separate from a natural hair stylist training course. The board may combine the advanced
natural hair stylist examination with the natural hair stylist examination for individuals who complete a natural hair stylist and advanced natural hair stylist training course.

Sec. 4713.28. (A) The state board of cosmetology and barber board shall issue a practicing license to an applicant who satisfies all of the following applicable conditions:

(1) Is at least sixteen years of age;
(2) Is of good moral character;
(3) Has the equivalent of an Ohio public school tenth grade education;
(4) Has submitted a written application on a form furnished by the board that contains all of the following:
   (a) The name of the individual and any other identifying information required by the board;
   (b) A recent photograph of the individual that meets the specifications established by the board;
   (c) A photocopy of the individual's current driver's license or other proof of legal residence;
   (d) Proof that the individual is qualified to take the applicable examination as required by section 4713.20 of the Revised Code;
   (e) An oath verifying that the information in the application is true;
   (f) The applicable application fee.
(5) Passes an examination conducted under division (A) of section 4713.24 of the Revised Code for the branch of cosmetology the applicant seeks to practice;
(6) Pays to the board the applicable license fee;
(7) In the case of an applicant for an initial cosmetologist license, has successfully completed at least one thousand five hundred hours of board-approved cosmetology training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved cosmetology training in a school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. of the Revised Code;

(8) In the case of an applicant for an initial esthetician license, has successfully completed at least six hundred hours of board-approved esthetics training in a school of cosmetology licensed in this state;

(9) In the case of an applicant for an initial hair designer license, has successfully completed at least one thousand two hundred hours of board-approved hair designer training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved hair designer training in a school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. of the Revised Code;

(10) In the case of an applicant for an initial manicurist license, has successfully completed at least two hundred hours of board-approved manicurist training in a school of cosmetology licensed in this state;

(11) In the case of an applicant for an initial natural hair stylist license, has successfully completed at least four hundred fifty hours of instruction in subjects relating to sanitation, scalp care, anatomy, hair styling, communication skills, and laws and rules governing the practice of cosmetology.

(B) The board shall not deny a license to any applicant based on prior incarceration or conviction for any crime. If the board denies an individual a license or license renewal, the reasons for
such denial shall be put in writing.

Sec. 4713.29. In accordance with rules adopted under section 4713.08 of the Revised Code, the state board of cosmetology and barber board may waive a condition established by section 4713.28 of the Revised Code for a license to practice a branch of cosmetology for an applicant who practices that branch of cosmetology in a state or country that does not license or register branches of cosmetology.

Sec. 4713.30. The state board of cosmetology and barber board shall issue an advanced license to an applicant who satisfies all of the following applicable conditions:

(A) Is at least sixteen years of age;

(B) Is of good moral character;

(C) Has the equivalent of an Ohio public school tenth grade education;

(D) Pays to the board the applicable fee;

(E) Passes the appropriate advanced license examination;

(F) In the case of an applicant for an initial advanced cosmetologist license, does either of the following:

(1) Has a licensed advanced cosmetologist or owner of a licensed beauty salon located in this or another state certify to the board that the applicant has practiced as a cosmetologist for at least one thousand eight hundred hours in a licensed beauty salon;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed, in addition to the hours required for licensure as a cosmetologist, at least three hundred hours of board-approved advanced cosmetologist training.
(G) In the case of an applicant for an initial advanced esthetician license, does either of the following:

(1) Has the licensed advanced esthetician, licensed advanced cosmetologist, or owner of a licensed esthetics salon or licensed beauty salon located in this or another state certify to the board that the applicant has practiced esthetics for at least one thousand eight hundred hours as an esthetician in a licensed esthetics salon or as a cosmetologist in a licensed beauty salon;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed, in addition to the hours required for licensure as an esthetician or cosmetologist, at least one hundred fifty hours of board-approved advanced esthetician training.

(H) In the case of an applicant for an initial advanced hair designer license, does either of the following:

(1) Has the licensed advanced hair designer, licensed advanced cosmetologist, or owner of a licensed hair design salon or licensed beauty salon located in this or another state certify to the board that the applicant has practiced hair design for at least one thousand eight hundred hours as a hair designer in a licensed hair design salon or as a cosmetologist in a licensed beauty salon;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed, in addition to the hours required for licensure as a hair designer or cosmetologist, at least two hundred forty hours of board-approved advanced hair designer training.

(I) In the case of an applicant for an initial advanced manicurist license, does either of the following:

(1) Has the licensed advanced manicurist, licensed advanced cosmetologist, or owner of a licensed nail salon, licensed beauty salon;
salon, or licensed barber shop located in this or another state certify to the board that the applicant has practiced manicuring for at least one thousand eight hundred hours as a manicurist in a licensed nail salon or licensed barber shop or as a cosmetologist in a licensed beauty salon or licensed barber shop;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed, in addition to the hours required for licensure as a manicurist or cosmetologist, at least one hundred hours of board-approved advanced manicurist training.

(J) In the case of an applicant for an initial advanced natural hair stylist license, does either of the following:

(1) Has the licensed advanced natural hair stylist, licensed advanced cosmetologist, or owner of a licensed natural hair style salon or licensed beauty salon located in this or another state certify to the board that the applicant has practiced natural hair styling for at least one thousand eight hundred hours as a natural hair stylist in a licensed natural hair style salon or as a cosmetologist in a licensed beauty salon;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed, in addition to the hours required for licensure as a natural hair stylist or cosmetologist, at least one hundred fifty hours of board-approved advanced natural hair stylist training.

Sec. 4713.31. The state board of cosmetology and barber board shall issue an instructor license to an applicant who satisfies all of the following applicable conditions:

(A) Is at least eighteen years of age;

(B) Is of good moral character;

(C) Has the equivalent of an Ohio public school twelfth grade
(D) Pays to the board the applicable fee;

(E) In the case of an applicant for an initial cosmetology instructor license, holds a current, valid advanced cosmetologist license issued in this state and does either of the following:

1. Has the licensed advanced cosmetologist or owner of the licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;

2. Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed one thousand hours of board-approved cosmetology instructor training as an apprentice instructor.

(F) In the case of an applicant for an initial esthetics instructor license, holds a current, valid advanced esthetician or advanced cosmetologist license issued in this state and does either of the following:

1. Has the licensed advanced esthetician, licensed advanced cosmetologist, or owner of the licensed esthetics salon or licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of esthetics in a licensed esthetics salon or practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;

2. Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed at least five hundred hours of board-approved esthetics instructor training as an apprentice instructor.

(G) In the case of an applicant for an initial hair design education;
instructor license, holds a current, valid advanced hair designer or advanced cosmetologist license and does either of the following:

(1) Has the licensed advanced hair designer, licensed advanced cosmetologist, or owner of the licensed hair design salon or licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of hair design in a licensed hair design salon or practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed at least eight hundred hours of board-approved hair design instructor's training as an apprentice instructor.

(H) In the case of an applicant for an initial manicurist instructor license, holds a current, valid advanced manicurist or advanced cosmetologist license and does either of the following:

(1) Has the licensed advanced manicurist, licensed advanced cosmetologist, or owner of the licensed nail salon or licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of manicuring in a licensed nail salon or practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed at least three hundred hours of board-approved manicurist instructor training as an apprentice instructor.

(I) In the case of an applicant for an initial natural hair style instructor license, holds a current, valid advanced natural hair stylist or advanced cosmetologist license and does either of
the following:

(1) Has the licensed advanced natural hair stylist, licensed advanced cosmetologist, or owner of the licensed natural hair style salon or licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of natural hair styling in a licensed natural hair style salon or practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed at least four hundred hours of board-approved natural hair style instructor training as an apprentice instructor.

(J) In the case of all applicants, passes an examination conducted under division (B) of section 4713.24 of the Revised Code for the branch of cosmetology the applicant seeks to instruct.

Sec. 4713.32. When determining the total hours of instruction received by an applicant for a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code, the state board of cosmetology and barber board shall not take into account more than ten hours of instruction per day. The board shall take into account instruction received more than five years prior to the date of application for the license in accordance with rules adopted under section 4713.08 of the Revised Code.

Sec. 4713.34. The state board of cosmetology and barber board shall issue a license to practice a branch of cosmetology or instructor license to an applicant who is licensed or registered in another state or country to practice that branch of cosmetology or teach the theory and practice of that branch of cosmetology, as appropriate, if all of the following conditions are satisfied:
(A) The applicant satisfies all of the following conditions:

1. Is not less than eighteen years of age;
2. Is of good moral character;
3. In the case of an applicant for a practicing license, passes an examination conducted under section 4713.24 of the Revised Code for the license the applicant seeks, unless the applicant satisfies conditions specified in rules adopted under section 4713.08 of the Revised Code for the board to issue the applicant a license without taking the examination;
4. Pays the applicable fee.

(B) At the time the applicant obtained the license or registration in the other state or country, the requirements in this state for obtaining the license the applicant seeks were substantially equal to the other state or country's requirements.

(C) The jurisdiction that issued the applicant's license or registration extends similar reciprocity to individuals holding a license issued by the board.

Sec. 4713.35. An individual who holds a current, valid cosmetologist or advanced cosmetologist license issued by the state board of cosmetology and barber board may engage in the practice of one or more branches of cosmetology as the individual chooses in a licensed facility.

An individual who holds a current, valid esthetician or advanced esthetician license issued by the board may engage in the practice of esthetics but no other branch of cosmetology in a licensed facility.

An individual who holds a current, valid hair designer or advanced hair designer license issued by the board may engage in the practice of hair design but no other branch of cosmetology in a licensed facility.
An individual who holds a current, valid manicurist or advanced manicurist license issued by the board may engage in the practice of manicuring but no other branch of cosmetology in a licensed facility.

An individual who holds a current, valid natural hair stylist or advanced natural hair stylist license issued by the board may engage in the practice of natural hair styling but no other branch of cosmetology in a licensed facility.

An individual who holds a current, valid cosmetology instructor license issued by the board may teach the theory and practice of one or more branches of cosmetology at a school of cosmetology as the individual chooses.

An individual who holds a current, valid esthetics instructor license issued by the board may teach the theory and practice of esthetics, but no other branch of cosmetology, at a school of cosmetology.

An individual who holds a current, valid hair design instructor license issued by the board may teach the theory and practice of hair design, but no other branch of cosmetology, at a school of cosmetology.

An individual who holds a current, valid manicurist instructor license issued by the board may teach the theory and practice of manicuring, but no other branch of cosmetology, at a school of cosmetology.

An individual who holds a current, valid natural hair style instructor license issued by the board may teach the theory and practice of natural hair styling, but no other branch of cosmetology, at a school of cosmetology.

An individual who holds a current, valid boutique registration with the board may engage in the practice of boutique services but no other branch of cosmetology.
Sec. 4713.37. (A) The state board of cosmetology and barber board may issue a temporary special occasion work permit to an individual who satisfies all of the following conditions:

(1) Has been licensed or registered in another state or country to practice a branch of cosmetology or teach the theory and practice of a branch of cosmetology for at least five years;

(2) Is a recognized expert in the practice or teaching of the branch of cosmetology the individual practices or teaches;

(3) Is to practice that branch of cosmetology or teach the theory and practice of that branch of cosmetology in this state as part of a promotional or instructional program for not more than the amount of time a temporary special occasion work permit is effective;

(4) Satisfies all other conditions for a temporary special occasion work permit established by rules adopted under section 4713.08 of the Revised Code;

(5) Pays the fee established by rules adopted under section 4713.08 of the Revised Code.

(B) An individual issued a temporary special occasion work permit may practice the branch of cosmetology the individual practices in another state or country, or teach the theory and practice of the branch of cosmetology the individual teaches in another state or country, until the expiration date of the permit. A temporary special occasion work permit is valid for the period of time specified in rules adopted under section 4713.08 of the Revised Code.

Sec. 4713.39. The state board of cosmetology and barber board shall issue a license to engage in the practice of a branch of cosmetology as an independent contractor to an applicant who pays the applicable fee; holds a current, valid license for the type of
SECTION 4713.41. The state board of cosmetology and barber board shall issue a license to operate a salon, including a boutique salon, to an applicant who pays the applicable fee and affirms that all of the following conditions will be met:

(A) (1) An individual holding a current, valid cosmetologist license or boutique services registration pertaining to the branch of cosmetology services performed at the salon or boutique salon, shall have charge of and immediate supervision over the salon at all times when the salon is open for business except as permitted under division (A)(2) of this section.

(2) A business establishment that is engaged primarily in retail sales but is also licensed as a salon shall have present an individual holding a current, valid license or registration to practice in that type of salon in charge of and in immediate supervision of the salon during posted or advertised service hours, if the practice of cosmetology is restricted to those posted or advertised service hours.

(B) The salon is equipped to do all of the following:

(1) Provide potable running hot and cold water and proper drainage;

(2) Sanitize all instruments and supplies used in the branch of cosmetology provided at the salon;

(3) If cosmetic therapy, massage therapy, or other professional service is provided at the salon under section 4713.42 of the Revised Code, sanitize all instruments and supplies used in the cosmetic therapy, massage therapy, or other professional service.
professional service.

(C) Except as provided in sections 4713.42 and 4713.49 of the Revised Code, only the branch of cosmetology that the salon is licensed to provide is practiced at the salon.

(D) The salon is kept in a clean and sanitary condition and properly ventilated.

(E) No food is sold at the salon in a manner inconsistent with rules adopted under section 4713.08 of the Revised Code.

(F) A notice that contains a toll-free number and online process for reporting alleged violations of this chapter, as prescribed by the board of cosmetology, is posted at the salon in a common area for all customers of salon services.

Sec. 4713.44. (A) The state board of cosmetology and barber board shall issue a license to operate a school of cosmetology to an applicant who pays the applicable fee and satisfies all of the following requirements:

(1) Maintains a course of practical training and technical instruction for the branch or branches of cosmetology to be taught at the school equal to the requirements for admission to an examination under section 4713.24 of the Revised Code that an individual must pass to obtain a license to practice that branch or those branches of cosmetology;

(2) Possesses or makes available apparatus and equipment sufficient for the ready and full teaching of all subjects of the curriculum;

(3) Maintains individuals licensed under section 4713.31 or 4713.34 of the Revised Code to teach the theory and practice of the branches of cosmetology;

(4) Notifies the board of the enrollment of each new student, keeps a record devoted to the different practices, establishes
grades, and holds examinations in order to certify the students' completion of the prescribed course of study before the issuance of certificates of completion;

(5) In the case of a school of cosmetology that offers clock hours for the purpose of satisfying minimum hours of training and instruction, keeps a daily record of the attendance of each student;

(6) On the date that an apprentice cosmetology instructor begins cosmetology instructor training at the school, certifies the name of the apprentice cosmetology instructor to the board along with the date on which the apprentice's instructor training began;

(7) Instructs not more than six apprentice cosmetology instructors at any one time;

(8) Files with the board a good and sufficient surety bond executed by the individual, firm, or corporation operating the school of cosmetology as principal and by a surety company as surety in the amount of ten thousand dollars; provided, that this requirement does not apply to a vocational or career-technical school program conducted by a city, exempted village, local, or joint vocational school district. The bond shall be in the form prescribed by the board and be conditioned upon the school's continued instruction in the theory and practice of the branches of cosmetology. Every bond shall continue in effect until notice of its termination is given to the board by registered mail and every bond shall so provide.

(9) Establishes and maintains an internal procedure for processing complaints filed against the school and for providing students with instructions on how to file a complaint directly with the board pursuant to section 4713.641 of the Revised Code.

(B) A school of cosmetology holding a license issued under
division (A) of this section is an educational institution and is authorized to offer educational programs beyond secondary education, advanced practice programs, or both in accordance with rules adopted by the board pursuant to section 4713.08 of the Revised Code.

(C) A school of cosmetology holding a license to operate a school of cosmetology on September 29, 2013, shall establish and maintain an internal procedure for processing complaints filed against the school and shall provide each of the school's students with instructions on how to file a complaint directly with the board pursuant to section 4713.641 of the Revised Code.

**Sec. 4713.45.** (A) A school of cosmetology may do the following:

1. In accordance with rules adopted under section 4713.08 of the Revised Code, a school of cosmetology operated by a public entity or a private person may offer clock hours, credit hours, or competency-based credits for the purpose of satisfying minimum hours of training and instruction;

2. Allow an apprentice cosmetology instructor the regular quota of students prescribed by the state board of cosmetology and barber board if a cosmetology instructor is present;

3. Compensate an apprentice cosmetology instructor;

4. Subject to division (B) of this section, employ an individual who does not hold a current, valid instructor license to teach subjects related to a branch of cosmetology.

(B) A school of cosmetology shall have a licensed cosmetology instructor present when an individual employed pursuant to division (A)(4) of this section teaches at the school, unless the individual is one of the following:

1. An individual with a current, valid teacher's certificate
or educator license issued by the state board of education;

(2) An individual with a bachelor's degree in the subject the person teaches at the school;

(3) An individual also employed by a university or college to teach the subject the person teaches at the school.

(C) A school of cosmetology shall annually review the subjects and coursework required to receive an initial cosmetology license and advanced license and, in doing so, shall incorporate standards adopted by the state board of cosmetology and barber board pursuant to division (A)(13) of section 4713.08 of the Revised Code.

Sec. 4713.48. (A) The state board of cosmetology and barber board shall issue a permit to operate a tanning facility to an applicant if all of the following conditions are satisfied:

(1) The applicant applies in accordance with the application process adopted by rules adopted under section 4713.08 of the Revised Code.

(2) The applicant pays to the treasurer of state the fee established by those rules.

(3) An initial inspection of the premises indicates that the tanning facility has been installed and will be operated in accordance with those rules.

(B) A permit holder shall post the permit in a public and conspicuous place on any premises where the tanning facility is located. An individual shall obtain a separate permit for each of the premises owned or operated by that individual at which the individual seeks to operate a tanning facility.

(C) To continue operating, a permit holder shall biennially renew the permit by the last day of January of each odd-numbered year. The board shall renew the permit upon the holder's payment
to the treasurer of state of the biennial renewal fee.

Sec. 4713.50. (A) A tanning facility operator or employee shall make reasonable efforts, in accordance with procedures established under section 4713.08 of the Revised Code, to determine whether an individual seeking to use the facility's sun lamp tanning services is less than sixteen years of age, at least sixteen but less than eighteen years of age, or eighteen years of age or older.

(B)(1) A tanning facility operator or employee shall not allow an individual who is eighteen years of age or older to use the facility's sun lamp tanning services without first obtaining the consent of the individual. The consent shall be evidenced by the individual's signature on the form developed by the state board of cosmetology and barber board under section 4713.51 of the Revised Code. The consent is valid indefinitely.

(2) A tanning facility operator or employee shall not allow an individual who is at least sixteen but less than eighteen years of age to use the facility's sun lamp tanning services without first obtaining the consent of a parent or legal guardian of the individual. The consent shall be evidenced by the signature of the parent or legal guardian on the form developed by the board under section 4713.51 of the Revised Code. The form must be signed in the presence of the operator or an employee of the tanning facility. The consent is valid for ninety days from the date the form is signed. A tanning facility operator or employee shall not allow an individual who is at least sixteen but less than eighteen years of age to use the facility's sun lamp tanning services for more than forty-five sessions during the ninety-day period covered by the consent. No such session may be longer than the maximum safe time of exposure specified in rules adopted under division (A)(17) of section 4713.08 of the Revised Code.
(3) A tanning facility operator or employee shall not allow an individual who is less than sixteen years of age to use the facility's sun lamp tanning services unless both of the following apply:

(a) The tanning facility operator or employee obtains the consent of a parent or legal guardian of the individual prior to each session of the use of the facility's sun lamp tanning services. The consent shall be evidenced by the signature of the parent or legal guardian on the form developed by the board under section 4713.51 of the Revised Code. The form must be signed in the presence of the operator or an employee of the tanning facility.

(b) A parent or legal guardian of the individual is present at the tanning facility for the duration of each session of the use of the facility's sun lamp tanning services.

(C) For purposes of division (B) of this section, an electronic signature may be used to provide and may be accepted as a signature evidencing consent.

Sec. 4713.51. The state board of cosmetology and barber board shall develop a form for use by tanning facility operators and employees in complying with the consent requirements of division (B) of section 4713.50 of the Revised Code. The form must describe the potential health effects of radiation from sun lamps, including a description of the possible relationship of the radiation to skin cancer. In developing the form, the board shall consult with the department of health, dermatologists, and tanning facility operators. The board shall make the form available on the internet web site maintained by the board.

Sec. 4713.55. Every license issued by the state board of cosmetology and barber board shall be signed by the chairperson.
and attested by the executive director of the board, with the seal of the board attached.

The board shall specify on each practicing license that the board issues the branch of cosmetology that the license entitles the holder to practice. The board shall specify on each advanced license that the board issues the type of salon in which the license entitles the holder to work and the branch of cosmetology that the license entitles the holder to practice. The board shall specify on each instructor license that the board issues the branch of cosmetology that the license entitles the holder to teach. The board shall specify on each salon license that the board issues the branch of cosmetology that the license entitles the holder to offer. The board shall specify on each independent contractor license that the board issues the branch of cosmetology that the license entitles the holder to offer within a licensed salon. Such licenses are prima-facie evidence of the right of the holder to practice or teach the branch of cosmetology that the license specifies.

Sec. 4713.56. Every holder of a practicing license, instructor license, independent contractor license, or boutique service registration issued by the state board of cosmetology shall maintain the board-issued, wallet-sized license or electronically generated license certification or registration and a current government-issued photo identification that can be produced upon inspection or request.

Every holder of a license to operate a salon issued by the board shall display the license in a public and conspicuous place in the salon.

Every holder of a license to operate a school of cosmetology issued by the board shall display the license in a public and
conspicuous place in the school.

Every individual who provides cosmetic therapy, massage therapy, or other professional service in a salon under section 4713.42 of the Revised Code shall maintain the individual's professional license or certificate or electronically generated license certification or registration and a state of Ohio issued photo identification that can be produced upon inspection or request.

Sec. 4713.57. A license or registration issued by the state board of cosmetology and barber board pursuant to this chapter is valid until the last day of January of the odd-numbered year following its original issuance or renewal, unless the license is revoked or suspended prior to that date. Renewal shall be done in accordance with the standard renewal procedure of Chapter 4745. of the Revised Code. The board may refuse to renew a license if the individual holding the license has an outstanding unpaid fine levied under section 4713.64 of the Revised Code.

Sec. 4713.58. (A) Except as provided in division (B) of this section, on payment of the renewal fee and submission of proof satisfactory to the state board of cosmetology and barber board that any applicable continuing education requirements have been completed, an individual currently licensed as:

(1) A cosmetology instructor who has previously been licensed as a cosmetologist or an advanced cosmetologist, is entitled to the reissuance of a cosmetologist or advanced cosmetologist license;

(2) An esthetics instructor who has previously been licensed as an esthetician or an advanced esthetician, is entitled to the reissuance of an esthetician or advanced esthetician license;

(3) A hair design instructor who has previously been licensed
as a hair designer or an advanced hair designer, is entitled to the reissuance of a hair designer or advanced hair designer license;

(4) A manicurist instructor who has previously been licensed as a manicurist or an advanced manicurist, is entitled to the reissuance of a manicurist or advanced manicurist license;

(5) A natural hair style instructor who has previously been licensed as a natural hair stylist or an advanced natural hair stylist, is entitled to the reissuance of a natural hair stylist or advanced natural hair stylist license.

(B) No individual is entitled to the reissuance of a license under division (A) of this section if the license was revoked or suspended or the individual has an outstanding unpaid fine levied under section 4713.64 of the Revised Code.

Sec. 4713.59. If the state board of cosmetology and barber board adopts rules under section 4713.09 of the Revised Code to establish a continuing education requirement as a condition of renewal for a practicing license, advanced license, or instructor license, the board shall inform each affected licensee of the continuing education requirement that applies to the next biennial licensing period by including that information in the renewal notification it sends the licensee. The notification shall state that the licensee must complete the continuing education requirement by the fifteenth day of January of the next odd-numbered year.

Hours completed in excess of the continuing education requirement may not be applied to the next biennial licensing period.

Sec. 4713.61. (A) If the state board of cosmetology and barber board adopts a continuing education requirement under
section 4713.09 of the Revised Code, it may develop a procedure by which an individual who holds a license to practice a branch of cosmetology, advanced license, or instructor license and who is not currently engaged in the practice of the branch of cosmetology or teaching the theory and practice of the branch of cosmetology, but who desires to be so engaged in the future, may apply to the board to have the individual's license classified inactive. If the board develops such a procedure, an individual seeking to have the individual's license classified inactive shall apply to the board on a form provided by the board and pay the fee established by rules adopted under section 4713.08 of the Revised Code.

(B) The board shall not restore an inactive license until the later of the following:

(1) The date that the individual holding the license submits proof satisfactory to the board that the individual has completed the continuing education that a rule adopted under section 4713.08 of the Revised Code requires;

(2) The last day of January of the next odd-numbered year following the year the license is classified inactive.

(C) An individual who holds an inactive license may engage in the practice of a branch of cosmetology if the individual holds a temporary work permit as specified in rules adopted by the board under section 4713.08 of the Revised Code.

Sec. 4713.62. (A) An individual holding a practicing license, advanced license, instructor license, or boutique services registration may satisfy a continuing education requirement established by rules adopted under section 4713.09 of the Revised Code only by completing continuing education programs approved under division (B) of this section.

(B) The state board of cosmetology and barber board shall...
approve a continuing education program if all of the following conditions are satisfied:

(1) The person operating the program submits to the board a written application for approval.

(2) The person operating the program pays to the board a fee established by rules adopted under section 4713.08 of the Revised Code.

(3) The program is operated by an employee, officer, or director of a nonprofit professional association, college or university, proprietary continuing education institutions providing programs approved by the board, vocational school, postsecondary proprietary school of cosmetology licensed by the board, salon licensed by the board, or manufacturer of supplies or equipment used in the practice of a branch of cosmetology.

(4) The program will do at least one of the following:

(a) Enhance the professional competency of the affected licensees or registrants;

(b) Protect the public;

(c) Educate the affected licensees or registrants in the application of the laws and rules regulating the practice of a branch of cosmetology.

(5) The person operating the program provides the board a tentative schedule of when the program will be available so that the board can make the schedule readily available to all licensees and registrants throughout the state.

Sec. 4713.63. A practicing license, advanced license, or instructor license that has not been renewed for any reason other than because it has been revoked, suspended, or classified inactive, or because the license holder has been given a waiver or extension under section 4713.60 of the Revised Code, is expired.
An expired license may be restored if the individual who held the license meets all of the following applicable conditions:

(A) Pays to the state board of cosmetology and barber board the restoration fee established under section 4713.10 of the Revised Code;

(B) In the case of a practicing license or advanced license that has been expired for more than two consecutive license renewal periods, completes eight hours of continuing education for each license renewal period that has elapsed since the license was last issued or renewed, up to a maximum of twenty-four hours. At least four of those hours shall include a course pertaining to sanitation and safety methods.

The board shall deposit all fees it receives under division (B) of this section into the general revenue fund.

Sec. 4713.64. (A) The state board of cosmetology and barber board may take disciplinary action under this chapter for any of the following:

(1) Failure to comply with the safety, sanitation, and licensing requirements of this chapter or rules adopted under it;

(2) Continued practice by an individual knowingly having an infectious or contagious disease;

(3) Habitual drunkenness or addiction to any habit-forming drug;

(4) Willful false and fraudulent or deceptive advertising;

(5) Falsification of any record or application required to be filed with the board;

(6) Failure to pay a fine or abide by a suspension order issued by the board;
(7) Failure to cooperate with an investigation or inspection;

(8) Failure to respond to a subpoena;

(9) Conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code;

(10) In the case of a salon, any individual's conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code for an activity that took place on the premises of the salon.

(B) On determining that there is cause for disciplinary action, the board may do one or more of the following:

(1) Deny, revoke, or suspend a license, permit, or registration issued by the board under this chapter;

(2) Impose a fine;

(3) Require the holder of a license, permit, or registration issued under this chapter to take corrective action courses.

(C)(1) Except as provided in divisions (C)(2) and (3) of this section, the board shall take disciplinary action pursuant to an adjudication under Chapter 119. of the Revised Code.

(2) The board may take disciplinary action without conducting an adjudication under Chapter 119. of the Revised Code against an individual or salon who violates division (A)(9) or (10) of this section. After the board takes such disciplinary action, the board shall give written notice to the subject of the disciplinary action of the right to request a hearing under Chapter 119. of the Revised Code.

(3) In lieu of an adjudication, the board may enter into a consent agreement with the holder of a license, permit, or registration issued under this chapter. A consent agreement that is ratified by a majority vote of a quorum of the board members is considered to constitute the findings and orders of the board with respect to the matter addressed in the agreement. If the board
does not ratify a consent agreement, the admissions and findings contained in the agreement are of no effect, and the case shall be scheduled for adjudication under Chapter 119. of the Revised Code.

(D) The amount and content of corrective action courses and other relevant criteria shall be established by the board in rules adopted under section 4713.08 of the Revised Code.

(E)(1) The board may impose a separate fine for each offense listed in division (A) of this section. The amount of the first fine issued for a violation as the result of an inspection shall be not more than two hundred fifty dollars if the violator has not previously been fined for that offense. Any fines issued for additional violations during such an inspection shall not be more than one hundred dollars for each additional violation. The fine shall be not more than five hundred dollars if the violator has been fined for the same offense once before. Any fines issued for additional violations during a second inspection shall not be more than two hundred dollars for each additional violation. The fine shall be not more than one thousand dollars if the violator has been fined for the same offense two or more times before. Any fines issued for additional violations during a third inspection shall not be more than three hundred dollars for each additional violation.

(2) The board shall issue an order notifying a violator of a fine imposed under division (E)(1) of this section. The notice shall specify the date by which the fine is to be paid. The date shall be less than forty-five days after the board issues the order.

(3) At the request of a violator who is temporarily unable to pay a fine, or upon its own motion, the board may extend the time period within which the violator shall pay the fine up to ninety days after the date the board issues the order.
(4) If a violator fails to pay a fine by the date specified in the board's order and does not request an extension within ten days after the date the board issues the order, or if the violator fails to pay the fine within the extended time period as described in division (E)(3) of this section, the board shall add to the fine an additional penalty equal to ten per cent of the fine.

(5) If a violator fails to pay a fine within ninety days after the board issues the order, the board shall add to the fine interest at a rate specified by the board in rules adopted under section 4713.08 of the Revised Code.

(6) If the fine, including any interest or additional penalty, remains unpaid on the ninety-first day after the board issues an order under division (E)(2) of this section, the amount of the fine and any interest or additional penalty shall be certified to the attorney general for collection in the form and manner prescribed by the attorney general. The attorney general may assess the collection cost to the amount certified in such a manner and amount as prescribed by the attorney general.

(F) In the case of an offense of failure to comply with division (A) or (B)(2) or (3) of section 4713.50 of the Revised Code, the board shall impose a fine of five hundred dollars if the violator has not previously been fined for that offense. If the violator has previously been fined for the offense, the board may impose a fine in accordance with this division or take another action in accordance with division (B) of this section.

(G) The board shall notify a licensee or registrant who is in violation of division (A) of this section and the owner of the salon in which the conditions constituting the violation were found. The individual receiving the notice of violation and the owner of the salon may request a hearing pursuant to section 119.07 of the Revised Code. If the individual or owner fails to request a hearing or enter into a consent agreement thirty days
after the date the board, in accordance with section 119.07 of the Revised Code and division (J) of this section, notifies the individual or owner of the board's intent to act against the individual or owner under division (A) of this section, the board by a majority vote of a quorum of the board members may take the action against the individual or owner without holding an adjudication hearing.

(H) The board, after a hearing in accordance with Chapter 119. of the Revised Code or pursuant to a consent agreement, may suspend a license, permit, or registration if the licensee, permit holder, or registrant fails to correct an unsafe condition that exists in violation of the board's rules or fails to cooperate in an inspection. If a violation of this chapter or rules adopted under it has resulted in a condition reasonably believed by an inspector to create an immediate danger to the health and safety of any individual using the facility, the inspector may suspend the license or permit of the facility or the individual responsible for the violation without a prior hearing until the condition is corrected or until a hearing in accordance with Chapter 119. of the Revised Code is held or a consent agreement is entered into and the board either upholds the suspension or reinstates the license, permit, or registration.

(I) The board shall not take disciplinary action against an individual licensed to operate a salon or school of cosmetology for a violation of this chapter that was committed by an individual licensed to practice a branch of cosmetology, while practicing within the salon or school, when the individual's actions were beyond the control of the salon owner or school.

(J) In addition to the methods of notification required under section 119.07 of the Revised Code, the board may send the notices required under divisions (C)(2), (E)(2), and (G) of this section by any delivery method that is traceable and requires that the
delivery person obtain a signature to verify that the notice has been delivered. The board also may send the notices by electronic mail, provided that the electronic mail delivery system certifies that a notice has been received.

Sec. 4713.641. Any student or former student of a school of cosmetology licensed under division (A) of section 4713.44 of the Revised Code may file a complaint with the state board of cosmetology and barber board alleging that the school has violated division (A) of section 4713.64 of the Revised Code. The complaint shall be in writing and signed by the individual bringing the complaint. Upon receiving a complaint, the board shall initiate a preliminary investigation to determine whether it is probable that a violation was committed. If the board determines after preliminary investigation that it is not probable that a violation was committed, the board shall notify the individual who filed the complaint of the board's findings and that the board will not issue a formal complaint in the matter. If the board determines after a preliminary investigation that it is probable that a violation was committed, the board shall proceed against the school pursuant to the board's authority under section 4713.64 of the Revised Code and in accordance with the hearing and notice requirements prescribed in Chapter 119. of the Revised Code.

Sec. 4713.65. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state board of cosmetology and barber board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued pursuant to this chapter or licenses issued pursuant to Chapter 4709. of the Revised Code.

Sec. 4713.66. (A) The state board of cosmetology and barber
board, on its own motion or on receipt of a written complaint, may investigate or inspect the activities or premises of an individual or entity who is alleged to have violated this chapter or rules adopted under it, regardless of whether the individual or entity holds a license or registration issued under this chapter.

(B) If, based on its investigation, the board determines that there is reasonable cause to believe that an individual or entity has violated this chapter or rules adopted under it, the board shall afford the individual or entity an opportunity for a hearing. Notice shall be given and any hearing conducted in accordance with Chapter 119. of the Revised Code.

(C) The board shall maintain a transcript of the hearing and issue a written opinion to all parties, citing its findings and ground for any action it takes. Any action shall be taken in accordance with section 4713.64 of the Revised Code.

Sec. 4713.68. The state board of cosmetology and barber board shall comply with section 4776.20 of the Revised Code.

Sec. 4713.69. (A) The state board of cosmetology and barber board shall issue a boutique services registration to an applicant who satisfies all of the following applicable conditions:

(1) Is at least sixteen years of age;

(2) Is of good moral character;

(3) Has the equivalent of an Ohio public school tenth grade education;

(4) Has submitted a written application on a form prescribed by the board containing all of the following:

(a) The applicant's name and home address;

(b) The applicant's home telephone number and cellular
telephone number, if any;

(c) The applicant's electronic mail address, if any;

(d) The applicant's date of birth;

(e) The address and telephone number where boutique services will be performed. The address shall not contain a post office box number.

(f) Whether the applicant has an occupational license, certification, or registration to provide beauty services in another state, and if so, what type of license and in what state;

(g) Whether the applicant has ever had an occupational license, certification, or registration suspended, revoked, or denied in any state;

(h) An affidavit providing proof of formal training or apprenticeship under an individual providing such services.

(B) The place of business where boutique services are performed must comply with the safety and sanitation requirements for licensed salon facilities as described in section 4713.41 of the Revised Code.

(C) Within six months of the effective date of this section, the board shall specify the manner by which boutique service registrants shall fulfill the continuing education requirements set forth in section 4713.09 of the Revised Code.

Sec. 4715.13. (A) Applicants for licenses to practice dentistry or for a general anesthesia permit or a conscious intravenous sedation permit shall pay to the secretary of the state dental board the following fees:

(1) For license to practice dentistry, two hundred sixty-seven dollars if issued in an odd-numbered year or three hundred fifty-seven fifty-four dollars if issued in an
even-numbered year;

   (2) For duplicate license, to be granted upon proof of loss of the original, twenty dollars;

   (3) For a general anesthesia permit, one hundred twenty-seven dollars;

   (4) For a conscious intravenous sedation permit, one hundred twenty-seven dollars.

   (B) Forty dollars of each fee collected under division (A)(1) of this section for a license issued in an even-numbered year and twenty dollars of each fee collected under division (A)(1) of this section in an odd-numbered year shall be paid to the dentist loan repayment fund established under section 3702.95 of the Revised Code.

   (C) In the case of a person who applies for a license to practice dentistry by taking an examination administered by the state dental board, both of the following apply:

      (1) The fee in division (A)(1) of this section may be refunded to an applicant who is unavoidably prevented from attending the examination, or the applicant may be examined at the next regular or special meeting of the board without an additional fee.

      (2) An applicant who fails the first examination may be re-examined at the next regular or special meeting of the board without an additional fee.

   Sec. 4715.14. (A)(1) Each person who is licensed to practice dentistry in Ohio shall, on or before the first day of January of each even-numbered year, register with the state dental board. The registration shall be made on a form prescribed by the board and furnished by the secretary, shall include the licensee's name, address, license number, and such other reasonable information as
the board may consider necessary, and shall include payment of a biennial registration fee of **two** three hundred **forty-five** twelve dollars. Except as provided in division (E) of this section, this fee shall be paid to the treasurer of state. Subject to division (C) of this section, a registration shall be in effect for the two-year period beginning on the first day of January of the even-numbered year and ending on the last day of December of the following odd-numbered year, and shall be renewed in accordance with the standard renewal procedure of sections 4745.01 to 4745.03 of the Revised Code.

(2)(a) Except as provided in division (A)(2)(b) of this section, in the case of a licensee seeking registration who prescribes or personally furnishes opioid analgesics or benzodiazepines, as defined in section 3719.01 of the Revised Code, the licensee shall certify to the board whether the licensee has been granted access to the drug database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.

(b) The requirement in division (A)(2)(a) of this section does not apply if any of the following is the case:

(i) The state board of pharmacy notifies the state dental board pursuant to section 4729.861 of the Revised Code that the licensee has been restricted from obtaining further information from the drug database.

(ii) The state board of pharmacy no longer maintains the drug database.

(iii) The licensee does not practice dentistry in this state.

(3) If a licensee certifies to the state dental board that the licensee has been granted access to the drug database and the board finds through an audit or other means that the licensee has not been granted access, the board may take action under section [natural_text_continue]
4715.30 of the Revised Code.

(B) A licensed dentist who desires to temporarily retire from practice and who has given the board notice in writing to that effect shall be granted such a retirement, provided only that at that time all previous registration fees and additional costs of reinstatement have been paid.

(C) Not later than the thirty-first day of January of an even-numbered year, the board shall send a notice by certified mail to a dentist who fails to renew a license in accordance with division (A) of this section. The notice shall state all of the following:

(1) That the board has not received the registration form and fee described in that division;

(2) That the license shall remain valid and in good standing until the first day of April following the last day of December of the odd-numbered year in which the dentist was scheduled to renew if the dentist remains in compliance with all other applicable provisions of this chapter and any rule adopted under it;

(3) That the license may be renewed until the first day of April following the last day of December of the odd-numbered year in which the dentist was scheduled to renew by the payment of the biennial registration fee and an additional fee of one hundred twenty-seven dollars to cover the cost of late renewal;

(4) That unless the board receives the registration form and fee before the first day of April following the last day of December of the odd-numbered year in which the dentist was scheduled to renew, the board may, on or after the relevant first day of April, initiate disciplinary action against the dentist pursuant to Chapter 119. of the Revised Code;

(5) That a dentist whose license has been suspended as a result of disciplinary action initiated pursuant to division
(C) (4) of this section may be reinstated by the payment of the biennial registration fee and an additional fee of three hundred eighty-one dollars to cover the cost of reinstatement.

(D) Each dentist licensed to practice, whether a resident or not, shall notify the secretary in writing or electronically of any change in the dentist's office address or employment within ten days after such change has taken place. On the first day of July of every even-numbered year, the secretary shall issue a printed roster of the names and addresses so registered.

(E) Twenty Forty dollars of each biennial registration fee shall be paid to the dentist loan repayment fund created under section 3702.95 of the Revised Code.

Sec. 4715.16. (A) Upon payment of a fee of ten thirteen dollars, the state dental board may without examination issue a limited resident's license to any person who is a graduate of a dental college, is authorized to practice in another state or country or qualified to take the regular licensing examination in this state, and furnishes the board satisfactory proof of having been appointed a dental resident at an accredited dental college in this state or at an accredited program of a hospital in this state, but has not yet been licensed as a dentist by the board. Any person receiving a limited resident's license may practice dentistry only in connection with programs operated by the dental college or hospital at which the person is appointed as a resident as designated on the person's limited resident's license, and only under the direction of a licensed dentist who is a member of the dental staff of the college or hospital or a dentist holding a current limited teaching license issued under division (B) of this section, and only on bona fide patients of such programs. The holder of a limited resident's license may be disciplined by the board pursuant to section 4715.30 of the Revised Code.
(B) Upon payment of one hundred **twenty-seven** dollars and application endorsed by an accredited dental college in this state, the board may without examination issue a limited teaching license to a dentist who is a graduate of a dental college, is authorized to practice dentistry in another state or country, and has full-time appointment to the faculty of the endorsing dental college. A limited teaching license is subject to annual renewal in accordance with the standard renewal procedure of Chapter 4745. of the Revised Code, and automatically expires upon termination of the full-time faculty appointment. A person holding a limited teaching license may practice dentistry only in connection with programs operated by the endorsing dental college. The board may discipline the holder of a limited teaching license pursuant to section 4715.30 of the Revised Code.

(C)(1) As used in this division:

(a) "Continuing dental education practicum" or "practicum" means a course of instruction, approved by the American dental association, Ohio dental association, or academy of general dentistry, that is designed to improve the clinical skills of a dentist by requiring the dentist to participate in clinical exercises on patients.

(b) "Director" means the person responsible for the operation of a practicum.

(2) Upon payment of one hundred **twenty-seven** dollars and application endorsed by the director of a continuing dental education practicum, the board shall, without examination, issue a temporary limited continuing education license to a resident of a state other than Ohio who is licensed to practice dentistry in such state and is in good standing, is a graduate of an accredited dental college, and is registered to participate in the endorsing practicum. The determination of whether a dentist is in good standing shall be made by the board.
A dentist holding a temporary limited continuing education license may practice dentistry only on residents of the state in which the dentist is permanently licensed or on patients referred by a dentist licensed pursuant to section 4715.12 of the Revised Code to an instructing dentist licensed pursuant to that section, and only while participating in a required clinical exercise of the endorsing practicum on the premises of the facility where the practicum is being conducted.

Practice under a temporary limited continuing education license shall be under the direct supervision and full professional responsibility of an instructing dentist licensed pursuant to section 4715.12 of the Revised Code, shall be limited to the performance of those procedures necessary to complete the endorsing practicum, and shall not exceed thirty days of actual patient treatment in any year.

(3) A director of a continuing dental education practicum who endorses an application for a temporary limited continuing education license shall, prior to making the endorsement, notify the state dental board in writing of the identity of the sponsors and the faculty of the practicum and the dates and locations at which it will be offered. The notice shall also include a brief description of the course of instruction. The board may prohibit a continuing dental education practicum from endorsing applications for temporary limited continuing education licenses if the board determines that the practicum is engaged in activities that constitute a threat to public health and safety or do not constitute bona fide continuing dental education, or that the practicum permits activities which otherwise violate this chapter. Any continuing dental education practicum prohibited from endorsing applications may request an adjudication pursuant to Chapter 119. of the Revised Code.

A temporary limited continuing education license shall be
valid only when the dentist is participating in the endorsing continuing dental education practicum and shall expire at the end of one year. If the dentist fails to complete the endorsing practicum in one year, the board may, upon the dentist's application and payment of a fee of seventy-five ninety-four dollars, renew the temporary limited continuing education license for a consecutive one-year period. Only two renewals may be granted. The holder of a temporary limited continuing education license may be disciplined by the board pursuant to section 4715.30 of the Revised Code.

(D) The board shall act either to approve or to deny any application for a limited license pursuant to division (A), (B), or (C) of this section not later than sixty days of the date the board receives the application.

Sec. 4715.21. Each person who desires to practice as a dental hygienist shall file with the secretary of the state dental board a written application for a license, under oath, upon the form prescribed. Such applicant shall furnish satisfactory proof of being at least eighteen years of age and of good moral character. An applicant shall present a diploma or certificate of graduation from an accredited dental hygiene school and shall pay the examination fee of ninety-six one hundred twenty dollars if the license is issued in an odd-numbered year or one hundred forty-seven eighty-four dollars if issued in an even-numbered year. Those passing such examination as the board prescribes relating to dental hygiene shall receive a certificate of registration entitling them to practice. If an applicant fails to pass the first examination the applicant may apply for a re-examination at the next regular or special examination meeting of the board.

No applicant shall be admitted to more than two examinations
without first presenting satisfactory proof that the applicant has successfully completed such refresher courses in an accredited dental hygiene school as the state dental board may prescribe.

An accredited dental hygiene school shall be one accredited by the American dental association commission on dental accreditation or whose educational standards are recognized by the American dental association commission on dental accreditation and approved by the state dental board.

**Sec. 4715.24.** (A) Each person who is licensed to practice as a dental hygienist in Ohio shall, on or before the first day of January of each even-numbered year, register with the state dental board, unless the person is temporarily retired pursuant to section 4715.241 of the Revised Code. The registration shall be made on a form prescribed by the board and furnished by the secretary, shall include the licensee's name, address, license number, and such other reasonable information as the board may consider necessary, and shall include payment of a biennial registration fee of one hundred fifteen dollars. This fee shall be paid to the treasurer of state. All such registrations shall be in effect for the two-year period beginning on the first day of January of each even-numbered year and ending on the last day of December of the following odd-numbered year, and shall be renewed in accordance with the standard renewal procedure of sections 4745.01 to 4745.03 of the Revised Code. The failure of a licensee to renew registration in accordance with this section shall result in the automatic suspension of the licensee's license to practice as a dental hygienist, unless the licensee is temporarily retired pursuant to section 4715.241 of the Revised Code.

(B) Any dental hygienist whose license has been automatically suspended under this section may be reinstated on application to
the board on a form prescribed by the board for licensure reinstatement and payment of the biennial registration fee and in addition thereto thirty-one thirty-nine dollars to cover the costs of reinstatement.

(C) The license of a dental hygienist shall be exhibited in a conspicuous place in the room in which the dental hygienist practices. Each dental hygienist licensed to practice, whether a resident or not, shall notify the secretary in writing or electronically of any change in the dental hygienist's office address or employment within ten days after the change takes place.

(D) Ten dollars of each biennial registration fee collected under division (A) or (B) of this section shall be paid to the dental hygienist loan repayment fund established under section 3702.967 of the Revised Code.

Sec. 4715.27. The state dental board may issue a license to an applicant who furnishes satisfactory proof of being at least eighteen years of age, of good moral character and who demonstrates, to the satisfaction of the board, knowledge of the laws, regulations, and rules governing the practice of a dental hygienist; who proves, to the satisfaction of the board, intent to practice as a dental hygienist in this state; who is a graduate from an accredited school of dental hygiene and who holds a license by examination from a similar dental board, and who passes an examination as prescribed by the board relating to dental hygiene.

Upon payment of fifty-eight seventy-three dollars and upon application endorsed by an accredited dental hygiene school in this state, the state dental board may without examination issue a teacher's certificate to a dental hygienist, authorized to practice in another state or country. A teacher's certificate
shall be subject to annual renewal in accordance with the standard
renewal procedure of sections 4745.01 to 4745.03 of the Revised
Code, and shall not be construed as authorizing anything other
than teaching or demonstrating the skills of a dental hygienist in
the educational programs of the accredited dental hygiene school
which endorsed the application.

Sec. 4715.362. A dentist who desires to participate in the
oral health access supervision program shall apply to the state
dental board for an oral health access supervision permit. The
application shall be under oath, on a form prescribed by the board
in rules adopted under section 4715.372 of the Revised Code, and
accompanied by an application fee of twenty twenty-five dollars.
To be eligible to receive the permit, an applicant shall meet the
requirements established by the board in rules adopted under
section 4715.372 of the Revised Code.

The state dental board shall issue an oral health access
supervision permit to a dentist who is in good standing with the
board and satisfies all of the requirements of this section.

Sec. 4715.363. (A) A dental hygienist who desires to
participate in the oral health access supervision program shall
apply to the state dental board for a permit to practice under the
oral health access supervision of a dentist. The application shall
be under oath, on a form prescribed by the board in rules adopted
under section 4715.372 of the Revised Code, and accompanied by an
application fee of twenty twenty-five dollars, which may be paid
by personal check or credit card.

(B) The applicant shall provide evidence satisfactory to the
board that the applicant has done all of the following:

(1) Completed at least one year and attained a minimum of one
thousand five hundred hours of experience in the practice of
(2) Completed at least twenty-four hours of continuing dental hygiene education during the two years prior to submission of the application;

(3) Completed a course pertaining to the practice of dental hygiene under the oral health access supervision of a dentist that meets standards established in rules adopted under section 4715.372 of the Revised Code;

(4) Completed, during the two years prior to submission of the application, a course pertaining to the identification and prevention of potential medical emergencies that is the same as the course described in division (C)(2) of section 4715.22 of the Revised Code.

(C) The state dental board shall issue a permit to practice under the oral health access supervision of a dentist to a dental hygienist who is in good standing with the board and meets all of the requirements of divisions (A) and (B) of this section.

Sec. 4715.369. (A) An oral health access supervision permit issued under section 4715.362 of the Revised Code expires on the thirty-first day of December of the odd-numbered year that occurs after the permit's issuance. A dentist who desires to renew a permit shall apply, under oath, to the state dental board on a form prescribed by the board in rules adopted under section 4715.372 of the Revised Code. At the time of application, the dentist shall pay a renewal fee of twenty-five dollars.

(B) The board shall renew an oral health access supervision permit for a two-year period if the dentist submitted a complete application, paid the renewal fee, is in good standing with the board, and verified with the board all of the following:

(1) The locations at which dental hygienists have, under the
dentist's authorization, provided services during the two years prior to submission of the renewal application;

(2) The number of patients treated, during the two years prior to submission of the renewal application, by each dental hygienist providing dental hygiene services under the dentist's authorization;

(3) For each number of patients provided under division (B)(2) of this section, the number of patients whom the dentist clinically evaluated following the provision of dental hygiene services by a dental hygienist.

Sec. 4715.37. (A) A permit to practice under the oral health access supervision of a dentist issued under section 4715.363 of the Revised Code expires on the thirty-first day of December of the odd-numbered year that occurs after the permit's issuance. A dental hygienist who desires to renew a permit to practice under the oral health access supervision of a dentist shall apply, under oath, to the state dental board on a form prescribed by the board in rules adopted under section 4715.372 of the Revised Code. At the time of application, the dental hygienist shall pay a renewal fee of twenty-five dollars.

(B) The state dental board shall renew a permit for a two-year period if the dental hygienist submitted a complete application, paid the renewal fee, is in good standing with the board, and has verified with the board both of the following:

(1) The locations at which the hygienist has provided dental hygiene services under a permit to practice under the oral health access supervision of a dentist;

(2) The number of patients that the hygienist has treated under a permit during the two years prior to submission of the renewal application.
Sec. 4715.53. (A) Each individual seeking a certificate to practice as a dental x-ray machine operator shall apply to the state dental board on a form the board shall prescribe and provide. The application shall be accompanied by an application fee of twenty-five thirty-two dollars.

(B) The board shall review all applications received and issue a dental x-ray machine operator certificate to each applicant who submits evidence satisfactory to the board of one of the following:

(1) The applicant holds certification from the dental assisting national board or the Ohio commission on dental assistant certification.

(2) The applicant holds a license, certificate, permit, registration, or other credential issued by another state that the board determines uses standards for dental x-ray machine operators that are at least equal to those established under this chapter.

(3) The applicant has successfully completed an educational program consisting of at least seven hours of instruction in dental x-ray machine operation that meets either of the following requirements:

(a) Has been approved by the board in accordance with section 4715.57 of the Revised Code;

(b) Is conducted by an institution accredited by the American dental association commission on dental accreditation.

(C) A certificate issued under this section expires two years after it is issued and may be renewed if the certificate holder does both of the following:

(1) Certifies to the board that the certificate holder has completed at least two hours of instruction in dental x-ray machine operation approved by the board in accordance with section...
4715.57 of the Revised Code during the two-year period preceding
the date the renewal application is received by the board.

(2) Submits a renewal fee of twenty-five thirty-two dollars

to the board.

Renewals shall be made in accordance with the standard
renewal procedure established under Chapter 4745. of the Revised
Code.

Sec. 4715.62. (A) Each individual seeking to register with
the state dental board as an expanded function dental auxiliary
shall file with the secretary of the board a written application
for registration, under oath, on a form the board shall prescribe
and provide. An applicant shall include with the completed
application all of the following:

(1) An application fee of twenty twenty-five dollars;

(2) Proof satisfactory to the board that the applicant has
successfully completed, at an educational institution accredited
by the commission on dental accreditation of the American dental
association or the higher learning commission of the north central
association of colleges and schools, the education or training
specified by the board in rules adopted under section 4715.66 of
the Revised Code as the education or training that is necessary to
obtain registration under this chapter to practice as an expanded
function dental auxiliary, as evidenced by a diploma or other
certificate of graduation or completion that has been signed by an
appropriate official of the accredited institution that provided
education or training;

(3) Proof satisfactory to the board that the applicant has
passed an examination that meets the standards established by the
board in rules adopted under section 4715.66 of the Revised Code
to be accepted by the board as an examination of competency to
practice as an expanded function dental auxiliary;

(4) Proof that the applicant holds current certification to
perform basic life-support procedures, evidenced by documentation
showing the successful completion of a basic life-support training
course certified by the American Red Cross, the American Heart
Association, or the American safety and health institute.

(B) If an applicant complies with division (A) of this
section, the board shall register the applicant as an expanded
function dental auxiliary.

Sec. 4715.63. (A) Registration under section 4715.62 of the
Revised Code expires on the thirty-first day of December of the
year following the year in which the registration occurs. An
individual may renew a registration for subsequent two-year
periods by submitting both of the following to the secretary of
the state dental board each time the individual seeks to renew a
registration:

(1) A completed application for renewal, under oath, on a
form the board shall prescribe and provide;

(2) A renewal fee of twenty twenty-five dollars.

(B) If an individual complies with division (A) of this
section and is not in violation of any section of this chapter or
rule adopted under it, the board shall renew the individual's
registration for a two-year period that expires on the
thirty-first day of December of the year following the year in
which the registration was renewed.

(C) Registration renewals shall be made in accordance with
the standard renewal procedure established under Chapter 4745. of
the Revised Code.

Sec. 4715.70. Any person applying for issuance of or renewing
a certificate, license, permit, or registration under this chapter shall pay, in addition to any fee associated with the certificate, license, permit, or registration, a five dollar financial services fee.

Sec. 4723.05. The board of nursing shall appoint an executive director, who shall be a registered nurse of this state with at least five years experience in the practice of nursing as a registered nurse, shall be a resident of this state during the term of appointment, and shall not be a member of the board at the time of appointment or during the term of appointment. The board shall meet at such times and places as it may direct and provide in its rules. The president may call special meetings, and the executive director shall call special meetings upon the written request of two or more board members. The board shall provide itself with a seal. The president and executive director may administer oaths. The executive director is the chief administrative officer of the board and shall serve as a full time employee of the board and shall be entitled to attend all meetings of the board except meetings concerning the appointment and terms of employment of the executive director.

The term of the executive director shall be one year commencing on the first day of January. The executive director shall receive necessary expenses in addition to salary. The executive director shall give a surety bond to the state in such sum as the board requires, and conditioned upon the faithful performance of the duties of executive director.

The executive director is an appointing authority as defined in section 124.01 of the Revised Code, and may appoint such nursing education consultants, nursing practice consultants, investigative personnel, and any additional employees for professional, clerical, and special work necessary to carry out
the board's functions and with the board's approval, may establish
standards for the conduct of employees.

Sec. 4725.01. As used in this chapter:

(A)(1) The "practice of optometry" means the application of
optical principles, through technical methods and devices, in the
examination of human eyes for the purpose of ascertaining
departures from the normal, measuring their functional powers,
adapting optical accessories for the aid thereof, and detecting
ocular abnormalities that may be evidence of disease, pathology,
or injury.

(2) In the case of a licensed optometrist who holds a topical
ocular pharmaceutical agents certificate, the "practice of
optometry" has the same meaning as in division (A)(1) of this
section, except that it also includes administering topical ocular
pharmaceutical agents.

(3) In the case of a licensed optometrist who holds a
therapeutic pharmaceutical agents certificate, the "practice of
optometry" has the same meaning as in division (A)(1) of this
section, except that it also includes all of the following:

(a) Employing, applying, administering, and prescribing
instruments, devices, and procedures, other than invasive
procedures, for purpose of examination, investigation, diagnosis,
treatment, or prevention of any disease, injury, or other abnormal
condition of the visual system;

(b) Employing, applying, administering, and prescribing
topical ocular pharmaceutical agents;

(c) Employing, applying, administering, and prescribing
therapeutic pharmaceutical agents;

(d) Assisting an individual in determining the individual's
blood glucose level by using a commercially available
glucose-monitoring device. Nothing in this section precludes a  
licensed optometrist who holds a therapeutic pharmaceutical agents  
certificate from using any particular type of commercially  
available glucose-monitoring device.

(B) "Topical ocular pharmaceutical agent" means a drug or  
dangerous drug that is a topical drug and used in the practice of  
optometry as follows:

(1) In the case of a licensed optometrist who holds a topical  
ocular pharmaceutical agents certificate, for evaluative purposes  
in the practice of optometry as set forth in division (A)(1) of  
this section;

(2) In the case of a licensed optometrist who holds a  
therapeutic pharmaceutical agents certificate, for purposes of  
examination, investigation, diagnosis, treatment, or prevention of  
any disease, injury, or other abnormal condition of the visual  
system.

(C) "Therapeutic pharmaceutical agent" means a drug or  
dangerous drug that is used for examination, investigation,  
diagnosis, treatment, or prevention of any disease, injury, or  
other abnormal condition of the visual system in the practice of  
optometry by a licensed optometrist who holds a therapeutic  
pharmaceutical agents certificate, and is any of the following:

(1) An oral drug or dangerous drug in one of the following  
classifications:

(a) Anti-infectives, including antibiotics, antivirals,  
antimicrobials, and antifungals;

(b) Anti-allergy agents;

(c) Antiglaucoma agents;

(d) Analgesics, including only analgesic drugs that are  
available without a prescription, analgesic drugs or dangerous
drugs that require a prescription but are not controlled substances, and, to the extent authorized by the state board of optometry vision and hearing professionals board in rules adopted under section 4725.091 of the Revised Code, analgesic controlled substances;

(e) Anti-inflammatories, excluding all drugs or dangerous drugs classified as oral steroids other than methylpredisolone, except that methylpredisolone may be used under a therapeutic pharmaceutical agents certificate only if it is prescribed under all of the following conditions:

(i) For use in allergy cases;

(ii) For use by an individual who is eighteen years of age or older;

(iii) On the basis of an individual's particular episode of illness;

(iv) In an amount that does not exceed the amount packaged for a single course of therapy.

(2) Epinephrine administered by injection to individuals in emergency situations to counteract anaphylaxis or anaphylactic shock. Notwithstanding any provision of this section to the contrary, administration of epinephrine in this manner does not constitute performance of an invasive procedure.

(3) An oral drug or dangerous drug that is not included under division (C)(1) of this section, if the drug or dangerous drug is approved, exempt from approval, certified, or exempt from certification by the federal food and drug administration for ophthalmic purposes and the drug or dangerous drug is specified in rules adopted by the state board of optometry under section 4725.09 of the Revised Code.

(D) "Controlled substance" has the same meaning as in section
3719.01 of the Revised Code.

(E) "Drug" and "dangerous drug" have the same meanings as in section 4729.01 of the Revised Code.

(F) "Invasive procedure" means any procedure that involves cutting or otherwise infiltrating human tissue by mechanical means including surgery, laser surgery, ionizing radiation, therapeutic ultrasound, administering medication by injection, or the removal of intraocular foreign bodies.

(G) "Visual system" means the human eye and its accessory or subordinate anatomical parts.

(H) "Certificate of licensure" means a certificate issued by the state board of optometry under section 4725.13 of the Revised Code authorizing the holder to practice optometry as provided in division (A)(1) of this section.

(I) "Topical ocular pharmaceutical agents certificate" means a certificate issued by the state board of optometry under section 4725.13 of the Revised Code authorizing the holder to practice optometry as provided in division (A)(2) of this section.

(J) "Therapeutic pharmaceutical agents certificate" means a certificate issued by the state board of optometry under division (A)(3) or (4) of section 4725.13 of the Revised Code authorizing the holder to practice optometry as provided in division (A)(3) of this section.

Sec. 4725.02. (A) Except as provided in section 4725.26 of the Revised Code, no person shall engage in the practice of optometry, including the determination of the kind of procedure, treatment, or optical accessories needed by a person or the examination of the eyes of any person for the purpose of fitting the same with optical accessories, unless the person holds a current, valid certificate of licensure from the state board of
optometry vision and hearing professionals board. No person shall claim to be the lawful holder of a certificate of licensure when in fact the person is not such lawful holder, or impersonate any licensed optometrist.

(B) No optometrist shall administer topical ocular pharmaceutical agents unless the optometrist holds a valid topical ocular pharmaceutical agents certificate or therapeutic pharmaceutical agents certificate and fulfills the other requirements of this chapter.

(C) No optometrist shall practice optometry as described in division (A)(3) of section 4725.01 of the Revised Code unless the optometrist holds a valid therapeutic pharmaceutical agents certificate.

(D) No optometrist shall personally furnish a therapeutic pharmaceutical agent to any person, except that a licensed optometrist who holds a therapeutic pharmaceutical agents certificate may personally furnish a therapeutic pharmaceutical agent to a patient if no charge is imposed for the agent or for furnishing it and the amount furnished does not exceed a seventy-two hour supply, except that if the minimum available quantity of the agent is greater than a seventy-two hour supply, the optometrist may furnish the minimum available quantity.

Sec. 4725.09. (A) The state board of optometry vision and hearing professionals board shall adopt rules as it considers necessary to govern the practice of optometry and to administer and enforce sections 4725.01 to 4725.34 of the Revised Code. All rules adopted under those sections shall be adopted in accordance with Chapter 119. of the Revised Code.

(B) The board, in consultation with the state board of pharmacy, shall adopt rules specifying any oral drugs or dangerous drugs that are therapeutic pharmaceutical agents under division
(C)(3) of section 4725.01 of the Revised Code.

(C) The board shall adopt rules that establish standards to be met and procedures to be followed with respect to the delegation by an optometrist of the performance of an optometric task to a person who is not licensed or otherwise specifically authorized by the Revised Code to perform the task. The rules shall permit an optometrist who holds a topical ocular pharmaceutical agents certificate or therapeutic pharmaceutical agents certificate to delegate the administration of drugs included in the optometrist's scope of practice.

The rules adopted under this division shall provide for all of the following:

1. On-site supervision when the delegation occurs in an institution or other facility that is used primarily for the purpose of providing health care, unless the board established a specific exception to the on-site supervision requirement with respect to routine administration of a topical drug;

2. Evaluation of whether delegation is appropriate according to the acuity of the patient involved;

3. Training and competency requirements that must be met by the person administering the drugs;

4. Other standards and procedures the board considers relevant.

(D) The state board of optometry shall adopt rules establishing criminal records checks requirements for applicants under section 4776.03 of the Revised Code.

Sec. 4725.091. (A) The state board of optometry vision and hearing professionals board shall adopt rules governing the authority of licensed optometrists practicing under therapeutic pharmaceutical agents certificates to employ, apply, administer,
and prescribe analgesic controlled substances. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and in consultation with the state board of pharmacy.

(B) All of the following apply to the state vision and hearing professionals board of optometry in the adoption of rules under this section:

(1) The board shall not permit an optometrist to employ, apply, administer, or prescribe an analgesic controlled substance other than a drug product that is used for the treatment of pain and meets one of the following conditions:

   (a) The product is a preparation that contains an amount of codeine per dosage unit, as specified by the board, and also contains other active, nonnarcotic ingredients, such as acetaminophen or aspirin, in a therapeutic amount.

   (b) The product is a preparation that contains an amount of hydrocodone per dosage unit, as specified by the board, and also contains other active, nonnarcotic ingredients, such as acetaminophen, aspirin, or ibuprofen, in a therapeutic amount.

   (c) The product contains or consists of a drug or dangerous drug that was an analgesic included in the practice of optometry under a therapeutic pharmaceutical agents certificate immediately prior to the effective date of this amendment March 23, 2015, was not a controlled substance at that time, and subsequently becomes a schedule II, III, IV, or V controlled substance.

(2) The board shall limit the analgesic controlled substances that optometrists may employ, apply, administer, or prescribe to the drugs that the board determines are appropriate for use in the practice of optometry under a therapeutic pharmaceutical agents certificate.

(3) With regard to the prescribing of analgesic controlled substances, the board shall establish prescribing standards to be
followed by optometrists who hold therapeutic pharmaceutical agents certificates. The board shall take into account the prescribing standards that exist within the health care marketplace.

(4) The board shall establish standards and procedures for employing, applying, administering, and prescribing analgesic controlled substances under a therapeutic pharmaceutical agents certificate by taking into consideration and examining issues that include the appropriate length of drug therapy, appropriate standards for drug treatment, necessary monitoring systems, and any other factors the board considers relevant.

Sec. 4725.092. (A) As used in this section, "drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.

(B) The state board of optometry vision and hearing professionals board shall adopt rules that establish standards and procedures to be followed by an optometrist who holds a therapeutic pharmaceutical agents certificate regarding the review of patient information available through the drug database under division (A)(5) of section 4729.80 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(C) This section and the rules adopted under it do not apply if the state board of pharmacy no longer maintains the drug database.

Sec. 4725.10. (A) The state board of optometry vision and hearing professionals board shall evaluate schools of optometry and grant its approval to schools that adequately prepare their graduates for the practice of optometry in this state. Approval shall be granted only by an affirmative vote of a majority of the
members of the board.

(B) To be approved by the board, a school of optometry shall meet at least the following conditions:

(1) Be accredited by a professional optometric accrediting agency recognized by the board;

(2) Require as a prerequisite to admission to the school's courses in optometry at least two academic years of study with credits of at least sixty semester hours or ninety quarter hours in a college of arts and sciences accredited by a post-secondary education accrediting organization recognized by the board;

(3) Require a course of study of at least four academic years with credits of at least one hundred thirty-four semester hours or two hundred quarter hours.

(C) The board may establish standards for the approval of schools of optometry that are higher than the standards specified in division (B) of this section.

**Sec. 4725.11.** (A) The state board of optometry vision and hearing professionals board shall accept as the examination that must be passed to receive a license to practice optometry in this state the examination prepared, administered, and graded by the national board of examiners in optometry or an examination prepared, administered, and graded by another professional testing organization recognized by the board as being qualified to examine applicants for licenses to practice optometry in this state. The board shall periodically review its acceptance of a licensing examination under this section to determine if the examination and the organization offering it continue to meet standards the board considers appropriate.

(B) The licensing examination accepted by the board under this section may be divided into parts and offered as follows:
(1) Part one: Tests in basic science, human biology, ocular and visual biology, theoretical ophthalmic, physiological optics, and physiological psychology;

(2) Part two: Tests in clinical science, systemic conditions, the treatment and management of ocular disease, refractive oculomotor, sensory integrative conditions, perceptual conditions, public health, the legal issues regarding the clinical practice of optometry, and pharmacology;

(3) Part three: Tests in patient care and management, clinical skills, and the visual recognition and interpretation of clinical signs.

(C) The licensing examination accepted by the board may be offered in a manner other than the manner specified in division (B) of this section, but if offered in another manner, the examination must test the person sitting for the examination in the areas specified in division (B) of this section and may test the person in other areas.

The board may require as a condition of its acceptance of an examination that the examination cover subject matters in addition to those specified in division (B) of this section, if the schools of optometry it approves under section 4725.10 of the Revised Code include the additional subject matters in their prescribed curriculum.

(D) The board shall accept direct delivery of the results of the licensing examination from the testing organization administering the examination. The results shall be kept as a permanent part of the board's records maintained pursuant to section 4725.07 4744.12 of the Revised Code.

(E) On request of any person seeking to practice optometry in this state, the board shall provide information on the licensing examination accepted by the board, including requirements that
must be met to be eligible to sit for the examination and the dates the examination is offered.

Sec. 4725.12. (A) Each person who desires to commence the practice of optometry in the state shall file with the executive director of the state board of optometry a written application for a certificate of licensure and a therapeutic pharmaceutical agents certificate. The application shall be accompanied by the fees specified under section 4725.34 of the Revised Code and shall contain all information the board considers necessary to determine whether an applicant is qualified to receive the certificates. The application shall be made upon the form prescribed by the board and shall be verified by the oath of the applicant.

(B) To receive a certificate of licensure and a therapeutic pharmaceutical agents certificate, an applicant must meet all of the following conditions:

(1) Be at least eighteen years of age;

(2) Be of good moral character;

(3) Complete satisfactorily a course of study of at least six college years;

(4) Graduate from a school of optometry approved by the board under section 4725.10 of the Revised Code;

(5) Pass the licensing examination accepted by the board under section 4725.11 of the Revised Code.

Sec. 4725.121. (A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code, except that "license" as used in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter.
B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state board of optometry vision and hearing professionals board shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4725.13 or 4725.18 of the Revised Code.

Sec. 4725.13. (A) The state board of optometry vision and hearing professionals board, by an affirmative vote of a majority of its members, shall issue certificates under its seal as follows:

(1) Every applicant who, prior to May 19, 1992, passed the licensing examination then in effect, and who otherwise complies with sections 4725.01 to 4725.34 of the Revised Code shall receive from the board a certificate of licensure authorizing the holder to engage in the practice of optometry as provided in division (A)(1) of section 4725.01 of the Revised Code.

(2) Every applicant who, prior to May 19, 1992, passed the general and ocular pharmacology examination then in effect, and who otherwise complies with sections 4725.01 to 4725.34 of the Revised Code, shall receive from the board a separate topical ocular pharmaceutical agents certificate authorizing the holder to administer topical ocular pharmaceutical agents as provided in division (A)(2) of section 4725.01 of the Revised Code and in accordance with sections 4725.01 to 4725.34 of the Revised Code.

(3) Every applicant who holds a valid certificate of licensure issued prior to May 19, 1992, and meets the requirements of section 4725.14 of the Revised Code shall receive from the
board a separate therapeutic pharmaceutical agents certificate authorizing the holder to engage in the practice of optometry as provided in division (A)(3) of section 4725.01 of the Revised Code.

(4) Every applicant who, on or after May 19, 1992, passes all parts of the licensing examination accepted by the board under section 4725.11 of the Revised Code and otherwise complies with the requirements of sections 4725.01 to 4725.34 of the Revised Code shall receive from the board a certificate of licensure authorizing the holder to engage in the practice of optometry as provided in division (A)(1) of section 4725.01 of the Revised Code and a separate therapeutic pharmaceutical agents certificate authorizing the holder to engage in the practice of optometry as provided in division (A)(3) of that section.

(B) Each person to whom a certificate is issued pursuant to this section by the board shall keep the certificate displayed in a conspicuous place in the location at which that person practices optometry and shall whenever required exhibit the certificate to any member or agent of the board. If an optometrist practices outside of or away from the location at which the optometrist's certificate of licensure is displayed, the optometrist shall deliver to each person examined or fitted with optical accessories by the optometrist, a receipt signed by the optometrist in which the optometrist shall set forth the amounts charged, the optometrist's post-office address, and the number assigned to the optometrist's certificate of licensure. The information may be provided as part of a prescription given to the person.

(C) A person who, on May 19, 1992, holds a valid certificate of licensure or topical ocular pharmaceutical agents certificate issued by the board may continue to engage in the practice of optometry as provided by the certificate of licensure or topical ocular pharmaceutical agents certificate if the person continues
to comply with sections 4725.01 to 4725.34 of the Revised Code as required by the certificate of licensure or topical ocular pharmaceutical agents certificate.

Sec. 4725.15. If the state board of optometry vision and hearing professionals board receives notice under division (D) of section 4725.11 of the Revised Code that an applicant has failed four times the licensing examination or part of the examination that must be passed pursuant to section 4725.12 or 4725.14 of the Revised Code, the board shall not give further consideration to the application until the applicant completes thirty hours of remedial training approved by the board in the specific subject area or areas covered by the examination or part of the examination that was failed.

Sec. 4725.16. (A)(1) Each certificate of licensure for the practice of optometry, topical ocular pharmaceutical agents certificate, and therapeutic pharmaceutical agents certificate issued by the state board of optometry vision and hearing professionals board shall expire annually on the last day of December, and may be renewed in accordance with this section and the standard renewal procedure established under Chapter 4745. of the Revised Code.

(2) An optometrist seeking to continue to practice optometry shall file with the board an application for license renewal. The application shall be in such form and require such pertinent professional biographical data as the board may require.

(3)(a) Except as provided in division (A)(3)(b) of this section, in the case of an optometrist seeking renewal who holds a therapeutic pharmaceutical agents certificate and who prescribes or personally furnishes analgesic controlled substances authorized pursuant to section 4725.091 of the Revised Code that are opioid
analgesics, as defined in section 3719.01 of the Revised Code, the optometrist shall certify to the board whether the optometrist has been granted access to the drug database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.

(b) The requirement in division (A)(3)(a) of this section does not apply if any of the following is the case:

(i) The state board of pharmacy notifies the state board of optometry vision and hearing professionals board pursuant to section 4729.861 of the Revised Code that the certificate holder has been restricted from obtaining further information from the drug database.

(ii) The state board of pharmacy no longer maintains the drug database.

(iii) The certificate holder does not practice optometry in this state.

(c) If an optometrist certifies to the state board of optometry vision and hearing professionals board that the optometrist has been granted access to the drug database and the board finds through an audit or other means that the optometrist has not been granted access, the board may take action under section 4725.19 of the Revised Code.

(B) All licensed optometrists shall annually complete continuing education in subjects relating to the practice of optometry, to the end that the utilization and application of new techniques, scientific and clinical advances, and the achievements of research will assure comprehensive care to the public. The board shall prescribe by rule the continuing optometric education that licensed optometrists must complete. The length of study shall be twenty-five clock hours each year, including ten clock hours of instruction in pharmacology to be completed by all
licensed optometrists.

Unless the continuing education required under this division is waived or deferred under division (D) of this section, the continuing education must be completed during the twelve-month period beginning on the first day of October and ending on the last day of September. If the board receives notice from a continuing education program indicating that an optometrist completed the program after the last day of September, and the optometrist wants to use the continuing education completed after that day to renew the license that expires on the last day of December of that year, the optometrist shall pay the penalty specified under section 4725.34 of the Revised Code for late completion of continuing education.

At least once annually, the board shall post on its web site and shall mail, or send by electronic mail, to each licensed optometrist a list of courses approved in accordance with standards prescribed by board rule. Upon the request of a licensed optometrist, the executive director of the board shall supply a list of additional courses that the board has approved subsequent to the most recent web site posting, electronic mail transmission, or mailing of the list of approved courses.

(C)(1) Annually, not later than the first day of November, the board shall mail or send by electronic mail a notice regarding license renewal to each licensed optometrist who may be eligible for renewal. The notice shall be sent to the optometrist's most recent electronic mail or mailing address shown in the board's records. If the board knows that the optometrist has completed the required continuing optometric education for the year, the board may include with the notice an application for license renewal.

(2) Filing a license renewal application with the board shall serve as notice by the optometrist that the continuing optometric education requirement has been successfully completed. If the
board finds that an optometrist has not completed the required continuing optometric education, the board shall disapprove the optometrist's application. The board's disapproval of renewal is effective without a hearing, unless a hearing is requested pursuant to Chapter 119. of the Revised Code.

(3) The board shall refuse to accept an application for renewal from any applicant whose license is not in good standing or who is under disciplinary review pursuant to section 4725.19 of the Revised Code.

(4) Notice of an applicant's failure to qualify for renewal shall be served upon the applicant by mail. The notice shall be sent not later than the fifteenth day of November to the applicant's last address shown in the board's records.

(D) In cases of certified illness or undue hardship, the board may waive or defer for up to twelve months the requirement of continuing optometric education, except that in such cases the board may not waive or defer the continuing education in pharmacology required to be completed by optometrists who hold topical ocular pharmaceutical agents certificates or therapeutic pharmaceutical agents certificates. The board shall waive the requirement of continuing optometric education for any optometrist who is serving on active duty in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state or who has received an initial certificate of licensure during the nine-month period which ended on the last day of September.

(E) An optometrist whose renewal application has been approved may renew each certificate held by paying to the treasurer of state the fees for renewal specified under section 4725.34 of the Revised Code. On payment of all applicable fees, the board shall issue a renewal of the optometrist's certificate.
of licensure, topical ocular pharmaceutical agents certificate, and therapeutic pharmaceutical agents certificate, as appropriate.

(F) Not later than the fifteenth day of December, the board shall mail or send by electronic mail a second notice regarding license renewal to each licensed optometrist who may be eligible for renewal but did not respond to the notice sent under division (C)(1) of this section. The notice shall be sent to the optometrist's most recent electronic mail or mailing address shown in the board's records. If an optometrist fails to file a renewal application after the second notice is sent, the board shall send a third notice regarding license renewal prior to any action under division (I) of this section to classify the optometrist's certificates as delinquent.

(G) The failure of an optometrist to apply for license renewal or the failure to pay the applicable annual renewal fees on or before the date of expiration, shall automatically work a forfeiture of the optometrist's authority to practice optometry in this state.

(H) The board shall accept renewal applications and renewal fees that are submitted from the first day of January to the last day of April of the year next succeeding the date of expiration. An individual who submits such a late renewal application or fee shall pay the late renewal fee specified in section 4725.34 of the Revised Code.

(I)(1) If the certificates issued by the board to an individual have expired and the individual has not filed a complete application during the late renewal period, the individual's certificates shall be classified in the board's records as delinquent.

(2) Any optometrist subject to delinquent classification may submit a written application to the board for reinstatement.
For reinstatement to occur, the applicant must meet all of the following conditions:

   (a) Submit to the board evidence of compliance with board rules requiring continuing optometric education in a sufficient number of hours to make up for any delinquent compliance;

   (b) Pay the renewal fees for the year in which application for reinstatement is made and the reinstatement fee specified under division (A)(8) of section 4725.34 of the Revised Code;

   (c) Pass all or part of the licensing examination accepted by the board under section 4725.11 of the Revised Code as the board considers appropriate to determine whether the application for reinstatement should be approved;

   (d) If the applicant has been practicing optometry in another state or country, submit evidence that the applicant's license to practice optometry in the other state or country is in good standing.

(3) The board shall approve an application for reinstatement if the conditions specified in division (I)(2) of this section are met. An optometrist who receives reinstatement is subject to the continuing education requirements specified under division (B) of this section for the year in which reinstatement occurs.

Sec. 4725.17. (A) An optometrist who intends not to continue practicing optometry in this state due to retirement or a decision to practice in another state or country may apply to the state board of optometry vision and hearing professionals board to have the certificates issued to the optometrist placed on inactive status. Application for inactive status shall consist of a written notice to the board of the optometrist's intention to no longer practice in this state. The board may not accept an application submitted after the applicant's certificate of licensure and any
other certificates have expired. The board may approve an application for placement on inactive status only if the applicant's certificates are in good standing and the applicant is not under disciplinary review pursuant to section 4725.19 of the Revised Code.

(B) An individual whose certificates have been placed on inactive status may submit a written application to the board for reinstatement. For reinstatement to occur, the applicant must meet all of the following conditions:

(1) Pay the renewal fees for the year in which application for reinstatement is made and the reinstatement fee specified under division (A)(9) of section 4725.34 of the Revised Code;

(2) Pass all or part of the licensing examination accepted by the board under section 4725.11 of the Revised Code as the board considers appropriate, if the board considers examination necessary to determine whether the application for reinstatement should be approved;

(3) If the applicant has been practicing optometry in another state or country, submit evidence of being in the active practice of optometry in the other state or country and evidence that the applicant's license to practice in the other state or country is in good standing.

(C) The board shall approve an application for reinstatement if the conditions specified in division (B) of this section are met. An optometrist who receives reinstatement is subject to the continuing education requirements specified under section 4725.16 of the Revised Code for the year in which reinstatement occurs.

Sec. 4725.171. (A) An optometrist who discontinued practicing optometry in this state due to retirement or a decision to practice in another state or country before the state board of...
applications for placement of certificates to practice on inactive
status pursuant to section 4725.17 of the Revised Code may apply
to the board to have the optometrist's certificates reinstated.
The board may accept an application for reinstatement only if, at
the time the optometrist's certificates expired, the certificates
were in good standing and the optometrist was not under
disciplinary review by the board.

(B) For reinstatement to occur, the applicant must meet all
of the following conditions:

(1) Pay the renewal fees for the year in which application
for reinstatement is made and the reinstatement fee specified
under division (A)(10) of section 4725.34 of the Revised Code;

(2) Pass all or part of the licensing examination accepted by
the board under section 4725.11 of the Revised Code as the board
considers appropriate, if the board considers examination
necessary to determine whether the application for reinstatement
should be approved;

(3) If the applicant has been practicing optometry in another
state or country, submit evidence of being in the active practice
of optometry in the other state or country and evidence that the
applicant's license to practice in the other state or country is
in good standing.

(C) The board shall approve an application for reinstatement
if the conditions specified in division (B) of this section are
met. An optometrist who receives reinstatement is subject to the
continuing education requirements specified under section 4725.16
of the Revised Code for the year in which reinstatement occurs.

Sec. 4725.18. (A) The state board of optometry vision and
hearing professionals board may issue a certificate of licensure
and therapeutic pharmaceutical agents certificate by endorsement to an individual licensed as an optometrist by another state or a Canadian province if the board determines that the other state or province has standards for the practice of optometry that are at least as stringent as the standards established under sections 4725.01 to 4725.34 of the Revised Code and the individual meets the conditions specified in division (B) of this section. The certificates may be issued only by an affirmative vote of a majority of the board's members.

(B) An individual seeking a certificate of licensure and therapeutic pharmaceutical agents certificate pursuant to this section shall submit an application to the board. To receive the certificates, an applicant must meet all of the following conditions:

(1) Meet the same qualifications that an individual must meet under divisions (B)(1) to (4) of section 4725.12 of the Revised Code to receive a certificate of licensure and therapeutic pharmaceutical agents certificate under that section;

(2) Be licensed to practice optometry by a state or province that requires passage of a written, entry-level examination at the time of initial licensure;

(3) Be licensed in good standing by the optometry licensing agency of the other state or province, evidenced by submission of a letter from the licensing agency of the other state or province attesting to the applicant's good standing;

(4) Provide the board with certified reports from the optometry licensing agencies of all states and provinces in which the applicant is licensed or has been licensed to practice optometry describing all past and pending actions taken by those agencies with respect to the applicant's authority to practice optometry in those jurisdictions, including such actions as...
investigations, entering into consent agreements, suspensions, 
revocations, and refusals to issue or renew a license;

(5) Have been actively engaged in the practice of optometry, 
including the use of therapeutic pharmaceutical agents, for at 
least three years immediately preceding making application under 
this section;

(6) Pay the nonrefundable application fees established under 
section 4725.34 of the Revised Code for a certificate of licensure 
and therapeutic pharmaceutical agents certificate;

(7) Submit all transcripts, reports, or other information the 
board requires;

(8) Participate in a two-hour instruction session provided by 
the board on the optometry statutes and rules of this state or 
pass an Ohio optometry jurisprudence test administered by the 
board;

(9) Pass all or part of the licensing examination accepted by 
the board under section 4725.11 of the Revised Code, if the board 
determines that testing is necessary to determine whether the 
applicant's qualifications are sufficient for issuance of a 
certificate of licensure and therapeutic pharmaceutical agents 
certificate under this section;

(10) Not have been previously denied issuance of a 
certificate by the board.

Sec. 4725.19. (A) In accordance with Chapter 119. of the 
Revised Code and by an affirmative vote of a majority of its 
members, the state board of optometry vision and hearing 
professionals board, for any of the reasons specified in division 
(B) of this section, shall refuse to grant a certificate of 
licensure to practice optometry to an applicant and may, with 
respect to a licensed optometrist, do one or more of the
following:

(1) Suspend the operation of any certificate of licensure, topical ocular pharmaceutical agents certificate, or therapeutic pharmaceutical agents certificate, or all certificates granted by it to the optometrist;

(2) Permanently revoke any or all of the certificates;

(3) Limit or otherwise place restrictions on any or all of the certificates;

(4) Reprimand the optometrist;

(5) Impose a monetary penalty. If the reason for which the board is imposing the penalty involves a criminal offense that carries a fine under the Revised Code, the penalty shall not exceed the maximum fine that may be imposed for the criminal offense. In any other case, the penalty imposed by the board shall not exceed five hundred dollars.

(6) Require the optometrist to take corrective action courses.

The amount and content of corrective action courses shall be established by the board in rules adopted under section 4725.09 of the Revised Code.

(B) The sanctions specified in division (A) of this section may be taken by the board for any of the following reasons:

(1) Committing fraud in passing the licensing examination or making false or purposely misleading statements in an application for a certificate of licensure;

(2) Being at any time guilty of immorality, regardless of the jurisdiction in which the act was committed;

(3) Being guilty of dishonesty or unprofessional conduct in the practice of optometry;
(4) Being at any time guilty of a felony, regardless of the
jurisdiction in which the act was committed;

(5) Being at any time guilty of a misdemeanor committed in
the course of practice, regardless of the jurisdiction in which
the act was committed;

(6) Violating the conditions of any limitation or other
restriction placed by the board on any certificate issued by the
board;

(7) Engaging in the practice of optometry as provided in
division (A)(1), (2), or (3) of section 4725.01 of the Revised
Code when the certificate authorizing that practice is under
suspension, in which case the board shall permanently revoke the
certificate;

(8) Being denied a license to practice optometry in another
state or country or being subject to any other sanction by the
optometric licensing authority of another state or country, other
than sanctions imposed for the nonpayment of fees;

(9) Departing from or failing to conform to acceptable and
prevailing standards of care in the practice of optometry as
followed by similar practitioners under the same or similar
circumstances, regardless of whether actual injury to a patient is
established;

(10) Failing to maintain comprehensive patient records;

(11) Advertising a price of optical accessories, eye
examinations, or other products or services by any means that
would deceive or mislead the public;

(12) Being addicted to the use of alcohol, stimulants,
narcotics, or any other substance which impairs the intellect and
judgment to such an extent as to hinder or diminish the
performance of the duties included in the person's practice of

optometry;

(13) Engaging in the practice of optometry as provided in division (A)(2) or (3) of section 4725.01 of the Revised Code without authority to do so or, if authorized, in a manner inconsistent with the authority granted;

(14) Failing to make a report to the board as required by division (A) of section 4725.21 or section 4725.31 of the Revised Code;

(15) Soliciting patients from door to door or establishing temporary offices, in which case the board shall suspend all certificates held by the optometrist;

(16) Except as provided in division (D) of this section:

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optometric services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that optometrist.

(b) Advertising that the optometrist will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optometric services, would otherwise be required to pay.

(17) Failing to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an analgesic controlled substance authorized pursuant to section 4725.091 of the Revised Code that is an opioid analgesic, as defined in section 3719.01 of the Revised Code;

(18) Violating the rules adopted under section 4744.50 of the Revised Code.
(C) Any person who is the holder of a certificate of licensure, or who is an applicant for a certificate of licensure against whom is preferred any charges, shall be furnished by the board with a copy of the complaint and shall have a hearing before the board in accordance with Chapter 119. of the Revised Code.

(D) Sanctions shall not be imposed under division (B)(17) of this section against any optometrist who waives deductibles and copayments:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other optometrist licensed by the board, to the extent allowed by sections 4725.01 to 4725.34 of the Revised Code and the rules of the board.

**Sec. 4725.20.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state board of optometry vision and hearing professionals board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license or certificate issued by the board under this chapter.

**Sec. 4725.21.** (A) If an optometrist licensed by the state board of optometry vision and hearing professionals board has reason to believe that another optometrist licensed currently or previously by the board has engaged in any course of treatment or other services to a patient that constitutes unprofessional conduct under section 4725.19 of the Revised Code, or has an addiction subject to board action under section 4725.19 of the Revised Code.
Revised Code, the optometrist shall make a report to the board.

(B) Any person may report to the board in a signed writing any information that the person may have that appears to show a violation of any provision of sections 4725.01 to 4725.34 of the Revised Code or the rules adopted under those sections.

(C) Each complaint or allegation of a violation received by the board shall be assigned a case number and shall be recorded by the board.

(D) In the absence of fraud or bad faith, no person who reports to the board under this section or testifies in any adjudication conducted under Chapter 119. of the Revised Code shall be liable to any person for damages in a civil action as a result of the report or testimony.

Sec. 4725.22. (A) Each insurer providing professional liability insurance to an optometrist licensed under this chapter, or any other entity that seeks to indemnify the professional liability of an optometrist licensed under this chapter, shall notify the state board of optometry vision and hearing professionals board within thirty days after the final disposition of a claim for damages. The notice shall contain the following information:

(1) The name and address of the person submitting the notification;

(2) The name and address of the insured who is the subject of the claim;

(3) The name of the person filing the written claim;

(4) The date of final disposition;

(5) If applicable, the identity of the court in which the final disposition of the claim took place.
(B) Each optometrist licensed under this chapter shall notify the board within thirty days of receipt of the final disposition of a claim for damages or any action involving malpractice. The optometrist shall notify the board by registered mail and shall provide all reports and other information required by the board.

(C) Information received under this section is not a public record for purposes of section 149.43 of the Revised Code and shall not be released except as otherwise required by law or a court of competent jurisdiction.

Sec. 4725.23. (A) The state board of optometry vision and hearing professionals board shall investigate evidence that appears to show that a person has violated any provision of sections 4725.01 to 4725.34 of the Revised Code or any rule adopted under those sections. Investigations of alleged violations shall be supervised by the member of the board appointed by the board to act as the supervising member of investigations. The supervising member shall not participate in the final vote that occurs in an adjudication of the case.

(B) In investigating a possible violation, the board may administer oaths, order the taking of depositions, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony. A subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary of the board and the board's supervising member of investigations. Before issuance of a subpoena for patient record information, the secretary and supervising member shall determine whether there is probable cause to believe that the complaint filed alleges a violation of sections 4725.01 to 4725.34 of the Revised Code or any rule adopted under those sections and that the records sought are relevant to the alleged violation.
violation and material to the investigation. The subpoena may apply only to records that cover a reasonable period of time surrounding the alleged violation.

On failure to comply with any subpoena issued by the board and after reasonable notice to the person being subpoenaed, the board may move for an order compelling the production of persons or records pursuant to the Rules of Civil Procedure.

A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee designated by the board. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the person's usual place of residence. When the person being served is an optometrist licensed under this chapter, service of the subpoena may be made by certified mail, restricted delivery, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the optometrist refuses to accept delivery.

Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

(C) Information received by the board pursuant to an investigation is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given.

The board may share any information it receives pursuant to an investigation, including patient records and patient record information, with other licensing boards and governmental agencies.
that are investigating alleged professional misconduct and with law enforcement agencies and other governmental agencies that are investigating or prosecuting alleged criminal offenses. A board or agency that receives the information shall comply with the same requirements regarding confidentiality as those with which the state board of optometry vision and hearing professionals board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the board or agency that applies when the board or agency is dealing with other information in its possession. The information may be admitted into evidence in a criminal trial in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about persons whose confidentiality was protected by the state board of optometry vision and hearing professionals board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

Sec. 4725.24. If the secretary of the state board of optometry vision and hearing professionals board and the board's supervising member of investigations determine that there is clear and convincing evidence that an optometrist has violated division (B) of section 4725.19 of the Revised Code and that the optometrist's continued practice presents a danger of immediate and serious harm to the public, they may recommend that the board suspend without a prior hearing the optometrist's certificate of licensure and any other certificates held by the optometrist.

Written allegations shall be prepared for consideration by the full board.

The board, upon review of those allegations and by an affirmative vote of three members other than the secretary and
supervising member may order the suspension without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual.

Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to section 4725.19 of the Revised Code and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. A failure to issue the order within sixty days shall result in dissolution of the summary suspension order but shall not invalidate any subsequent, final adjudicative order.

Sec. 4725.26. Division (A) of section 4725.02 of the Revised Code does not apply to the following:

(A) Physicians authorized to practice medicine and surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code;

(B) Persons who sell optical accessories but do not assume to adapt them to the eye, and neither practice nor profess to practice optometry;

(C) An instructor in a school of optometry that is located in
this state and approved by the state board of optometry vision and hearing professionals board under section 4725.10 of the Revised Code who holds a valid current license to practice optometry from a licensing body in another jurisdiction and limits the practice of optometry to the instruction of students enrolled in the school.

(D) A student enrolled in a school of optometry, located in this or another state and approved by the board under section 4725.10 of the Revised Code, while the student is participating in this state in an optometry training program provided or sponsored by the school, if the student acts under the direct, personal supervision and control of an optometrist licensed by the board or authorized to practice pursuant to division (C) of this section.

(E) An individual who is licensed or otherwise specifically authorized by the Revised Code to engage in an activity that is included in the practice of optometry.

(F) An individual who is not licensed or otherwise specifically authorized by the Revised Code to engage in an activity that is included in the practice of optometry, but is acting pursuant to the rules for delegation of optometric tasks adopted under section 4725.09 of the Revised Code.

Sec. 4725.27. The testimony and reports of an optometrist licensed by the state board of optometry vision and hearing professionals board under this chapter shall be received by any state, county, municipal, school district, or other public board, body, agency, institution, or official and by any private educational or other institution receiving public funds as competent evidence with respect to any matter within the scope of the practice of optometry. No such board, body, agency, official, or institution shall interfere with any individual's right to a free choice of receiving services from either an optometrist or a
physician. No such board, body, agency, official, or institution shall discriminate against an optometrist performing procedures that are included in the practice of optometry as provided in division (A)(2) or (3) of section 4725.01 of the Revised Code if the optometrist is licensed under this chapter to perform those procedures.

Sec. 4725.28. (A) As used in this section, "supplier" means any person who prepares or sells optical accessories or other vision correcting items, devices, or procedures.

(B) A licensed optometrist, on completion of a vision examination and diagnosis, shall give each patient for whom the optometrist prescribes any vision correcting item, device, or procedure, one copy of the prescription, without additional charge to the patient. The prescription shall include the following:

(1) The date of its issuance;

(2) Sufficient information to enable the patient to obtain from the supplier of the patient's choice, the optical accessory or other vision correcting item, device, or procedure that has been prescribed;

(3) In the case of contact lenses, all information specified as part of a contact lens prescription, as defined in the "Fairness to Contact Lens Consumers Act," 117 Stat. 2024 (2003), 15 U.S.C. 7610.

(C) Any supplier who fills a prescription for contact lenses furnished by an optometrist shall furnish the patient with written recommendations to return to the prescribing optometrist for evaluation of the contact lens fitting.

(D) Any supplier, including an optometrist who is a supplier, may advertise to inform the general public of the price that the supplier charges for any vision correcting item, device, or
procedure. Any such advertisement shall specify the following:

(1) Whether the advertised item includes an eye examination;

(2) In the case of lenses, whether the price applies to single-vision or multifocal lenses;

(3) In the case of contact lenses, whether the price applies to rigid or soft lenses and whether there is an additional charge related to the fitting and determination of the type of contact lenses to be worn that is not included in the price of the eye examination.

(E) The state board of optometry vision and hearing professionals board shall not adopt any rule that restricts the right to advertise as permitted by division (D) of this section.

(F) Any municipal corporation code, ordinance, or regulation or any township resolution that conflicts with a supplier's right to advertise as permitted by division (D) of this section is superseded by division (D) of this section and is invalid. A municipal corporation code, ordinance, or regulation or a township resolution conflicts with division (D) of this section if it restricts a supplier's right to advertise as permitted by division (D) of this section.

Sec. 4725.29. (A) As used in this section:

(1) "Regional advertisement" means an advertisement published in more than one metropolitan statistical area in this state or broadcast by radio or television stations in more than one metropolitan statistical area in this state.

(2) "National advertisement" means an advertisement published in one or more periodicals or broadcast by one or more radio or television stations in this state and also published in one or more periodicals or broadcast by one or more radio or television stations in another state.
(B) The state board of optometry vision and hearing professionals board shall not require any person who sells optical accessories at more than one location to list in any regional or national advertisement the name of the licensed optometrist practicing at a particular location, provided that in addition to the requirement in division (B) of section 4725.13 of the Revised Code, the name of the optometrist is prominently displayed at the location.

Sec. 4725.31. An optometrist licensed by the state board of optometry vision and hearing professionals board shall promptly report to the board any instance of a clinically significant drug-induced side effect in a patient due to the optometrist's administering, employing, applying, or prescribing a topical ocular or therapeutic pharmaceutical agent to or for the patient. The board, by rule adopted in accordance with Chapter 119. of the Revised Code, shall establish reporting procedures and specify the types of side effects to be reported. The information provided to the board shall not include the name of or any identifying information about the patient.

Sec. 4725.33. (A) An individual whom the state board of optometry vision and hearing professionals board licenses to engage in the practice of optometry may render the professional services of an optometrist within this state through a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, a partnership, or a professional association formed under Chapter 1785. of the Revised Code. This division does not preclude an optometrist from rendering professional services as an optometrist through another form of business entity, including, but not limited to, a nonprofit corporation or foundation, or in another manner that is authorized by or in accordance with this
chapter, another chapter of the Revised Code, or rules of the
state board of optometry vision and hearing professionals board
adopted pursuant to this chapter.

(B) A corporation, limited liability company, partnership, or
professional association described in division (A) of this section
may be formed for the purpose of providing a combination of the
professional services of the following individuals who are
licensed, certificated, or otherwise legally authorized to
practice their respective professions:

(1) Optometrists who are authorized to practice optometry
under Chapter 4725. of the Revised Code;

(2) Chiropractors who are authorized to practice chiropractic
or acupuncture under Chapter 4734. of the Revised Code;

(3) Psychologists who are authorized to practice psychology
under Chapter 4732. of the Revised Code;

(4) Registered or licensed practical nurses who are
authorized to practice nursing as registered nurses or as licensed
practical nurses under Chapter 4723. of the Revised Code;

(5) Pharmacists who are authorized to practice pharmacy under
Chapter 4729. of the Revised Code;

(6) Physical therapists who are authorized to practice
physical therapy under sections 4755.40 to 4755.56 of the Revised
Code;

(7) Occupational therapists who are authorized to practice
occupational therapy under sections 4755.04 to 4755.13 of the
Revised Code;

(8) Mechanotherapists who are authorized to practice
mechanotherapy under section 4731.151 of the Revised Code;

(9) Doctors of medicine and surgery, osteopathic medicine and
surgery, or podiatric medicine and surgery who are authorized for
their respective practices under Chapter 4731. of the Revised Code;

(10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code.

This division shall apply notwithstanding a provision of a code of ethics applicable to an optometrist that prohibits an optometrist from engaging in the practice of optometry in combination with a person who is licensed, certificated, or otherwise legally authorized to practice chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, physical therapy, occupational therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, professional counseling, social work, or marriage and family therapy, but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of optometry.

Sec. 4725.34. (A) The state board of optometry vision and hearing professionals board shall charge the following nonrefundable fees:

(1) One hundred thirty dollars for application for a certificate of licensure to practice optometry;

(2) Forty-five dollars for application for a therapeutic pharmaceutical agents certificate, except when the certificate is to be issued pursuant to division (A)(3) of section 4725.13 of the Revised Code, in which case the fee shall be thirty-five dollars;

(3) One hundred thirty dollars for renewal of a certificate of licensure to practice optometry;
(4) Forty-five dollars for renewal of a topical ocular pharmaceutical agents certificate;

(5) Forty-five dollars for renewal of a therapeutic pharmaceutical agents certificate;

(6) One hundred twenty-five dollars for late completion or submission, or both, of continuing optometric education;

(7) One hundred twenty-five dollars for late renewal of one or more certificates that have expired;

(8) Seventy-five dollars for reinstatement of one or more certificates classified as delinquent under section 4725.16 of the Revised Code, multiplied by the number of years the one or more certificates have been classified as delinquent;

(9) Seventy-five dollars for reinstatement of one or more certificates placed on inactive status under section 4725.17 of the Revised Code;

(10) Seventy-five dollars for reinstatement under section 4725.171 of the Revised Code of one or more expired certificates;

(11) Additional fees to cover administrative costs incurred by the board, including fees for replacing licenses issued by the board and providing rosters of currently licensed optometrists. Such fees shall be established at a regular meeting of the board and shall comply with any applicable guidelines or policies set by the department of administrative services or the office of budget and management.

(B) The board, subject to the approval of the controlling board, may establish fees in excess of the amounts specified in division (A) of this section if the fees do not exceed the amounts specified by more than fifty per cent.

(C) All receipts of the board, from any source, shall be deposited in the state treasury to the credit of the occupational...
licensing and regulatory fund created in section 4743.05 of the Revised Code.

Sec. 4725.40. As used in sections 4725.40 to 4725.59 of the Revised Code:

(A) "Optical aid" means both of the following:

(1) Spectacles or other instruments or devices that are not contact lenses, if the spectacles or other instruments or devices may aid or correct human vision and have been prescribed by a physician or optometrist licensed by any state;

(2) Contact lenses, regardless of whether they address visual function, if they are designed to fit over the cornea of the eye or are otherwise designed for use in or on the eye or orbit.

All contact lenses shall be dispensed only in accordance with a valid written prescription designated for contact lenses, including the following:

(a) Zero-powered plano contact lenses;

(b) Cosmetic contact lenses;

(c) Performance-enhancing contact lenses;

(d) Any other contact devices determined by the Ohio optical dispensers state vision and hearing professionals board to be contact lenses.

(B) "Optical dispensing" means interpreting but not altering a prescription of a licensed physician or optometrist and designing, adapting, fitting, or replacing the prescribed optical aids, pursuant to such prescription, to or for the intended wearer; duplicating lenses, other than contact lenses, accurately as to power without a prescription; and duplicating nonprescription eyewear and parts of eyewear. "Optical dispensing" does not include selecting frames, placing an order for the
delivery of an optical aid, transacting a sale, transferring an
optical aid to the wearer after an optician has completed fitting
it, or providing instruction in the general care and use of an
optical aid, including placement, removal, hygiene, or cleaning.

(C) "Licensed dispensing optician" means a person holding a
current, valid license issued under sections 4725.47 to 4725.48 of the Revised Code that authorizes the person to engage
in optical dispensing. Nothing in this chapter shall be construed
to permit a licensed dispensing optician to alter the
specifications of a prescription.

(D) "Licensed spectacle dispensing optician" means a licensed
dispensing optician authorized to engage in both of the following:

(1) The dispensing of optical aids other than contact lenses;

(2) The dispensing of prepackaged soft contact lenses in
accordance with section 4725.411 of the Revised Code.

(E) "Licensed contact lens dispensing optician" means a
licensed dispensing optician authorized to engage only in the
dispensing of contact lenses.

(F) "Licensed spectacle-contact lens dispensing optician"
means a licensed dispensing optician authorized to engage in the
dispensing of any optical aid.

(G) "Apprentice" means any person dispensing optical aids
under the direct supervision of a licensed dispensing optician.

(H) "Prescription" means the written or verbal directions or
instructions as specified by a physician or optometrist licensed
by any state for preparing an optical aid for a patient.

(I) "Supervision" means the provision of direction and
control through personal inspection and evaluation of work.

(J) "Licensed ocularist" means a person holding a current,
valid license issued under sections 4725.48 to 4725.51 of the
Revised Code to engage in the practice of designing, fabricating, and fitting artificial eyes or prostheses associated with the appearance or function of the human eye.

Sec. 4725.41. Beginning one year after March 22, 1979, no person shall engage in optical dispensing or hold himself out as being engaged in optical dispensing, except as authorized under section 4725.47 of the Revised Code, unless he has fulfilled the requirements of sections 4725.48 to 4725.51 of the Revised Code and has been certified as a licensed dispensing optician by the Ohio optical dispensers state vision and hearing professionals board.

No person shall engage in the designing, fabricating, and fitting of an artificial eye or of prostheses associated with the appearance or function of the human eye unless he is licensed as an ocularist under to sections 4725.48 to 4725.51 of the Revised Code.

Sec. 4725.411. (A) Each licensed spectacle dispensing optician shall complete two hours of study in prepackaged soft contact lens dispensing approved by the Ohio optical dispensers state vision and hearing professionals board under section 4725.51 of the Revised Code. The two hours of study shall be completed as follows:

(1) Each licensed spectacle dispensing optician who holds the license on the effective date of this amendment September 29, 2015, shall complete the two hours of study not later than December 31, 2015.

(2) Each licensed spectacle dispensing optician who receives the license after the effective date of this amendment September 29, 2015, shall complete the two hours of study not later than the thirty-first day of December of the year the license is issued.
(B) Beginning January 1, 2016, a licensed spectacle dispensing optician may dispense prepackaged soft contact lenses if both of the following are the case:

(1) The licensed spectacle dispensing optician has completed two hours of study in prepackaged soft contact lens dispensing in accordance with division (A) of this section.

(2) The only action necessary is to match the description of the contact lenses that is on the packaging to a written prescription.

Section 4725.44. (A) The Ohio optical dispensers state vision and hearing professionals board shall be responsible for the administration of sections 4725.40 to 4725.59 of the Revised Code and, in particular, shall process applications for licensure as licensed dispensing opticians and oculists; schedule, administer, and supervise the qualifying examinations for licensure or contract with a testing service to schedule, administer, and supervise the qualifying examination for licensure; issue licenses to qualified individuals; and revoke and suspend licenses; and maintain adequate records with respect to its operations and responsibilities.

(B) The board shall adopt, amend, or rescind rules, pursuant to Chapter 119. of the Revised Code, for the licensure of dispensing opticians and oculists, and such other rules as are required by or necessary to carry out the responsibilities imposed by sections 4725.40 to 4725.59 of the Revised Code, including rules establishing criminal records check requirements under section 4776.03 of the Revised Code and rules establishing disqualifying offenses for licensure as a dispensing optician or certification as an apprentice dispensing optician pursuant to sections 4725.48, 4725.52, 4725.53, and 4776.10 of the Revised Code.
The board shall have no authority to adopt rules governing the employment of dispensing opticians, the location or number of optical stores, advertising of optical products or services, or the manner in which optical products can be displayed.

**Sec. 4725.48.** (A) Any person who desires to engage in optical dispensing, except as provided in section 4725.47 of the Revised Code, shall file a properly completed written application for an examination with the Ohio optical dispensers state vision and hearing professionals board or with the testing service the board has contracted with pursuant to section 4725.49 of the Revised Code. The application for examination shall be made on a form provided by the board or testing service and shall be accompanied by an examination fee the board shall establish by rule. Applicants must return the application to the board or testing service at least sixty days prior to the date the examination is scheduled to be administered.

(B) Except as provided in section 4725.47 of the Revised Code, any person who desires to engage in optical dispensing shall file a properly completed written application for a license with the board with a licensure application fee of fifty dollars.

No person shall be eligible to apply for a license under this division, unless the person is at least eighteen years of age, is free of contagious or infectious disease, has received a passing score, as determined by the board, on the examination administered under division (A) of this section, is a graduate of an accredited high school of any state, or has received an equivalent education and has successfully completed either of the following:

(1) Two years of supervised experience under a licensed dispensing optician, optometrist, or physician engaged in the practice of ophthalmology, up to one year of which may be
continuous experience of not less than thirty hours a week in an optical laboratory;

(2) A two-year college level program in optical dispensing that has been approved by the board and that includes, but is not limited to, courses of study in mathematics, science, English, anatomy and physiology of the eye, applied optics, ophthalmic optics, measurement and inspection of lenses, lens grinding and edging, ophthalmic lens design, keratometry, and the fitting and adjusting of spectacle lenses and frames and contact lenses, including methods of fitting contact lenses and post-fitting care.

(C) Any person who desires to obtain a license to practice as an ocularist shall file a properly completed written application with the board accompanied by the appropriate fee and proof that the applicant has met the requirements for licensure. The board shall establish, by rule, the application fee and the minimum requirements for licensure, including education, examination, or experience standards recognized by the board as national standards for ocularists. The board shall issue a license to practice as an ocularist to an applicant who satisfies the requirements of this division and rules adopted pursuant to this division.

(D)(1) Subject to divisions (D)(2), (3), and (4) of this section, the board shall not adopt, maintain, renew, or enforce any rule that precludes an individual from receiving or renewing a license as a dispensing optician issued under sections 4725.40 to 4725.59 of the Revised Code due to any past criminal activity or interpretation of moral character, unless the individual has committed a crime of moral turpitude or a disqualifying offense as those terms are defined in section 4776.10 of the Revised Code. If the board denies an individual a license or license renewal, the reasons for such denial shall be put in writing.

(2) Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded
guilty to a misdemeanor that is not a crime of moral turpitude or a disqualifying offense less than one year prior to making the application, the board may use its discretion in granting or denying the individual a license. Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded guilty to a felony that is not a crime of moral turpitude or a disqualifying offense less than three years prior to making the application, the board may use its discretion in granting or denying the individual a license. The provisions in this paragraph do not apply with respect to any offense unless the board, prior to the effective date of this amendment September 28, 2012, was required or authorized to deny the application based on that offense.

In all other circumstances, the board shall follow the procedures it adopts by rule that conform to division (D)(1) of this section.

(3) In considering a renewal of an individual's license, the board shall not consider any conviction or plea of guilty prior to the initial licensing. However, the board may consider a conviction or plea of guilty if it occurred after the individual was initially licensed, or after the most recent license renewal.

(4) The board may grant an individual a conditional license that lasts for one year. After the one-year period has expired, the license is no longer considered conditional, and the individual shall be considered fully licensed.

(E) The board, subject to the approval of the controlling board, may establish examination fees in excess of the amount established by rule pursuant to this section, provided that such fees do not exceed those amounts established in rule by more than fifty per cent.

Sec. 4725.49. (A) The Ohio optical dispensers state vision
and hearing professionals board may provide for the examination of applicants by designing, preparing, and administering the qualifying examinations or by contracting with a testing service that is nationally recognized as being capable of determining competence to dispense optical aids as a licensed spectacle dispensing optician, a licensed contact lens dispensing optician, or a licensed spectacle-contact lens dispensing optician. Any examination used shall be designed to measure specific performance requirements, be professionally constructed and validated, and be independently and objectively administered and scored in order to determine the applicant's competence to dispense optical aids.

(B) The board shall ensure that it, or the testing service it contracts with, does all of the following:

1. Provides public notice as to the date, time, and place for each examination at least ninety days prior to the examination;

2. Offers each qualifying examination at least twice each year in Columbus, except as provided in division (C) of this section;

3. Provides to each applicant all forms necessary to apply for examination;

4. Provides all materials and equipment necessary for the applicant to take the examination.

(C) If the number of applicants for any qualifying examination is less than ten, the examination may be postponed. The board or testing service shall provide the applicant with written notification of the postponement and of the next date the examination is scheduled to be administered.

(D) No limitation shall be placed upon the number of times that an applicant may repeat any qualifying examination, except that, if an applicant fails an examination for a third time, the
board may require that the applicant, prior to retaking the
examination, undergo additional study in the areas of the
examination in which the applicant experienced difficulty.

Sec. 4725.50. (A) Except for a person who qualifies for
licensure as an ocularist, each person who qualifies for licensure
under sections 4725.40 to 4725.59 of the Revised Code shall
receive from the Ohio optical dispensers state vision and hearing
professionals board, under its seal, a certificate of licensure
entitling the person to practice as a licensed spectacle
dispensing optician, licensed contact lens dispensing optician, or
a licensed spectacle-contact lens dispensing optician. The
appropriate certificate of licensure shall be issued by the board
no later than sixty days after it has notified the applicant of
the applicant's approval for licensure.

(B) Each licensed dispensing optician shall display the
licensed dispensing optician's certificate of licensure in a
conspicuous place in the licensed dispensing optician's office or
place of business. If a licensed dispensing optician maintains
more than one office or place of business, the licensed dispensing
optician shall display a duplicate copy of such certificate at
each location. The board shall issue duplicate copies of the
appropriate certificate of licensure for this purpose upon the
filing of an application form therefor and the payment of a
five-dollar fee for each duplicate copy.

Sec. 4725.501. (A) As used in this section, "license" and
"applicant for an initial license" have the same meanings as in
section 4776.01 of the Revised Code, except that "license" as used
in both of those terms refers to the types of authorizations
otherwise issued or conferred under this chapter.

(B) In addition to any other eligibility requirement set
forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The Ohio optical dispensers state vision and hearing professionals board shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4725.50 or 4725.57 of the Revised Code.

Sec. 4725.51. (A)(1) Each license issued under sections 4725.40 to 4725.59 of the Revised Code shall expire on the first day of January in the year after it was issued. Each person holding a valid, current license may apply to the Ohio optical dispensers state vision and hearing professionals board for the extension of the license under the standard renewal procedures of Chapter 4745. of the Revised Code. Each application for renewal shall be accompanied by a renewal fee the board shall establish by rule. In addition, except as provided in division (A)(2) of this section, the application shall contain evidence that the applicant has completed continuing education within the immediately preceding one-year period as follows:

(a) Licensed spectacle dispensing opticians shall have pursued both of the following, approved by the board:

(i) Four hours of study in spectacle dispensing;

(ii) Two hours of study in contact lens dispensing.

(b) Licensed contact lens dispensing opticians shall have pursued eight hours of study in contact lens dispensing, approved by the board.

(c) Licensed spectacle-contact lens dispensing opticians shall have pursued both of the following, approved by the board:
(i) Four hours of study in spectacle dispensing;

(ii) Eight hours of study in contact lens dispensing.

(d) Licensed ocularists shall have pursued courses of study as prescribed by rule of the board.

(2) An application for the initial renewal of a license issued under sections 4725.40 to 4725.55 of the Revised Code is not required to contain evidence that the applicant has completed the continuing education requirements of division (A)(1) of this section.

(B) No person who fails to renew the person's license under division (A) of this section shall be required to take a qualifying examination under section 4725.48 of the Revised Code as a condition of renewal, provided that the application for renewal and proof of the requisite continuing education hours are submitted within ninety days from the date the license expired and the applicant pays the annual renewal fee and a penalty of seventy-five dollars. The board may provide, by rule, for an extension of the grace period for licensed dispensing opticians who are serving in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state and for waiver of the continuing education requirements or the penalty in cases of hardship or illness.

(C) The board shall approve continuing education programs and shall adopt rules as necessary for approving the programs. The rules shall permit programs to be conducted either in person or through electronic or other self-study means. Approved programs shall be scheduled, sponsored, and conducted in accordance with the board's rules.

(D) Any license given a grandfathered issuance or renewal between March 22, 1979, and March 22, 1980, shall be renewed in
accordance with this section.

Sec. 4725.52. Any licensed dispensing optician may supervise a maximum of three apprentices who shall be permitted to engage in optical dispensing only under the supervision of the licensed dispensing optician.

To serve as an apprentice, a person shall register with the Ohio optical dispensers state vision and hearing professionals board either on a form provided by the board or in the form of a statement giving the name and address of the supervising licensed dispensing optician, the location at which the apprentice will be employed, and any other information required by the board. For the duration of the apprenticeship, the apprentice shall register annually on the form provided by the board or in the form of a statement.

Each apprentice shall pay an initial registration fee of twenty dollars. For each registration renewal thereafter, each apprentice shall pay a registration renewal fee of twenty dollars.

The board shall not deny registration as an apprentice under this section to any individual based on the individual's past criminal history or an interpretation of moral character unless the individual has committed a disqualifying offense or crime of moral turpitude as those terms are defined in section 4776.10 of the Revised Code. Except as otherwise provided in this division, if an individual applying for a registration has been convicted of or pleaded guilty to a misdemeanor that is not a crime of moral turpitude or a disqualifying offense less than one year prior to making the application, the board may use its discretion in granting or denying the individual a registration. Except as otherwise provided in this division, if an individual applying for a registration has been convicted of or pleaded guilty to a felony that is not a crime of moral turpitude or a disqualifying offense
less than three years prior to making the application, the board may use its discretion in granting or denying the individual a registration. The provisions in this paragraph do not apply with respect to any offense unless the board, prior to the effective date of this amendment, September 28, 2012, was required or authorized to deny the registration based on that offense.

In all other circumstances, the board shall follow the procedures it adopts by rule that conform to this section. In considering a renewal of an individual's registration, the board shall not consider any conviction or plea of guilty prior to the initial registration. However, the board may consider a conviction or plea of guilty if it occurred after the individual was initially registered, or after the most recent registration renewal. If the board denies an individual for a registration or registration renewal, the reasons for such denial shall be put in writing. Additionally, the board may grant an individual a conditional registration that lasts for one year. After the one-year period has expired, the registration is no longer considered conditional, and the individual shall be considered fully registered.

A person who is gaining experience under the supervision of a licensed optometrist or ophthalmologist that would qualify the person under division (B)(1) of section 4725.48 of the Revised Code to take the examination for optical dispensing is not required to register with the board.

**Sec. 4725.53.** (A) The Ohio optical dispensers state vision and hearing professionals board, by a majority vote of its members, may refuse to grant a license and, in accordance with Chapter 119. of the Revised Code, may suspend or revoke the license of a licensed dispensing optician or impose a fine or order restitution pursuant to division (B) of this section on any
of the following grounds:

(1) Conviction of a crime involving moral turpitude or a disqualifying offense as those terms are defined in section 4776.10 of the Revised Code;

(2) Obtaining or attempting to obtain a license by fraud or deception;

(3) Obtaining any fee or making any sale of an optical aid by means of fraud or misrepresentation;

(4) Habitual indulgence in the use of controlled substances or other habit-forming drugs, or in the use of alcoholic liquors to an extent that affects professional competency;

(5) Finding by a court of competent jurisdiction that the applicant or licensee is incompetent by reason of mental illness and no subsequent finding by the court of competency;

(6) Finding by a court of law that the licensee is guilty of incompetence or negligence in the dispensing of optical aids;

(7) Knowingly permitting or employing a person whose license has been suspended or revoked or an unlicensed person to engage in optical dispensing;

(8) Permitting another person to use the licensee's license;

(9) Engaging in optical dispensing not pursuant to the prescription of a licensed physician or licensed optometrist, but nothing in this section shall prohibit the duplication or replacement of previously prepared optical aids, except contact lenses shall not be duplicated or replaced without a written prescription;

(10) Violation of sections 4725.40 to 4725.59 of the Revised Code;

(11) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or
health care policy, contract, or plan that covers optical
dispensing services, would otherwise be required to pay if the
waiver is used as an enticement to a patient or group of patients
to receive health care services from that provider.

(12) Advertising that the licensee will waive the payment of
all or any part of a deductible or copayment that a patient,
pursuant to a health insurance or health care policy, contract, or
plan that covers optical dispensing services, would otherwise be
required to pay.

(13) Violating the code of ethical conduct adopted under
section 4744.50 of the Revised Code.

(B) The board may impose a fine of not more than five hundred
dollars for a first occurrence of an action that is grounds for
discipline under this section and of not less than five hundred
nor more than one thousand dollars for a subsequent occurrence, or
may order the licensee to make restitution to a person who has
suffered a financial loss as a result of the licensee's failure to
comply with sections 4725.40 to 4725.59 of the Revised Code.

(C) Notwithstanding divisions (A)(11) and (12) of this
section, sanctions shall not be imposed against any licensee who
waives deductibles and copayments:

(1) In compliance with the health benefit plan that expressly
allows such a practice. Waiver of the deductibles or copays shall
be made only with the full knowledge and consent of the plan
purchaser, payer, and third-party administrator. Such consent
shall be made available to the board upon request.

(2) For professional services rendered to any other person
licensed pursuant to this chapter to the extent allowed by this
chapter and the rules of the board.

Sec. 4725.531. On receipt of a notice pursuant to section
3123.43 of the Revised Code, the Ohio optical dispensers state vision and hearing professionals board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued by the board pursuant to this chapter.

Sec. 4725.54. (A) Any person having knowledge of a violation of sections 4725.40 to 4725.59 of the Revised Code by a licensed dispensing optician or an apprentice, or of any other ground specified in section 4725.53 of the Revised Code for denying, suspending, or revoking a license, may submit a written complaint, specifying the precise violations or grounds, to the Ohio optical dispensers state vision and hearing professionals board. If the board determines, in accordance with the procedures of Chapter 119. of the Revised Code, that the charges are sustained by the evidence presented, it may suspend or revoke the license of the person against whom the charges were preferred.

(B) If the board discovers or is informed that any person is or has been engaged in optical dispensing without having received a license under sections 4725.40 to 4725.59 of the Revised Code, it shall inform the prosecuting attorney for the county in which the alleged unlicensed activity took place. The prosecuting attorney shall take all legal action necessary to terminate such illegal practice of optical dispensing and to prosecute the offender under section 4725.41 of the Revised Code.

(C) In addition to other remedies provided in this chapter, the board may request the attorney general or the prosecuting attorney of a county in which a violation of sections 4725.40 to 4725.59 of the Revised Code occurs to apply to the court of common pleas of the county for an injunction to restrain the activity that constitutes a violation.
Sec. 4725.55. No person shall do any of the following:

(A) Sell or barter, or offer to sell or barter, a certificate of licensure as a dispensing optician issued under sections 4725.40 to 4725.59 of the Revised Code;

(B) Use, or attempt to use, a license which is illegally purchased or acquired under division (A) of this section, obtained by fraud or deception, counterfeited, materially altered or otherwise modified without prior approval of the Ohio optical dispensers state vision and hearing professionals board, or suspended or revoked under section 4725.53 or 4725.54 of the Revised Code;

(C) Materially alter or otherwise modify a license in any manner, unless authorized by the Ohio optical dispensers state vision and hearing professionals board;

(D) Willfully and knowingly make any false statement in an application required under sections 4725.40 to 4725.59 of the Revised Code.

Sec. 4725.57. An applicant for licensure as a licensed dispensing optician who is licensed or registered in another state shall be accorded the full privileges of practice within this state, upon the payment of a fifty-dollar fee and the submission of a certified copy of the license or certificate issued by such other state, without the necessity of examination, if the state vision and hearing professionals board determines that the applicant meets the remaining requirements of division (B) of section 4725.48 of the Revised Code. The board may require that the applicant have received a passing score, as determined by the board, on an examination that is substantially the same as the examination described in division (A) of section 4725.48 of the Revised Code.
Sec. 4725.61. The state board of optometry and the Ohio optical dispensers vision and hearing professionals board shall comply with section 4776.20 of the Revised Code.

Sec. 4729.01. As used in this chapter:

(A) "Pharmacy," except when used in a context that refers to the practice of pharmacy, means any area, room, rooms, place of business, department, or portion of any of the foregoing where the practice of pharmacy is conducted.

(B) "Practice of pharmacy" means providing pharmacist care requiring specialized knowledge, judgment, and skill derived from the principles of biological, chemical, behavioral, social, pharmaceutical, and clinical sciences. As used in this division, "pharmacist care" includes the following:

(1) Interpreting prescriptions;
(2) Dispensing drugs and drug therapy related devices;
(3) Compounding drugs;
(4) Counseling individuals with regard to their drug therapy, recommending drug therapy related devices, and assisting in the selection of drugs and appliances for treatment of common diseases and injuries and providing instruction in the proper use of the drugs and appliances;
(5) Performing drug regimen reviews with individuals by discussing all of the drugs that the individual is taking and explaining the interactions of the drugs;
(6) Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the pharmacist determines that an individual with a prescription has a drug regimen that warrants additional discussion with the prescriber;
(7) Advising an individual and the health care professionals...
treating an individual with regard to the individual's drug therapy;

(8) Acting pursuant to a consult agreement with one or more physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, if an agreement has been established;

(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;

(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.

(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:

(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;

(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;

(3) As an incident to research, teaching activities, or chemical analysis;

(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;

(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply:

(a) At the time the request is made, the drug is not commercially available regardless of the reason that the drug is not available, including the absence of a manufacturer for the
drug or the lack of a readily available supply of the drug from a
manufacturer.

(b) A limited quantity of the drug is compounded and provided
to the professional.

(c) The drug is compounded and provided to the professional
as an occasional exception to the normal practice of dispensing
drugs pursuant to patient-specific prescriptions.

(D) "Consult agreement" means an agreement that has been
entered into under section 4729.39 of the Revised Code.

(E) "Drug" means:

(1) Any article recognized in the United States pharmacopoeia
and national formulary, or any supplement to them, intended for
use in the diagnosis, cure, mitigation, treatment, or prevention
of disease in humans or animals;

(2) Any other article intended for use in the diagnosis,
cure, mitigation, treatment, or prevention of disease in humans or
animals;

(3) Any article, other than food, intended to affect the
structure or any function of the body of humans or animals;

(4) Any article intended for use as a component of any
article specified in division (E)(1), (2), or (3) of this section;
but does not include devices or their components, parts, or
accessories.

(F) "Dangerous drug" means any of the following:

(1) Any drug to which either of the following applies:

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is
required to bear a label containing the legend "Caution: Federal
law prohibits dispensing without prescription" or "Caution:
Federal law restricts this drug to use by or on the order of a
licensed veterinarian” or any similar restrictive statement, or the drug may be dispensed only upon a prescription;

(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.

(2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply;

(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body;

(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code.

(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.

(H) "Prescription" means all of the following:

(1) A written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs;

(2) For purposes of sections 2925.61, 4723.488, 4729.44, 4730.431, and 4731.94 of the Revised Code, a written, electronic, or oral order for naloxone issued to and in the name of a family member, friend, or other individual in a position to assist an individual who there is reason to believe is at risk of experiencing an opioid-related overdose.

(3) For purposes of sections 4723.4810, 4729.282, 4730.432, and 4731.93 of the Revised Code, a written, electronic, or oral order for a drug to treat chlamydia, gonorrhea, or trichomoniasis issued to and in the name of a patient who is not the intended user of the drug but is the sexual partner of the intended user;
(4) For purposes of sections 3313.7110, 3313.7111, 3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4731.96, and 5101.76 of the Revised Code, a written, electronic, or oral order for an epinephrine autoinjector issued to and in the name of a school, school district, or camp;

(5) For purposes of Chapter 3728. and sections 4723.483, 4729.88, 4730.433, and 4731.96 of the Revised Code, a written, electronic, or oral order for an epinephrine autoinjector issued to and in the name of a qualified entity, as defined in section 3728.01 of the Revised Code.

(I) "Licensed health professional authorized to prescribe drugs" or "prescriber" means an individual who is authorized by law to prescribe drugs or dangerous drugs or drug therapy related devices in the course of the individual's professional practice, including only the following:

(1) A dentist licensed under Chapter 4715. of the Revised Code;

(2) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code;

(3) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry under a therapeutic pharmaceutical agents certificate;

(4) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;

(5) A physician assistant who holds a license to practice as a physician assistant issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive
authority;

(6) A veterinarian licensed under Chapter 4741. of the Revised Code.

(J) "Sale" and or "sell" include delivery, transfer, barter, exchange, or gift, or offer therefor, and each such includes any transaction made by any person, whether as principal proprietor, agent, or employee, to do or offer to do any of the following: deliver, distribute, broker, exchange, gift or otherwise give away, or transfer, whether the transfer is by passage of title, physical movement, or both.

(K) "Wholesale sale" and "sale at wholesale" mean any sale in which the purpose of the purchaser is to resell the article purchased or received by the purchaser.

(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.

(M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control or establish responsibility.

(N) "Price information" means the price charged for a prescription for a particular drug product and, in an easily understandable manner, all of the following:

(1) The proprietary name of the drug product;

(2) The established (generic) name of the drug product;

(3) The strength of the drug product if the product contains a single active ingredient or if the drug product contains more than one active ingredient and a relevant strength can be associated with the product without indicating each active ingredient. The established name and quantity of each active
ingredient are required if such a relevant strength cannot be so
associated with a drug product containing more than one
ingredient.

(4) The dosage form;

(5) The price charged for a specific quantity of the drug
product. The stated price shall include all charges to the
consumer, including, but not limited to, the cost of the drug
product, professional fees, handling fees, if any, and a statement
identifying professional services routinely furnished by the
pharmacy. Any mailing fees and delivery fees may be stated
separately without repetition. The information shall not be false
or misleading.

(Q) "Wholesale distributor of dangerous drugs" or "wholesale
distributor" means a person engaged in the sale of dangerous drugs
at wholesale and includes any agent or employee of such a person
authorized by the person to engage in the sale of dangerous drugs
at wholesale.

(P) "Manufacturer of dangerous drugs" or "manufacturer" means
a person, other than a pharmacist or prescriber, who manufactures
dangerous drugs and who is engaged in the sale of those dangerous
drugs within this state.

(Q) "Terminal distributor of dangerous drugs" or "terminal
distributor" means a person who is engaged in the sale of
dangerous drugs at retail, or any person, other than a
manufacturer, repackager, outsourcing facility, third-party
logistics provider, wholesale distributor, or a pharmacist, who
has possession, custody, or control of dangerous drugs for any
purpose other than for that person's own use and consumption, and.
"Terminal distributor" includes pharmacies, hospitals, nursing
homes, and laboratories and all other persons who procure
dangerous drugs for sale or other distribution by or under the
supervision of a pharmacist or licensed health professional authorized to prescribe drugs.

(R) "Promote to the public" means disseminating a representation to the public in any manner or by any means, other than by labeling, for the purpose of inducing, or that is likely to induce, directly or indirectly, the purchase of a dangerous drug at retail.

(S) "Person" includes any individual, partnership, association, limited liability company, or corporation, the state, any political subdivision of the state, and any district, department, or agency of the state or its political subdivisions.

(T) "Animal shelter" means a facility operated by a humane society or any society organized under Chapter 1717. of the Revised Code or a dog pound operated pursuant to Chapter 955. of the Revised Code.

(U) "Food" has the same meaning as in section 3715.01 of the Revised Code.

(V) "Pain management clinic" has the same meaning as in section 4731.054 of the Revised Code.

(W) "Investigational drug or product" means a drug or product that has successfully completed phase one of the United States food and drug administration clinical trials and remains under clinical trial, but has not been approved for general use by the United States food and drug administration. "Investigational drug or product" does not include controlled substances in schedule I, as established pursuant to section 3719.41 of the Revised Code, and as amended.

(X) "Product," when used in reference to an investigational drug or product, means a biological product, other than a drug, that is made from a natural human, animal, or microorganism source and is intended to treat a disease or medical condition.
"Third-party logistics provider" means a person that provides or coordinates warehousing or other logistics services pertaining to dangerous drugs including distribution, on behalf of a manufacturer, wholesale distributor, or terminal distributor of dangerous drugs, but does not take ownership of the drugs or have responsibility to direct the sale or disposition of the drugs.

"Repackager of dangerous drugs" or "repackager" means a person that repacks and relabels dangerous drugs for sale or distribution.

"Outsourcing facility" means a facility that is engaged in the compounding and sale of sterile drugs and is registered as an outsourcing facility with the United States food and drug administration.

Sec. 4729.021. The state board of pharmacy shall license and register home medical equipment services providers under Chapter 4752. of the Revised Code and shall administer and enforce that chapter.

Sec. 4729.06. The state board of pharmacy shall keep a record of its proceedings and a register of all identification cards, licenses, and registrations that have been granted, together with each renewal and suspension or revocation of an identification card, a license, or registration. The books and registers of the board shall be prima-facie evidence of the matters therein recorded. The books and registers may be in electronic format.

The president and executive director of the board may administer oaths.

A statement signed by the executive director to which is affixed the official seal of the board to the effect that it appears from the records of the board that the board has not
issued an identification card, a license, or registration to the person specified in the statement, or that an identification card, a license, or registration, if issued, has been revoked or suspended, or the holder has been subjected to disciplinary action by the board shall be received as prima-facie evidence of the record of the board in any court or before any officer of this state.

Sec. 4729.08. Every applicant for examination and licensure as a pharmacist shall:

(A) Be at least eighteen years of age;

(B) Be of good moral character and habits, as defined in rules adopted by the state board of pharmacy under section 4729.26 of the Revised Code;

(C) Have obtained a degree in pharmacy from a program that has been recognized and approved by the state board of pharmacy, except that graduates of schools or colleges of pharmacy that are located outside the United States and have not demonstrated that the standards of their programs are at least equivalent to programs recognized and approved by the board shall be required to pass an equivalency examination recognized and approved by the board and to establish written and oral proficiency in English.

(D) Have satisfactorily completed at least the minimum requirements for pharmacy internship as outlined by the board.

If the board is satisfied that the applicant meets the foregoing requirements and if the applicant passes the examination required under section 4729.07 of the Revised Code, the board shall issue to the applicant a license and an identification card authorizing the individual to practice pharmacy.

Sec. 4729.09. The state board of pharmacy may license an individual as a pharmacist without examination and issue an
identification card to the pharmacist if the individual:

(A) Holds a license in good standing to practice pharmacy under the laws of another state, has successfully completed an examination for licensure in the other state, and in the opinion of the board, the examination was at least as thorough as that required by the board at the time the individual took the examination;

(B) Is of good moral character and habit, as defined in rules adopted by the board under section 4729.26 of the Revised Code;

(C) Has filed with the licensing body of the other state at least the credentials or the equivalent that were required by this state at the time the other state licensed the individual was licensed as a pharmacist.

The board shall not issue any identification card or a license to practice pharmacy to an individual licensed in another state if the state in which the individual is licensed does not reciprocate by granting licenses to practice pharmacy to persons holding valid licenses received through examination by the state board of pharmacy.

Sec. 4729.11. The state board of pharmacy shall establish a pharmacy internship program for the purpose of providing the practical experience necessary to practice as a pharmacist. Any individual who desires to become a pharmacy intern shall apply for licensure to the board. An application filed under this section may not be withdrawn without the approval of the board.

Each applicant shall be issued an identification card and a license as a pharmacy intern if in the opinion of the board determines that the applicant is actively pursuing an educational program in preparation for licensure as a pharmacist and meets the other requirements as determined by the board. An identification
A license shall be valid until the next annual renewal date and shall be renewed only if the intern is meeting the requirements and rules of the board.

The state board of pharmacy may appoint a director of pharmacy internship who is a licensed pharmacist and who is not directly or indirectly connected with a school or college of pharmacy or department of pharmacy of a university. The director of pharmacy internship shall be responsible to the board for the operation and direction of the pharmacy internship program established by the board under this section, and for such other duties as the board may assign.

Sec. 4729.12. An identification card A license issued by the state board of pharmacy under section 4729.08 or 4729.11 of the Revised Code entitles the individual to whom it is issued to practice as a pharmacist or as a pharmacy intern in this state until the next annual renewal date.

Identification cards Licenses shall be renewed annually on the fifteenth day of September, according to the standard renewal procedure of Chapter 4745. of the Revised Code and rules adopted by the board under section 4729.26 of the Revised Code. Licenses are valid for the period specified in the rules, unless earlier revoked or suspended by the board. The period shall not exceed twenty-four months unless the board extends the period in the rules to adjust license renewal schedules.

Each pharmacist and pharmacy intern shall carry the identification card or renewal identification card while engaged in the practice of pharmacy. The license shall be conspicuously exposed at the principal place where the pharmacist or pharmacy intern practices pharmacy.

A pharmacist or pharmacy intern who desires to continue in the practice of pharmacy shall file with the board an application
in such form and containing such data as the board may require for renewal of an identification card a license. In the case of a pharmacist who dispenses or plans to dispense controlled substances in this state, the pharmacist shall certify, as part of the application, that the pharmacist has been granted access to the drug database established and maintained by the board pursuant to section 4729.75 of the Revised Code, unless the board has restricted the pharmacist from obtaining further information from the database or the board no longer maintains the database. If the pharmacist certifies to the board that the applicant has been granted access to the drug database and the board finds through an audit or other means that the pharmacist has not been granted access, the board may take action under section 4729.16 of the Revised Code.

An application filed under this section for renewal of an identification card a license may not be withdrawn without the approval of the board.

If the board finds that an applicant's identification card license has not been revoked or placed under suspension and that the applicant has paid the renewal fee, has continued pharmacy education in accordance with the rules of the board, and is entitled to continue in the practice of pharmacy, the board shall issue a renewal identification card to the applicant renew the applicant's license.

When an identification card a license has lapsed for more than sixty days expired but an application is made within three years after the expiration of the card license, the applicant applicant's license shall be issued a renewal identification card renewed without further examination if the applicant meets the requirements of this section and pays the fee designated under division (A)(5) of section 4729.15 of the Revised Code.

A pharmacist or pharmacy intern who fails to renew the
pharmacist's or intern's license by the renewal date prescribed by the board shall not engage in the practice of pharmacy until a valid license is issued by the board.

Sec. 4729.13. A pharmacist who fails to make application to the state board of pharmacy for a renewal identification card license renewal within a period of three years from the expiration of the identification card license must pass an examination for registration licensure and comply with sections 4776.01 to 4776.04 of the Revised Code; except that a pharmacist whose registration license has expired, but who has continually practiced pharmacy in another state under a license issued by the authority of that state, may obtain a renewal identification card renewed license upon payment to the executive director of the board the fee designated under division (A)(6) of section 4729.15 of the Revised Code.

Sec. 4729.15. (A) Except as provided in division (B) of this section, the state board of pharmacy shall charge the following fees:

(1) For applying for a license to practice as a pharmacist, an amount adequate to cover all rentals, compensation for proctors, and other expenses of the board related to examination except the expenses of procuring and grading the examination, which fee shall not be returned if the applicant fails to pass the examination;

(2) For the examination of an applicant for licensure as a pharmacist, an amount adequate to cover any expenses to the board of procuring and grading the examination or any part thereof, which fee shall not be returned if the applicant fails to pass the examination;

(3) For issuing a license and an identification card to an
individual who passes the examination described in section 4729.07 of the Revised Code, an amount that is adequate to cover the expense;

(4) For a pharmacist applying for renewal of an identification card within sixty days after a license before the expiration date, ninety-seven two hundred and fifty dollars and fifty cents, which fee shall not be returned if the applicant fails to qualify for renewal;

(5) For a pharmacist applying for renewal of an identification card a license that has lapsed expired for more than sixty days, but for less than three years, one hundred thirty-five dollars the renewal fee identified in division (A)(4) of this section plus a penalty of fifty dollars per year or fraction of a year that the renewal is late, which fee shall not be returned if the applicant fails to qualify for renewal;

(6) For a pharmacist applying for renewal of an identification card a license that has lapsed expired for more than three years, three hundred thirty-seven dollars and fifty cents, which fee shall not be returned if the applicant fails to qualify for renewal;

(7) For a pharmacist applying for a license and identification card, on presentation of a pharmacist license granted by another state, three hundred thirty-seven dollars and fifty cents, which fee shall not be returned if the applicant fails to qualify for licensure.

(8) For a license and identification card to practice as a pharmacy intern, twenty-two forty-five dollars and fifty cents, which fee shall not be returned if the applicant fails to qualify for licensure;

(9) For the renewal of a pharmacy intern identification card license, twenty-two forty-five dollars and fifty cents, which fee
shall not be returned if the applicant fails to qualify for renewal;

(10) For issuing a replacement license to a pharmacist, twenty-two dollars and fifty cents;

(11) For issuing a replacement license to a pharmacy intern, seven dollars and fifty cents;

(12) For issuing a replacement identification card to a pharmacist, thirty-seven dollars and fifty cents, or pharmacy intern, seven dollars and fifty cents;

(13) For certifying licensure and grades for reciprocal licensure, ten thirty-five dollars;

(14) For making copies of any application, affidavit, or other document filed in the state board of pharmacy office, an amount fixed by the board that is adequate to cover the expense, except that for copies required by federal or state agencies or law enforcement officers for official purposes, no charge need be made;

(15) For certifying and affixing the seal of the board, an amount fixed by the board that is adequate to cover the expense, except that for certifying and affixing the seal of the board to a document required by federal or state agencies or law enforcement officers for official purposes, no charge need be made;

(16) For each copy of a book or pamphlet that includes laws administered by the state board of pharmacy, rules adopted by the board, and chapters of the Revised Code with which the board is required to comply, an amount fixed by the board that is adequate to cover the expense of publishing and furnishing the book or pamphlet.

(B)(1) Subject to division (B)(2) of this section, the fees
described in divisions (A)(1) to (13)(10) of this section do not apply to an individual who is on active duty in the armed forces of the United States, as defined in section 5903.01 of the Revised Code, to the spouse of an individual who is on active duty in the armed forces of the United States, or to an individual who served in the armed forces of the United States and presents a valid copy of the individual's DD-214 form or an equivalent document issued by the United States department of defense indicating that the individual is an honorably discharged veteran documentation that the individual has been discharged under honorable conditions from the armed forces or has been transferred to the reserve with evidence of satisfactory service.

(2) The state board of pharmacy may establish limits with respect to the individuals for whom fees are not applicable under division (B)(1) of this section.

Sec. 4729.16. (A)(1) The state board of pharmacy, after notice and hearing in accordance with Chapter 119. of the Revised Code, may impose any one or more of the following sanctions on a pharmacist or pharmacy intern if the board finds the individual engaged in any of the conduct set forth in division (A)(2) of this section:

(a) Revoke, suspend, restrict, limit, or refuse to grant or renew a license;

(b) Reprimand or place the license holder on probation;

(c) Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense, or in the case of a violation of a section of the Revised Code that does not bear a penalty, a monetary penalty or forfeiture of not more than five hundred dollars.

(2) The board may impose the sanctions listed in division
(A)(1) of this section if the board finds a pharmacist or pharmacy intern:

(a) Has been convicted of a felony, or a crime of moral turpitude, as defined in section 4776.10 of the Revised Code;

(b) Engaged in dishonesty or unprofessional conduct in the practice of pharmacy;

(c) Is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;

(d) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;

(e) Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions;

(f) Permitted someone other than a pharmacist or pharmacy intern to practice pharmacy;

(g) Knowingly lent the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or had a professional connection with an illegal practitioner of pharmacy;

(h) Divided or agreed to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;

(i) Violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;

(j) Committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued
by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code;

   (k) Failed to comply with an order of the board or a settlement agreement;

   (l) Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code.

   (B) Any individual whose identification card or license is revoked, suspended, or refused, shall return the identification card and license to the offices of the state board of pharmacy within ten days after receipt of notice of such action.

   (C) As used in this section:

   "Unprofessional conduct in the practice of pharmacy" includes any of the following:

   (1) Advertising or displaying signs that promote dangerous drugs to the public in a manner that is false or misleading;

   (2) Except as provided in section 4729.281 or 4729.44 of the Revised Code, the dispensing or sale of any drug for which a prescription is required, without having received a prescription for the drug;

   (3) Knowingly dispensing medication pursuant to false or forged prescriptions;

   (4) Knowingly failing to maintain complete and accurate records of all dangerous drugs received or dispensed in compliance with federal laws and regulations and state laws and rules;

   (5) Obtaining any remuneration by fraud, misrepresentation, or deception;

   (6) Failing to conform to prevailing standards of care of similar pharmacists or pharmacy interns under the same or similar circumstances, whether or not actual injury to a patient is
established;

(7) Engaging in any other conduct that the board specifies as unprofessional conduct in the practice of pharmacy in rules adopted under section 4729.26 of the Revised Code.

(D) The board may suspend a license or identification card under division (B) of section 3719.121 of the Revised Code by utilizing a telephone conference call to review the allegations and take a vote.

(E) For purposes of this division, an individual authorized to practice as a pharmacist or pharmacy intern accepts the privilege of practicing in this state subject to supervision by the board. By filing an application for or holding a license to practice as a pharmacist or pharmacy intern, an individual gives consent to submit to a mental or physical examination when ordered to do so by the board in writing and waives all objections to the admissibility of testimony or examination reports that constitute privileged communications.

If the board has reasonable cause to believe that an individual who is a pharmacist or pharmacy intern is physically or mentally impaired, the board may require the individual to submit to a physical or mental examination, or both. The expense of the examination is the responsibility of the individual required to be examined.

Failure of an individual who is a pharmacist or pharmacy intern to submit to a physical or mental examination ordered by the board, unless the failure is due to circumstances beyond the individual's control, constitutes an admission of the allegations and a suspension order shall be entered without the taking of testimony or presentation of evidence. Any subsequent adjudication hearing under Chapter 119. of the Revised Code concerning failure to submit to an examination is limited to consideration of whether
the failure was beyond the individual's control.

If, based on the results of an examination ordered under this division, the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed license to practice, to submit to a physical or mental examination and treatment.

An order of suspension issued under this division shall not be subject to suspension by a court during pendency of any appeal filed under section 119.12 of the Revised Code.

(F) If the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant or licensee does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt a final order that contains the board's findings. In the final order, the board may impose any of the sanctions listed in division (A) of this section.

(G) Notwithstanding the provision of division (C)(2) of section 2953.32 of the Revised Code specifying that if records pertaining to a criminal case are sealed under that section the proceedings in the case must be deemed not to have occurred, sealing of the following records on which the board has based an action under this section shall have no effect on the board's action or any sanction imposed by the board under this section: records of any conviction, guilty plea, judicial finding of guilt resulting from a plea of no contest, or a judicial finding of eligibility for a pretrial diversion program or intervention in lieu of conviction. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.
(H) No pharmacist or pharmacy intern shall knowingly engage
in any conduct described in divisions (A)(2)(b) or (A)(2)(e) to
(l) of this section.

Sec. 4729.23. (A) Except as provided in division (B) of this
section, information received by the state board of pharmacy
pursuant to an investigation is confidential and is not subject to
discovery in any civil action. Any record that identifies a
patient, confidential informant, or individual who files a
complaint with the board or may reasonably lead to the
identification of the patient, informant, or complainant is not a
public record for purposes of section 149.43 of the Revised Code
and is not subject to inspection or copying under section 1347.08
of the Revised Code.

(B) The board shall conduct all investigations or inspections
and proceedings in a manner that protects the confidentiality of
patients, confidential informants, and individuals who file
complaints with the board. The board shall not make public the
names or any other identifying information of patients,
confidential informants, or complainants unless proper consent is
given or, in the case of a patient, a waiver of the patient
privilege exists under division (B) of section 2317.02 of the
Revised Code. The consent or waiver is not required if the board
possesses reliable and substantial evidence that no bona fide
physician-patient relationship exists.

On request, the board may share any information it receives
pursuant to an investigation or inspection, including patient
records and patient record information, with law enforcement
agencies, other licensing boards, and other state or federal
governmental agencies that are prosecuting, adjudicating, or
investigating alleged violations of statutes or administrative
rules. An agency or board that receives the information shall
comply with the same requirements regarding confidentiality as those with which the state board of pharmacy must comply, notwithstanding any conflicting provision of the Revised Code or agency procedure that applies when the agency is dealing with other information in its possession.

Any information the board receives from a state or federal agency is subject to the same confidentiality requirements as the agency from which it was received and shall not be released by the board without prior authorization from that agency.

The board may, for good cause shown, disclose or authorize disclosure of information gathered pursuant to an investigation.

(C) Any board activity that involves continued monitoring of an individual for treatment or recovery purposes as part of or following any disciplinary action taken under section 4729.16, 4729.56, or 4729.57 of the Revised Code shall be conducted in a manner that maintains an individual's confidentiality with respect to the individual's treatment or recovery program. Information received or maintained by the board with respect to the board's monitoring activities is not subject to discovery in any civil action and is confidential, except that the board may disclose information to law enforcement officers and government entities for purposes of an investigation of a license or certificate holder.

**Sec. 4729.24.** (A) Subject to division (B) of this section, in addition to the actions the state board of pharmacy may take under Chapter 119. of the Revised Code, the board may order the taking of depositions; examine and copy any books, accounts, papers, records, documents, and other tangible objects; issue subpoenas; and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and other tangible objects.

On failure of a person to comply with a subpoena issued by
the board and after reasonable notice to that person, the board may apply to the court of common pleas of Franklin county for an order compelling the production of persons or records pursuant to the Ohio Rules of Civil Procedure.

A subpoena issued by the board may be served by a sheriff, sheriff's deputy, or board employee designated by the board. Service of a subpoena may be made by delivering a copy of the subpoena to the person named in the subpoena or by leaving it at the person's usual place of residence.

(B) A subpoena for patient record information may be issued only on approval by the board's executive director and the president or another board member designated by the president, in consultation with the office of the attorney general. Before issuing the subpoena, the executive director and the office of the attorney general shall determine whether probable cause exists to believe that the complaint filed alleges, or an investigation has revealed, a violation of this chapter or any rule adopted by the board, that the records sought are relevant to the alleged violation and material to the investigation, and that the records cover a reasonable period of time surrounding the alleged violation.

(C) The board may adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures to be followed in taking the actions authorized by this section, including procedures regarding payment for and service of subpoenas.

Sec. 4729.51. (A) No person other than a registered licensed manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs shall possess for sale, sell, distribute, or deliver, at wholesale, dangerous drugs or investigational drugs or products, except as follows:
(1) A licensed terminal distributor of dangerous drugs that is a pharmacy may make occasional sales of dangerous drugs or investigational drugs or products at wholesale.

(2) A licensed terminal distributor of dangerous drugs having more than one licensed location may transfer or deliver dangerous drugs from one licensed location to another licensed location owned by the terminal distributor if the license issued for each location is in effect at the time of the transfer or delivery.

(3) A licensed terminal distributor of dangerous drugs that is not a pharmacy may make occasional sales of naloxone at wholesale.

(B) No registered licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor of dangerous drugs shall possess for sale, sell, or distribute, at wholesale, dangerous drugs or investigational drugs or products to any person other than the following:

(1) Subject to division (D) of this section, a licensed terminal distributor of dangerous drugs;

(2) Subject to division (C) of this section, any person exempt from licensure as a terminal distributor of dangerous drugs under section 4729.541 of the Revised Code;

(3) A registered licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor of dangerous drugs;

(4) A terminal distributor, manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor of dangerous drugs that is located in another state, is not engaged in the sale of dangerous drugs within this state, and is actively licensed to engage in the sale of dangerous drugs by the state in which the distributor conducts business.
(C) No registered licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor of dangerous drugs shall possess for sale, sell, or distribute, at wholesale, dangerous drugs or investigational drugs or products to either of the following:

(1) A prescriber who is employed by either of the following:

(a) A pain management clinic that is not licensed as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code;

(b) A facility, clinic, or other location that provides office-based opioid treatment but is not licensed as a terminal distributor of dangerous drugs with an office-based opioid treatment classification issued under section 4729.553 of the Revised Code if such a license is required by that section.

(2) A business entity described in division (A)(2) or (3) of section 4729.541 of the Revised Code that is, or is operating, either of the following:

(a) A pain management clinic without a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code;

(b) A facility, clinic, or other location that provides office-based opioid treatment without a license as a terminal distributor of dangerous drugs with an office-based opioid treatment classification issued under section 4729.553 of the Revised Code if such a license is required by that section.

(D) No registered licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor of dangerous drugs shall possess dangerous drugs or investigational drugs or products for sale at wholesale, or sell or distribute such drugs at wholesale, to a licensed terminal
distributor of dangerous drugs, except as follows:

(1) In the case of a terminal distributor with a category I license, only dangerous drugs described in category I, as defined in division (A)(1) of section 4729.54 of the Revised Code;

(2) In the case of a terminal distributor with a category II license, only dangerous drugs described in category I and category II, as defined in divisions (A)(1) and (2) of section 4729.54 of the Revised Code;

(3) In the case of a terminal distributor with a category III license, dangerous drugs described in category I, category II, and category III, as defined in divisions (A)(1), and (2), and (3) of section 4729.54 of the Revised Code;

(4) In the case of a terminal distributor with a limited category I, II, or III license, only the dangerous drugs specified in the certificate furnished by the terminal distributor in accordance with section 4729.60 of the Revised Code.

(E)(1) Except as provided in division (E)(2) of this section, no person shall do any of the following:

(a) Sell or distribute, at retail, dangerous drugs;

(b) Possess for sale, at retail, dangerous drugs;

(c) Possess dangerous drugs.

(2) (a) Divisions (E)(1)(a), (b), and (c) of this section do not apply to any of the following:

(i) A licensed terminal distributor of dangerous drugs;

(ii) A person who possesses, or possesses for sale or sells, at retail, a dangerous drug in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code;

(iii) Any of the persons identified in divisions (A)(1) to
(5) and (13) of section 4729.541 of the Revised Code, but only to the extent specified in that section.

(b) Division (E)(1)(c) of this section does not apply to any of the following:

(i) A registered licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor of dangerous drugs;

(ii) Any of the persons identified in divisions (A)(6) to (12) of section 4729.541 of the Revised Code, but only to the extent specified in that section.

(F) No licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code shall purchase dangerous drugs or investigational drugs or products from any person other than a registered licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor of dangerous drugs, except as follows:

(1) A licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code may make occasional purchases of dangerous drugs or investigational drugs or products that are sold in accordance with division (A)(1) or (3) of this section.

(2) A licensed terminal distributor of dangerous drugs having more than one licensed location may transfer or deliver dangerous drugs or investigational drugs or products from one licensed location to another licensed location if the license issued for each location is in effect at the time of the transfer or delivery.

(G) No licensed terminal distributor of dangerous drugs shall engage in the retail sale or other distribution of dangerous drugs or investigational drugs or products or maintain possession,
custody, or control of dangerous drugs or investigational drugs or 
products for any purpose other than the distributor's personal use 
or consumption, at any establishment or place other than that or 
those described in the license issued by the state board of 
pharmacy to such terminal distributor.

(H) Nothing in this section shall be construed to interfere 
with the performance of official duties by any law enforcement 
official authorized by municipal, county, state, or federal law to 
collect samples of any drug, regardless of its nature or in whose 
possession it may be.

(I) Notwithstanding anything to the contrary in this section, 
the board of education of a city, local, exempted village, or 
joint vocational school district may distribute epinephrine 
autoinjectors for use in accordance with section 3313.7110 of the 
Revised Code and may distribute inhalers for use in accordance 
with section 3313.7113 of the Revised Code.

Sec. 4729.52. (A) As used in this section:

(1) "Category II" means any dangerous drug that is not 
included in category III.

(2) "Category III" means any controlled substance that is 
contained in schedule I, II, III, IV, or V.

(3) "Schedule I, schedule II, schedule III, schedule IV, and 
schedule V" mean controlled substance schedules I, II, III, IV, 
and V, respectively, as established pursuant to section 3719.41 of 
the Revised Code and as amended.

(B)(1)(a) The state board of pharmacy shall license the 
following persons:

(i) Wholesale distributors of dangerous drugs;

(ii) Manufacturers of dangerous drugs;
(iii) Outsourcing facilities;
(iv) Third-party logistics providers;
(v) Repackagers of dangerous drugs.

(b) There shall be two categories for the licenses identified in division (B)(1)(a) of this section. The categories are as follows:

(i) Category II license. A person who obtains this license may possess, have custody or control of, and distribute, only the dangerous drugs described in category II.

(ii) Category III license. A person who obtains this license may possess, have custody or control of, and distribute, the dangerous drugs described in category II and category III.

(c) The board may adopt rules under section 4729.26 of the Revised Code to create classification types of any license issued pursuant to this section. Persons who meet the definitions of the classification types shall comply with all requirements for the specific license classification specified in rule.

(C) A person desiring to be registered as a wholesale distributor of dangerous drugs seeking a license identified in division (B)(1)(a) of this section shall file with the executive director of the state board of pharmacy a verified application containing such information as the board requires of the applicant relative to the licensure qualifications to be registered as a wholesale distributor of dangerous drugs set forth in section 4729.53 of the Revised Code and the rules adopted under that section. The application cannot be withdrawn without approval of the board.

The board shall register license as a category II or category III manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor of dangerous drugs.
each applicant who has paid the required registration license fee, if the board determines that the applicant meets the licensure qualifications to be registered as a wholesale distributor of dangerous drugs set forth in section 4729.53 of the Revised Code and the rules adopted under that section.

(B)(D) The board may register and issue to a person who does not reside in this state a registration certificate as a wholesale distributor of dangerous drugs license identified in division (B)(1)(a) of this section if the person possesses pays the required licensure fee and meets either of the following:

(1) Possesses a current and valid manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor of dangerous drugs registration certificate or license, or its equivalent, issued by another state that in which that person is physically located, but only if that state has qualifications for licensure or registration comparable to the registration licensure requirements in this state and pays the required registration fee;

(2) Meets the requirements set forth by the board for issuance of a license identified in division (B)(1)(a) of this section, as verified by a state, federal, or other entity recognized by the board to perform such verification.

(C)(E) All registration certificates licenses issued or renewed pursuant to this section are effective for a period of twelve months from the first day of July of each year specified by the board in rules adopted under section 4729.26 of the Revised Code. The effective period for an initial or renewed license shall not exceed twenty-four months unless the board extends the period in rules to adjust license renewal schedules. A registration certificate license shall be renewed annually by the board for a like period, pursuant to this section and the standard renewal procedure of Chapter 4745. of the Revised Code, and rules adopted
by the board under section 4729.26 of the Revised Code. A person desiring seeking to renew a registration certificate license shall submit an application for renewal and pay the required renewal fee before the first day of July each year date specified in the rules adopted by the board.

(D)(F) Each registration certificate and its application license issued under this section shall describe not more than one establishment or place where the registrant or applicant license holder may engage in the sale of dangerous drugs at wholesale activities authorized by the license. No registration certificate license shall authorize or permit the wholesale distributor of dangerous drugs person named therein to engage in the sale or distribution of drugs at wholesale or to maintain possession, custody, or control of dangerous drugs for any purpose other than for the registrant's licensee's own use and consumption at any establishment or place other than that described in the certificate license.

(E)(G)(1)(a) The registration category II license fee is seven hundred fifty one thousand nine hundred dollars and shall accompany each application for registration licensure. The registration license renewal fee is seven hundred fifty one thousand nine hundred dollars and shall accompany each renewal application.

(b) The category III license fee is two thousand dollars and shall accompany each application for licensure. The license renewal fee is two thousand dollars and shall accompany each renewal application.

A registration certificate (c)(i) Subject to division (G)(1)(c)(ii) of this section, a license issued pursuant to this section that has not been renewed in any year by the first day of August by the date specified in rules adopted by the board may be reinstated upon payment of the renewal fee and a penalty of one
three hundred fifty dollars.

(ii) If a complete application for renewal has not been submitted by the sixty-first day after the renewal date specified in rules adopted by the board, the license is considered void and cannot be renewed, but the license holder may reapply for licensure.

(2) Renewal fees and penalties assessed under division (E) of this section shall not be returned if the applicant fails to qualify for renewal.

(3) A person licensed pursuant to this section that fails to renew licensure in accordance with this section and rules adopted by the board is prohibited from engaging in manufacturing, repackaging, compounding, or distributing as a third-party logistics provider or wholesale distributor until a valid license is issued by the board.

(F) The registration of any person as a wholesale distributor of dangerous drugs (H) Holding a license issued pursuant to this section subjects the person holder and the person's holder's agents and employees to the jurisdiction of the board and to the laws of this state for the purpose of the enforcement of this chapter and the rules of the board. However, the filing of an application for registration as a wholesale distributor of dangerous drugs under this section by, or on behalf of, any person, or the issuance of a license pursuant to this section to or on behalf of any person as a wholesale distributor of dangerous drugs shall not, of itself, constitute evidence that the person is doing business within this state.

(I) The board may enter into agreements with other states, federal agencies, and other entities to exchange information concerning licensing and inspection of any manufacturer, outsourcing facility, third-party logistics provider, repackager,
or wholesale distributor located within or outside this state and to investigate alleged violations of the laws and rules governing distribution of drugs by such persons. Any information received pursuant to such an agreement is subject to the same confidentiality requirements applicable to the agency or entity from which it was received and shall not be released without prior authorization from that agency or entity.

Sec. 4729.53. (A) The state board of pharmacy shall not register license any person as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs unless the applicant for registration licensure furnishes satisfactory proof to the board that the applicant meets all of the following:

(1) If the applicant has been convicted of a violation of committed acts that the board finds violate any federal, state, or local law, regulation, or rule relating to drug samples, manufacturing, compounding, repackaging, wholesale or retail drug distribution, or distribution of dangerous drugs, including controlled substances, or of constitute a felony, or if a federal, state, or local governmental entity has suspended or revoked any current or prior license or registration of the applicant for the manufacture, compounding, repackaging, distribution, or sale of any dangerous drugs, including controlled substances, the applicant, to the satisfaction of the board, assures that the applicant has in place adequate safeguards to prevent the recurrence of any such violations.

(2) The applicant's past experience in the manufacture, compounding, repackaging, or distribution of dangerous drugs, including controlled substances, is acceptable to the board.

(3) The applicant is properly equipped as to land, buildings,
equipment, and personnel to properly carry on the its business of 
wholesale distributor of dangerous drugs, including providing 
adequate security for and proper storage conditions and handling 
for dangerous drugs, and is complying with the requirements under 
this chapter and the rules adopted pursuant thereto for 
maintaining and making available records to properly identified 
board officials and federal, state, and local law enforcement 
agencies.

(4) Personnel employed by the applicant have the appropriate 
education or experience, as determined by the board, to assume 
responsibility for positions related to compliance with this 
chapter and the rules adopted pursuant thereto.

(5) The applicant has designated the name and address of a 
person to whom communications from the board may be directed and 
upon whom the notices and citations provided for in section 
4729.56 of the Revised Code may be served.

(6) Adequate safeguards are assured to prevent the sale of 
dangerous drugs to any person other than those named in division 
(B) of in accordance with section 4729.51 of the Revised Code.

(7) Any other requirement or qualification the board, by rule 
adopted in accordance with Chapter 119. of the Revised Code, 
considers relevant to and consistent with the public safety and 
health.

(B) In addition to the causes described in section 4729.56 of 
the Revised Code for refusing to grant or renew a registration 
certificate license, the board may refuse to register grant or 
renew the registration certificate of any person a license if the 
board determines that the granting of the registration license 
certificate or its renewal is not in the public interest.

Sec. 4729.54. (A) As used in this section:
(1) "Category I" means single-dose injections of intravenous fluids, including saline, Ringer's lactate, five per cent dextrose and distilled water, and other intravenous fluids or parenteral solutions included in this category by rule of the state board of pharmacy, that have a volume of one hundred milliliters or more and that contain no added substances, or single-dose injections of epinephrine to be administered pursuant to sections 4765.38 and 4765.39 of the Revised Code.

(2) "Category II" means any dangerous drug that is not included in category I or III.

(3) "Category III" means any controlled substance that is contained in schedule I, II, III, IV, or V.

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

(5) "Person" includes an emergency medical service organization.

(6) "Schedule I, schedule II, schedule III, schedule IV, and schedule V" mean controlled substance schedules I, II, III, IV, and V, respectively, as established pursuant to section 3719.41 of the Revised Code and as amended.

(B)(1) A person who desires seeking to be licensed as a terminal distributor of dangerous drugs shall file with the executive director of the state board of pharmacy a verified application. After it is filed, the application may not be withdrawn without approval of the board.

(2) An application shall contain all the following that apply in the applicant's case:

(a) Information that the board requires relative to the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code;
(b) A statement that as to whether the person wishes is seeking to be licensed as a category I, category II, category III, limited category I, limited category II, or limited category III terminal distributor of dangerous drugs;

(c) If the person wishes is seeking to be licensed as a limited category I, limited category II, or limited category III terminal distributor of dangerous drugs, a notarized list of the dangerous drugs that the person wishes is seeking to possess, have custody or control of, and distribute, which list shall also specify the purpose for which those drugs will be used and their source;

(d) If the person is an emergency medical service organization, the information that is specified in division (C)(1) of this section;

(e) Except for an emergency medical service organization, the identity of the one establishment or place at which the person intends to engage in the sale or other distribution of dangerous drugs at retail, and maintain possession, custody, or control of dangerous drugs for purposes other than the person's own use or consumption;

(f) If the application pertains to a pain management clinic, information that demonstrates, to the satisfaction of the board, compliance with division (A) of section 4729.552 of the Revised Code;

(g) If the application pertains to a facility, clinic, or other location described in division (B) of section 4729.553 of the Revised Code that must hold a category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification, information that demonstrates, to the satisfaction of the board, compliance with division (C) of that section.
(C)(1) An emergency medical service organization that wishes seeking to be licensed as a terminal distributor of dangerous drugs shall list in its application for licensure the following additional information:

(a) The units under its control that the organization determines will possess dangerous drugs for the purpose of administering emergency medical services in accordance with Chapter 4765. of the Revised Code;

(b) With respect to each such unit, whether the dangerous drugs that the organization determines the unit will possess are in category I, II, or III.

(2) An emergency medical service organization that is licensed as a terminal distributor of dangerous drugs shall file a new application for such licensure if there is any change in the number, or location of, any of its units or any change in the category of the dangerous drugs that any unit will possess.

(3) A unit listed in an application for licensure pursuant to division (C)(1) of this section may obtain the dangerous drugs it is authorized to possess from its emergency medical service organization or, on a replacement basis, from a hospital pharmacy. If units will obtain dangerous drugs from a hospital pharmacy, the organization shall file, and maintain in current form, the following items with the pharmacist who is responsible for the hospital's terminal distributor of dangerous drugs license:

(a) A copy of its standing orders or protocol;

(b) A list of the personnel employed or used by the organization to provide emergency medical services in accordance with Chapter 4765. of the Revised Code, who are authorized to possess the drugs, which list also shall indicate the personnel who are authorized to administer the drugs.

(D) Each emergency medical service organization that applies
for a terminal distributor of dangerous drugs license shall submit with its application the following:

(1) A notarized copy of its standing orders or protocol, which orders or protocol shall be signed by a physician and specify:

(2) A list of the dangerous drugs that its units may carry, expressed in standard dose units, which shall be signed by a physician;

(2)(3) A list of the personnel employed or used by the organization to provide emergency medical services in accordance with Chapter 4765. of the Revised Code.

An In accordance with Chapter 119. of the Revised Code, the board shall adopt rules specifying when an emergency medical service organization that is licensed as a terminal distributor shall must notify the board immediately of any changes in its standing orders or protocol documentation submitted pursuant to division (D) of this section.

(E) There shall be six four categories of terminal distributor of dangerous drugs licenses, which The categories shall be are as follows:

(1) Category I license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I.

(2) Limited category I license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I that were listed in the application for licensure.

(3) Category II license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I and category II.
Limited category II license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I or category II that were listed in the application for licensure.

Category III license, which may include a pain management clinic classification issued under section 4729.552 of the Revised Code. A person who obtains this license may possess, have custody or control of, and distribute the dangerous drugs described in category I, category II, and category III. If the license includes a pain management clinic classification, the person may operate a pain management clinic.

Limited category III license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I, category II, or category III that were listed in the application for licensure.

Except for an application made on behalf of an animal shelter, if an applicant for licensure as a limited category I, II, or limited category III terminal distributor of dangerous drugs intends to administer dangerous drugs to a person or animal, the applicant shall submit, with the application, a notarized copy of its protocol or standing orders, which. The protocol or orders shall be signed by a licensed health professional authorized to prescribe drugs, specify the dangerous drugs to be administered, and list personnel who are authorized to administer the dangerous drugs in accordance with federal law or the law of this state. An application made on behalf of an animal shelter shall include a notarized list of the dangerous drugs to be administered to animals and the personnel who are authorized to administer the drugs to animals in accordance with section 4729.532 of the Revised Code.
In accordance with Chapter 119. of the Revised Code, the board shall adopt rules specifying when a licensee shall notify the board immediately of any changes in its protocol or standing orders, or in such personnel documentation submitted pursuant to this division.

(G)(1) Except as provided in division (G)(2) of this section, each applicant for licensure as a terminal distributor of dangerous drugs shall submit, with the application, a license fee determined as follows:

(a) For a category I or limited category I license, forty-five dollars;

(b) For a category II or limited category II license, the fee is three hundred twenty dollars and fifty cents;

(c) For a category III license, including a license with a pain management clinic classification issued under section 4729.552 of the Revised Code, or a limited category III license, four hundred forty dollars.

(2)(a) Except as provided in division (G)(2)(b) of this section, for a person who is required to hold a license as a terminal distributor of dangerous drugs pursuant to division (D) of section 4729.541 of the Revised Code, the fee shall be sixty dollars.

(b) For a professional association, corporation, partnership, or limited liability company organized for the purpose of practicing veterinary medicine, the fee shall be forty dollars.

(3) Fees assessed under divisions (G)(1) and (2) of this section shall not be returned if the applicant fails to qualify for registration the license.

(H)(1) The board shall issue a terminal distributor of
dangerous drugs license to each person who submits an application for such licensure in accordance with this section, pays the required license fee, is determined by the board to meet the requirements set forth in section 4729.55 of the Revised Code, and satisfies any other applicable requirements of this section.

(2) The license of a person other than an emergency medical service organization shall describe the one establishment or place at which the licensee may engage in the sale or other distribution of dangerous drugs at retail and maintain possession, custody, or control of dangerous drugs for purposes other than the licensee's own use or consumption. The one establishment or place shall be that which is described identified in the application for licensure.

No such license shall authorize or permit the terminal distributor of dangerous drugs named in it to engage in the sale or other distribution of dangerous drugs at retail or to maintain possession, custody, or control of dangerous drugs for any purpose other than the distributor's own use or consumption, at any establishment or place other than that described in the license, except that an agent or employee of an animal shelter may possess and use dangerous drugs in the course of business as provided in division (D) of section 4729.532 of the Revised Code.

(3) The license of an emergency medical service organization shall cover and describe all the units of the organization listed in its application for licensure.

(4) The license of every terminal distributor of dangerous drugs shall indicate, on its face, the category of licensure. If the license is a limited category I, II, or III license, it shall specify, and shall authorize the licensee to possess, have custody or control of, and distribute only, the dangerous drugs that were listed in the application for licensure.
(I)(1) All licenses issued or renewed pursuant to this section shall be effective for a period of twelve months from the first day of April of each year specified by the board in rules adopted under section 4729.26 of the Revised Code. The effective period for an initial or renewed license shall not exceed twenty-four months unless the board extends the period in rules to adjust license renewal schedules. A license shall be renewed by the board for a like period, annually, according to the provisions of this section, and the standard renewal procedure of Chapter 4745. of the Revised Code, and rules adopted by the board under section 4729.26 of the Revised Code. A person desiring to seek a license shall submit an application for renewal and pay the required fee on or before the thirty-first day of March each year date specified in the rules adopted by the board. The fee required for the renewal of a license shall be the same as the license fee paid for the license being renewed, and shall accompany the application for renewal under division (G) of this section.

A (2)(a) Subject to division (I)(2)(b) of this section, a license that has not been renewed during March in any year and by the first day of May of the same year by the date specified in rules adopted by the board may be reinstated only upon payment of the required renewal fee and a penalty fee of fifty-five one hundred ten dollars.

(b) If an application for renewal has not been submitted by the sixty-first day after the renewal date specified in rules adopted by the board, the license is considered void and cannot be renewed, but the license holder may reapply for licensure.

(3) A terminal distributor of dangerous drugs that fails to renew licensure in accordance with this section and rules adopted by the board is prohibited from engaging in the retail sale, possession, or distribution of dangerous drugs until a valid

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license is issued by the board.

(J)(1) No emergency medical service organization that is licensed as a terminal distributor of dangerous drugs shall fail to comply with division (C)(2) or (3) of this section.

(2) No emergency medical service organization that is licensed as a terminal distributor of dangerous drugs shall fail to comply with division (D) of this section.

(3) No licensed terminal distributor of dangerous drugs shall possess, have custody or control of, or distribute dangerous drugs that the terminal distributor is not entitled to possess, have custody or control of, or distribute by virtue of its category of licensure.

(4) No licensee that is required by division (F) of this section to notify the board of changes in its protocol or standing orders, or in personnel, shall fail to comply with that division.

(K) The board may enter into agreements with other states, federal agencies, and other entities to exchange information concerning licensing and inspection of terminal distributors of dangerous drugs located within or outside this state and to investigate alleged violations of the laws and rules governing distribution of drugs by terminal distributors. Any information received pursuant to such an agreement is subject to the same confidentiality requirements applicable to the agency or entity from which it was received and shall not be released without prior authorization from that agency or entity.

Sec. 4729.552. (A) To be eligible to receive a license as a category III terminal distributor of dangerous drugs with a pain management clinic classification, an applicant shall submit evidence satisfactory to the state board of pharmacy that the applicant's pain management clinic will be operated in accordance...
with the requirements specified in division (B) of this section and that the applicant meets any other applicable requirements of this chapter.

If the board determines that an applicant meets all of the requirements, the board shall issue to the applicant a license as a category III terminal distributor of dangerous drugs and specify on the license that the terminal distributor is classified as a pain management clinic.

(B) The holder of a terminal distributor license with a pain management clinic classification shall do all of the following:

(1) Be in control of a facility that is owned and operated solely by one or more physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(2) Comply with the requirements for the operation of a pain management clinic, as established by the state medical board in rules adopted under section 4731.054 of the Revised Code;

(3) Ensure that any person employed by the facility complies with the requirements for the operation of a pain management clinic established by the state medical board in rules adopted under section 4731.054 of the Revised Code;

(4) Require any person with ownership of the facility to submit to a criminal records check in accordance with section 4776.02 of the Revised Code and send the results of the criminal records check directly to the state board of pharmacy for review and decision under section 4729.071 of the Revised Code;

(5) Require all employees of the facility to submit to a criminal records check in accordance with section 4776.02 of the Revised Code and ensure that no person is employed who has previously been convicted of, or pleaded guilty to, either of the following:
(a) A theft offense, described in division (K)(3) of section 2913.01 of the Revised Code, that would constitute a felony under the laws of this state, any other state, or the United States;

(b) A felony drug abuse offense, as defined in section 2925.01 of the Revised Code.

(6) Maintain a list of each person with ownership of the facility and notify the state board of pharmacy of any change to that list.

(C) No person shall operate a facility that under this chapter is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification without obtaining and maintaining the license with the classification.

No person who holds a category III license with a pain management clinic classification shall fail to remain in compliance with the requirements of division (B) of this section and any other applicable requirements of this chapter.

(D) The state board of pharmacy may impose a fine of not more than five thousand dollars on a terminal distributor of dangerous drugs license holder person who violates division (C) of this section. A separate fine may be imposed for each day the violation continues. In imposing the fine, the board's actions shall be taken in accordance with Chapter 119. of the Revised Code.

(E) The state board of pharmacy shall adopt rules as it considers necessary to implement and administer this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 4729.56. (A) In (1) The state board of pharmacy, in accordance with Chapter 119. of the Revised Code, the board of pharmacy may suspend impose any one or more of the following
sanctions on a person licensed under division (B)(1)(a) of section 4729.52 of the Revised Code for any of the causes set forth in division (A)(2) of this section:

(a) Suspend, revoke, restrict, limit, or refuse to grant or renew any registration certificate issued to a wholesale distributor of dangerous drugs pursuant to section 4729.52 of the Revised Code or may impose a license;

(b) Reprimand or place the license holder on probation;

(c) Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or one two thousand five hundred dollars if the acts committed are not classified as an offense by the Revised Code for any of the following causes:

(2) The board may impose the sanctions set forth in division (A)(1) of this section for any of the following:

(1) (a) Making any false material statements in an application for registration as a wholesale distributor of dangerous drugs licensure under section 4729.52 of the Revised Code;

(b) Violating any federal, state, or local drug law; any provision of this chapter or Chapter 2925., 3715., or 3719. of the Revised Code; or any rule of the board;

(c) A conviction of a felony;

(d) Failing to satisfy the qualifications for registration licensure under section 4729.53 of the Revised Code or the rules of the board or ceasing to satisfy the qualifications after the registration is granted or renewed;

(e) Falsely or fraudulently promoting to the public a dangerous drug, except that nothing in this division prohibits a manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor of dangerous drugs
from furnishing information concerning a dangerous drug to a health care provider or licensed terminal distributor:


(g) Any other cause for which the board may impose sanctions as set forth in rules adopted under section 4729.26 of the Revised Code.

(B) Upon the suspension or revocation of the registration certificate of any wholesale distributor of dangerous drugs or any license identified in division (B)(1)(a) of section 4729.52 of the Revised Code, the distributor licensee shall immediately surrender the distributor's registration certificate license to the board.

(C) If the board suspends, revokes, or refuses to renew any registration certificate issued to a wholesale distributor of dangerous drugs license identified in division (B)(1)(a) of section 4729.52 of the Revised Code and determines that there is clear and convincing evidence of a danger of immediate and serious harm to any person, the board may place under seal all dangerous drugs owned by or in the possession, custody, or control of the affected wholesale distributor of dangerous drugs licensee. Except as provided in this division, the board shall not dispose of the dangerous drugs sealed under this division until the wholesale distributor of dangerous drugs licensee exhausts all of the distributor's licensee's appeal rights under Chapter 119. of the Revised Code. The court involved in such an appeal may order the board, during the pendency of the appeal, to sell sealed dangerous drugs that are perishable. The board shall deposit the proceeds of the sale with the court.

(D) If the board is required under Chapter 119. of the
Revised Code to give notice of an opportunity for a hearing and the license holder does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt a final order that contains the board's findings. In the final order, the board may impose any of the sanctions listed in division (A) of this section.

(E) Notwithstanding division (C)(2) of section 2953.32 of the Revised Code specifying that if records pertaining to a criminal case are sealed under that section the proceedings in the case must be deemed not to have occurred, sealing of the following records on which the board has based an action under this section shall have no effect on the board's action or any sanction imposed by the board under this section: records of any conviction, guilty plea, judicial finding of guilt resulting from a plea of no contest, or a judicial finding of eligibility for a pretrial diversion program or intervention in lieu of conviction. The board is not required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

**Sec. 4729.561.** If the state board of pharmacy determines that there is clear and convincing evidence that the method used by a registered licensed manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs to possess or distribute dangerous drugs presents a danger of immediate and serious harm to others, the board may suspend without a hearing the wholesaler distributor's registration certificate license issued pursuant to section 4729.52 of the Revised Code. The board shall follow the procedure for suspension without a prior hearing in section 119.07 of the Revised Code. The suspension shall remain in effect, unless removed by the board, until the board's final adjudication order becomes effective, except that if the board
does not issue its final adjudication order within ninety one hundred twenty days after the hearing suspension, the suspension shall be void on the ninety-first one hundred twenty-first day after the suspension.

Sec. 4729.57. (A) The state board of pharmacy may suspend after notice and a hearing in accordance with Chapter 119. of the Revised Code, impose any one or more of the following sanctions on a terminal distributor of dangerous drugs for any of the causes set forth in division (B) of this section:

(1) Suspend, revoke, restrict, limit, or refuse to grant or renew any license as a terminal distributor of dangerous drugs, or may impose;

(2) Reprimand or place the license holder on probation;

(3) Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or one thousand dollars if the acts committed have not been classified as an offense by the Revised Code, for any of the following causes:

(B) The board may impose the sanctions listed in division (A) of this section for any of the following:

(1) Making any false material statements in an application for a license as a terminal distributor of dangerous drugs;

(2) Violating any rule of the board;

(3) Violating any provision of this chapter;


(5) Violating any provision of the federal drug abuse control
laws or Chapter 2925. or 3719. of the Revised Code;

(6) Falsely or fraudulently promoting to the public a dangerous drug, except that nothing in this division prohibits a terminal distributor of dangerous drugs from furnishing information concerning a dangerous drug to a health care provider or another licensed terminal distributor;

(7) Ceasing to satisfy the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code;

(8) Except as provided in division (B)(C) of this section:

(a) Waiving the payment of all or any part of a deductible or copayment that an individual, pursuant to a health insurance or health care policy, contract, or plan that covers the services provided by a terminal distributor of dangerous drugs, would otherwise be required to pay for the services if the waiver is used as an enticement to a patient or group of patients to receive pharmacy services from that terminal distributor;

(b) Advertising that the terminal distributor will waive the payment of all or any part of a deductible or copayment that an individual, pursuant to a health insurance or health care policy, contract, or plan that covers the pharmaceutical services, would otherwise be required to pay for the services.

(9) Conviction of a felony;

(10) Any other cause for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code.

(B)(C) Sanctions shall not be imposed under division (A)(B)(8) of this section against any terminal distributor of dangerous drugs that waives deductibles and copayments as follows:

(1) In compliance with a health benefit plan that expressly
allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board on request.

(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.

(C) (D) (1) Upon the suspension or revocation of a license issued to a terminal distributor of dangerous drugs or the refusal by the board to renew such a license, the distributor shall immediately surrender the license to the board.

(2) (a) The board may place under seal all dangerous drugs that are owned by or in the possession, custody, or control of a terminal distributor at the time the license is suspended or revoked or at the time the board refuses to renew the license.

Except as otherwise provided in this division (D)(2)(b) of this section, dangerous drugs so sealed shall not be disposed of until appeal rights under Chapter 119. of the Revised Code have expired or an appeal filed pursuant to that chapter has been determined.

(b) The court involved in an appeal filed pursuant to Chapter 119. of the Revised Code may order the board, during the pendency of the appeal, to sell sealed dangerous drugs that are perishable. The proceeds of such a sale shall be deposited with that court.

(E) If the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the license holder does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt a final order that contains the board's findings. In the final order, the board may impose any of the sanctions listed in division (A) of this section.
(F) Notwithstanding division (C)(2) of section 2953.32 of the Revised Code specifying that if records pertaining to a criminal case are sealed under that section the proceedings in the case must be deemed not to have occurred, sealing of the following records on which the board has based an action under this section shall have no effect on the board's action or any sanction imposed by the board under this section: records of any conviction, guilty plea, judicial finding of guilt resulting from a plea of no contest, or a judicial finding of eligibility for a pretrial diversion program or intervention in lieu of conviction. The board is not required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

Sec. 4729.571. If the (A) The state board of pharmacy determines that there is clear and convincing evidence that the method used by may suspend without a hearing the license of a terminal distributor of dangerous drugs to distribute or prescribe dangerous drugs presents if the board determines that there is clear and convincing evidence of a danger of immediate and serious harm to others, the board may suspend the terminal distributor's license without a hearing due to either of the following:

(1) The method used by the terminal distributor to possess or distribute dangerous drugs;

(2) The method of prescribing dangerous drugs used by a licensed health professional authorized to prescribe drugs who holds a terminal distributor license or practices in the employ of or under contract with a terminal distributor. The

(B) The board shall follow the procedure for suspension without a prior hearing in section 119.07 of the Revised Code. The suspension shall remain in effect, unless removed by the board, until the board's final adjudication order becomes effective, except that if the board does not issue its final adjudication
order within ninety one hundred twenty days after the hearing suspension, the suspension shall be void on the ninety-first one hundred twenty-first day after the suspension.

If the terminal distributor holds a license with a pain management clinic classification issued under section 4729.552 of the Revised Code or a license with an office-based opioid treatment classification issued under section 4729.553 of the Revised Code and the person holding the license also holds a certificate issued under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, prior to suspending the license without a hearing, the board shall consult with the secretary of the state medical board or, if the secretary is unavailable, another physician member of the board.

Sec. 4729.58. The state board of pharmacy, within thirty days after receipt of an complete application filed in the form and manner set forth in section 4729.52 or 4729.54 of the Revised Code for the issuance of a new license or registration certificate or the renewal of a license or registration certificate previously issued, shall notify the applicant therefor whether or not such license or registration certificate will be issued or renewed. If the board determines that such license or registration certificate will not be issued or renewed, such notice to the applicant shall set forth, in a manner determined by the board, the reason or reasons that such license or registration certificate will not be issued or renewed.

Sec. 4729.59. The executive director of the state board of pharmacy shall maintain a register of the names, addresses, and the date of registration licensure of those persons to whom a registration certificate license has been issued pursuant to section 4729.52 of the Revised Code and those persons to whom a license has been issued pursuant to section 4729.54 of the
Revised Code. The register shall be the property of the board and shall be open for public examination and inspection at all reasonable times, as the board may direct.

The board shall publish or make available to registered wholesale distributors and licensed terminal distributors of dangerous drugs, annually, and at such other times and in such manner as the board shall prescribe, a roster setting forth the names and addresses of those persons who have been registered by the board pursuant to section 4729.52 of the Revised Code and those persons who have been licensed pursuant to section 4729.54 of the Revised Code. The roster shall indicate those persons whose licenses or registration certificates have been suspended, revoked, or surrendered, and those persons whose licenses or registration certificates have not been renewed.

A written statement signed and verified by the executive director of the board or the director's designee in which it is stated that after diligent search of the register no record or entry of the issuance of a license or registration certificate to a person is found is admissible in evidence and constitutes presumptive evidence of the fact that the person is not a licensed terminal distributor or is not a registered wholesale distributor of dangerous drugs pursuant to section 4729.52 or 4729.54 of the Revised Code.

Sec. 4729.60. (A)(1) Before a registered wholesale distributor of dangerous drugs licensee identified in division (B)(1)(a) of section 4729.52 of the Revised Code may sell or distribute dangerous drugs at wholesale to any person, except as provided in division (A)(2) of this section, the wholesale distributor licensee shall obtain from the purchaser and the purchaser shall furnish to the wholesale distributor a certificate indicating that query the roster established pursuant to section
4729.59 of the Revised Code to determine whether the purchaser is a licensed terminal distributor of dangerous drugs. The certificate shall be in the form that the state board of pharmacy shall prescribe, and shall set forth the name of the licensee, the number of the license, a description of the place or establishment for which the license was issued, the category of licensure, and, if the license is a limited category I, II, or III license, the dangerous drugs that the licensee is authorized to possess, have custody or control of, and distribute. If the results of the query demonstrate that the purchaser is licensed, another query regarding that purchaser is not required until twelve months have elapsed since the results were obtained.

If no certificate is obtained or furnished documented query is conducted before a sale is made, it shall be presumed that the sale of dangerous drugs by the wholesale distributor licensee is in violation of division (B) of section 4729.51 of the Revised Code and the purchase of dangerous drugs by the purchaser is in violation of division (E) of section 4729.51 of the Revised Code. If a registered wholesale distributor of dangerous drugs obtains or is furnished a certificate from a terminal distributor of dangerous drugs licensee conducts a documented query at least annually and relies on the certificate results of the query in selling or distributing dangerous drugs at wholesale to the terminal distributor of dangerous drugs, the wholesale distributor of dangerous drugs licensee shall be deemed not to have violated division (B) of section 4729.51 of the Revised Code in making the sale. The results of the query shall be documented by the licensee and a record shall be maintained for not less than three years from the date the query was conducted.

(2) Division (A)(1) of this section does not apply when a wholesale distributor licensee identified in division (B)(1)(a) of
section 4729.52 of the Revised Code sells or distributes dangerous drugs at wholesale to any of the following:

(a) A person specified in division (B)(4) of section 4729.51 of the Revised Code;

(b) Any of the persons described in divisions (A)(1) to (13) of section 4729.541 of the Revised Code, but only if the purchaser is not required to obtain licensure as provided in divisions (B) to (D) of that section.

(B) Before a licensed terminal distributor of dangerous drugs may purchase dangerous drugs at wholesale, the terminal distributor shall obtain from the seller and the seller shall furnish to the terminal distributor the number of query the roster established pursuant to section 4729.59 of the Revised Code to confirm the seller's registration certificate seller is licensed to engage in the sale or distribution of dangerous drugs at wholesale. If the results of the query demonstrate that the seller is licensed, another query regarding that seller is not required until twelve months have elapsed since the results were obtained.

If no registration number is obtained or furnished documented query is conducted before a purchase is made, it shall be presumed that the purchase of dangerous drugs by the terminal distributor is in violation of division (F) of section 4729.51 of the Revised Code and the sale of dangerous drugs by the seller is in violation of division (A) of section 4729.51 of the Revised Code. If a licensed terminal distributor of dangerous drugs obtains or is furnished a registration number from a wholesale distributor of dangerous drugs conducts a documented query at least annually and relies on the registration number results of the query in purchasing dangerous drugs at wholesale from the wholesale distributor of dangerous drugs, the terminal distributor shall be deemed not to have violated division (F) of section 4729.51 of the Revised Code.
Revised Code in making the purchase. The results of the query shall be documented by the terminal distributor and a record shall be maintained for not less than three years from the date the query was conducted.

Sec. 4729.61. (A) No person shall make or cause to be made, or furnish or cause to be furnished to a wholesale distributor of dangerous drugs, a false certificate required to be furnished to a wholesale distributor of dangerous drugs by section 4729.60 of the Revised Code for the purchase of dangerous drugs at wholesale.

(B) No person shall make or cause to be made a false registration certificate of a wholesale distributor of dangerous drugs or a false or fraudulent license of a terminal distributor of dangerous drugs or a manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor of dangerous drugs.

Sec. 4729.62. If a wholesale distributor of dangerous drugs who has been registered ceases to engage in the sale of dangerous drugs at wholesale, or if a terminal distributor of dangerous drugs to whom a license has been issued ceases to engage in the sale of dangerous drugs at retail, such terminal or wholesale distributor of dangerous drugs person licensed under section 4729.52 or 4729.54 of the Revised Code ceases to engage in the activities for which the license was issued, the person shall notify the state board of pharmacy of such fact and shall surrender such license or registration certificate to the board within a time frame specified by the board in rules adopted under section 4729.26 of the Revised Code; provided, that on dissolution of a partnership by death, the surviving partner may operate under a license or registration certificate issued to the partnership until expiration, revocation, or suspension of such license or registration certificate, and the heirs or legal representatives...
of deceased persons, and receivers and trustees in bankruptcy appointed by any competent authority, may operate under the license or registration certificate issued to the persons succeeded in possession by such heir, representative, receiver, or trustee in bankruptcy until expiration, revocation, or suspension of such license or registration certificate.

Sec. 4729.67. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state board of pharmacy shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license, identification card, or certificate of registration issued pursuant to this chapter.

Sec. 4729.78. (A) If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, each manufacturer of dangerous drugs, outsourcing facility, repackager of dangerous drugs, or wholesale distributor of dangerous drugs that delivers drugs in this state to prescribers or terminal distributors of dangerous drugs shall submit to the board the following purchase information:

1. Purchaser identification;

2. Identification of the drug sold;

3. Quantity of the drug sold;

4. Date of sale;

5. The wholesale distributor’s license number issued by the board.

(B)(1) The information shall be transmitted as specified by the board in rules adopted under section 4729.84 of the Revised Code.

(2) The information shall be submitted electronically in the
format specified by the board, except that the board may grant a
waiver allowing the distributor to submit submission of the
information in another format.

(3) The information shall be submitted in accordance with any
time limits specified by the board, except that the board may
grant an extension if either of the following occurs:

(a) The manufacturer, outsourcing facility, repackager, or
wholesale distributor suffers a mechanical or electronic failure,
or cannot meet the deadline for other reasons beyond the
distributor's person's control.

(b) The board is unable to receive electronic submissions.

Sec. 4729.80. (A) If the state board of pharmacy establishes
and maintains a drug database pursuant to section 4729.75 of the
Revised Code, the board is authorized or required to provide
information from the database in accordance with the following
only as follows:

(1) On receipt of a request from a designated representative
of a government entity responsible for the licensure, regulation,
or discipline of health care professionals with authority to
prescribe, administer, or dispense drugs, the board may provide to
the representative information from the database relating to the
professional who is the subject of an active investigation being
conducted by the government entity or relating to a professional
who is acting as an expert witness for the government entity in
such an investigation.

(2) On receipt of a request from a federal officer, or a
state or local officer of this or any other state, whose duties
include enforcing laws relating to drugs, the board shall provide
to the officer information from the database relating to the
person who is the subject of an active investigation of a drug
abuse offense, as defined in section 2925.01 of the Revised Code, being conducted by the officer's employing government entity.

(3) Pursuant to a subpoena issued by a grand jury, the board shall provide to the grand jury information from the database relating to the person who is the subject of an investigation being conducted by the grand jury.

(4) Pursuant to a subpoena, search warrant, or court order in connection with the investigation or prosecution of a possible or alleged criminal offense, the board shall provide information from the database as necessary to comply with the subpoena, search warrant, or court order.

(5) On receipt of a request from a prescriber or the prescriber's delegate approved by the board, the board shall provide to the prescriber a report of information from the database relating to a patient who is either a current patient of the prescriber or a potential patient of the prescriber based on a referral of the patient to the prescriber, if all of the following conditions are met:

   (a) The prescriber certifies in a form specified by the board that it is for the purpose of providing medical treatment to the patient who is the subject of the request;

   (b) The prescriber has not been denied access to the database by the board.

(6) On receipt of a request from a pharmacist or the pharmacist's delegate approved by the board, the board shall provide to the pharmacist information from the database relating to a current patient of the pharmacist, if the pharmacist certifies in a form specified by the board that it is for the purpose of the pharmacist's practice of pharmacy involving the patient who is the subject of the request and the pharmacist has not been denied access to the database by the board.
(7) On receipt of a request from an individual seeking the individual's own database information in accordance with the procedure established in rules adopted under section 4729.84 of the Revised Code, the board may provide to the individual the individual's own database information prescription history.

(8) On receipt of a request from a medical director or a pharmacy director of a managed care organization that has entered into a contract with the department of medicaid under section 5167.10 of the Revised Code and a data security agreement with the board required by section 5167.14 of the Revised Code, the board shall provide to the medical director or the pharmacy director information from the database relating to a medicaid recipient enrolled in the managed care organization, including information in the database related to prescriptions for the recipient that were not covered or reimbursed under a program administered by the department of medicaid.

(9) On receipt of a request from the medicaid director, the board shall provide to the director information from the database relating to a recipient of a program administered by the department of medicaid, including information in the database related to prescriptions for the recipient that were not covered or paid by a program administered by the department.

(10) On receipt of a request from a medical director of a managed care organization that has entered into a contract with the administrator of workers' compensation under division (B)(4) of section 4121.44 of the Revised Code and a data security agreement with the board required by section 4121.447 of the Revised Code, the board shall provide to the medical director information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code assigned to the managed care organization, including information in the database related to prescriptions for the claimant that were not covered or
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, if the administrator of workers' compensation confirms, upon request from the board, that the claimant is assigned to the managed care organization.

(11) On receipt of a request from the administrator of workers' compensation, the board shall provide to the administrator information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, including information in the database related to prescriptions for the claimant that were not covered or reimbursed under Chapter 4121., 4123., 4127., or 4131. of the Revised Code.

(12) On receipt of a request from a prescriber or the prescriber's delegate approved by the board, the board shall provide to the prescriber information from the database relating to a patient's mother, if the prescriber certifies in a form specified by the board that it is for the purpose of providing medical treatment to a newborn or infant patient diagnosed as opioid dependent and the prescriber has not been denied access to the database by the board.

(13) On receipt of a request from the director of health, the board shall provide to the director information from the database relating to the duties of the director or the department of health in implementing the Ohio violent death reporting system established under section 3701.93 of the Revised Code.

(14) On receipt of a request from a requestor described in division (A)(1), (2), (5), or (6) of this section who is from or participating with another state's prescription monitoring program, the board may provide to the requestor information from the database, but only if there is a written agreement under which the information is to be used and disseminated according to the laws of this state.
(15) On receipt of a request from a delegate of a retail dispensary licensed under Chapter 3796. of the Revised Code who is approved by the board to serve as the dispensary's delegate, the board shall provide to the delegate a report of information from the database pertaining only to a patient's use of medical marijuana, if both of the following conditions are met:

(a) The delegate certifies in a form specified by the board that it is for the purpose of dispensing medical marijuana for use in accordance with Chapter 3796. of the Revised Code.

(b) The retail dispensary or delegate has not been denied access to the database by the board.

(16) On receipt of a request from a judge of a program certified by the Ohio supreme court as a specialized docket program for drugs, the board shall provide to the judge, or an employee of the program who is designated by the judge to receive the information, information from the database that relates specifically to a current or prospective program participant.

(17) On receipt of a request from a coroner, deputy coroner, or coroner's delegate approved by the board, the board shall provide to the requestor information from the database relating to a deceased person about whom the coroner is conducting or has conducted an autopsy or investigation.

(18) On receipt of a request from a prescriber, the board may provide to the prescriber a summary of the prescriber's prescribing record if such a record is created by the board. Information in the summary is subject to the confidentiality requirements of this chapter.

(B) The state board of pharmacy shall maintain a record of each individual or entity that requests information from the database pursuant to this section. In accordance with rules adopted under section 4729.84 of the Revised Code, the board may
use the records to document and report statistics and law enforcement outcomes.

The board may provide records of an individual's requests for database information only to the following:

(1) A designated representative of a government entity that is responsible for the licensure, regulation, or discipline of health care professionals with authority to prescribe, administer, or dispense drugs who is involved in an active criminal or disciplinary investigation being conducted by the government entity of the individual who submitted the requests for database information;

(2) A federal officer, or a state or local officer of this or any other state, whose duties include enforcing laws relating to drugs and who is involved in an active investigation being conducted by the officer's employing government entity of the individual who submitted the requests for database information;

(3) A designated representative of the department of medicaid regarding a prescriber who is treating or has treated a recipient of a program administered by the department and who submitted the requests for database information.

(C) Information contained in the database and any information obtained from it is confidential and is not a public record. Information contained in the records of requests for information from the database is confidential and is not a public record. Information contained in the database that does not identify a person, including any licensee or registrant of the board or other entity, may be released in summary, statistical, or aggregate form.

(D) Information contained in the database may be provided only as expressly permitted in law, including any information contained in the database that relates to any person, including
any licensee or registrant of the board or other entity.

(E) A pharmacist or prescriber shall not be held liable in damages to any person in any civil action for injury, death, or loss to person or property on the basis that the pharmacist or prescriber did or did not seek or obtain information from the database.

Sec. 4729.82. (A) If the state board of pharmacy establishes a drug database pursuant to section 4729.75 of the Revised Code, the information collected for the database shall be retained in the database and accessible to persons listed in division (A) of section 4729.80 of the Revised Code for at least three five years. Any

(B) Except as provided in division (C) of this section, any information that identifies a patient shall be destroyed after it has been retained for three five years unless a law enforcement agency or a government entity responsible for the licensure, regulation, or discipline of licensed health professionals authorized to prescribe drugs has submitted a written request to the board for retention of the information in accordance with rules adopted by the board under section 4729.84 of the Revised Code.

(C) The board may retain information that identifies a patient for a period in excess of five years if the board considers retention of the information necessary to serve an investigatory or public health purpose.

Sec. 4729.83. (A) If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, the board may use, for the purpose of establishing or maintaining the database, any portion of the licensure or registration fees collected under section 4729.15, 4729.52, or
4729.54 of the Revised Code for the licensing or registration of pharmacists, pharmacy interns, wholesale distributors of dangerous drugs, or terminal distributors of dangerous drugs this chapter.
The board shall not increase the amount of any of those fees solely for the purpose of establishing or maintaining the database.

The board shall not impose any charge on a prescriber for the establishment or maintenance of the database. The board shall not charge any fees for the transmission of data to the database or for the receipt of information from the database, except that the board may charge a fee in accordance with rules adopted under section 4729.84 of the Revised Code to an individual who requests the individual's own database information under section 4729.80 of the Revised Code.

(B) The board may accept grants, gifts, or donations for purposes of the drug database. Any money received shall be deposited into the state treasury to the credit of the drug database fund, which is hereby created. Money in the fund shall be used solely for purposes of the drug database.

**Sec. 4729.84.** For purposes of establishing and maintaining a drug database pursuant to section 4729.75 of the Revised Code, the state board of pharmacy shall adopt rules in accordance with Chapter 119. of the Revised Code to carry out and enforce sections 4729.75 to 4729.83 of the Revised Code. The rules shall specify all of the following:

(A) A means of identifying each patient, each terminal distributor of dangerous drugs, each purchase at wholesale of dangerous drugs, and each retail dispensary licensed under Chapter 3796. of the Revised Code about which information is entered into the drug database;

(B) Requirements for the transmission of information from
terminal distributors of dangerous drugs, manufacturers of
dangerous drugs, outsourcing facilities, repackers of dangerous
drugs, wholesale distributors of dangerous drugs, prescribers, and
retail dispensaries;

(C) An electronic format for the submission of information
from terminal distributors, wholesale distributors, prescribers,
and retail dispensaries persons identified in division (B) of this
section;

(D) A procedure whereby a terminal distributor, wholesale
distributor, prescriber, or retail dispensary person unable to
submit information electronically may obtain a waiver to submit
information in another format;

(E) A procedure whereby the board may grant a request from a
law enforcement agency or a government entity responsible for the
licensure, regulation, or discipline of licensed health
professionals authorized to prescribe drugs that information that
has been stored for three years be retained when the information
pertains to an open investigation being conducted by the agency or
entity;

(F) A procedure whereby a terminal distributor, wholesale
distributor, prescriber, or retail dispensary person identified in
division (B) of this section may apply for an extension to the
time by which information must be transmitted to the board;

(G) A procedure whereby a person or government entity to
which the board is authorized to provide information may submit a
request to the board for the information and the board may verify
the identity of the requestor;

(H) A procedure whereby the board can use the database
request records required by division (B) of section 4729.80 of the
Revised Code to document and report statistics and law enforcement
outcomes;
(I) A procedure whereby an individual may request the individual's own database information and the board may verify the identity of the requestor;

(J) A reasonable fee that the board may charge under section 4729.83 of the Revised Code for providing an individual with the individual's own database information pursuant to section 4729.80 of the Revised Code;

(K) The other specific dangerous drugs that, in addition to controlled substances, must be included in the database;

(L) The types of pharmacies licensed as terminal distributors of dangerous drugs that are required to submit prescription information to the board pursuant to section 4729.77 of the Revised Code;

(M) The information regarding medical marijuana dispensed to a patient that a retail dispensary is required to submit to the board pursuant to section 4729.771 of the Revised Code.

Sec. 4729.85. If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, the board shall prepare reports regarding the database and present or submit them in accordance with both of the following:

(A) The board shall present a biennial report to the standing committees of the house of representatives and the senate that are primarily responsible for considering health and human services issues. Each report shall include all of the following:

(1) The cost to the state of establishing and maintaining the database;

(2) Information from the board, terminal distributors of dangerous drugs, prescribers, and retail dispensaries licensed under Chapter 3796. of the Revised Code regarding the board's
effectiveness in providing information from the database;

(3) The board's timeliness in transmitting information from the database.

(B) The board shall submit a semiannual report to the governor, the president of the senate, the speaker of the house of representatives, the attorney general, the chairpersons of the standing committees of the house of representatives and the senate that are primarily responsible for considering health and human services issues, the department of public safety, the state dental board, the board of nursing, the board of optometry vision and hearing professionals board, the state medical board, and the state veterinary medical licensing board. The state board of pharmacy shall make the report available to the public on its internet web site. Each report submitted shall include all of the following for the period covered by the report:

(1) An aggregate of the information submitted to the board under section 4729.77 of the Revised Code regarding prescriptions for controlled substances containing opioids, including all of the following:

(a) The number of prescribers who issued the prescriptions;

(b) The number of patients to whom the controlled substances were dispensed;

(c) The average quantity of the controlled substances dispensed per prescription;

(d) The average daily morphine equivalent dose of the controlled substances dispensed per prescription.

(2) An aggregate of the information submitted to the board under section 4729.79 of the Revised Code regarding controlled substances containing opioids that have been personally furnished to a patient by a prescriber, other than a prescriber who is a
veterinarian, including all of the following:

(a) The number of prescribers who personally furnished the controlled substances;

(b) The number of patients to whom the controlled substances were personally furnished;

(c) The average quantity of the controlled substances that were furnished at one time;

(d) The average daily morphine equivalent dose of the controlled substances that were furnished at one time.

(3) An aggregate of the information submitted to the board under section 4729.771 of the Revised Code regarding medical marijuana.

Sec. 4729.86. If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, all of the following apply:

(A)(1) No person identified in divisions (A)(1) to (13) or (15) to (18), or (B) of section 4729.80 of the Revised Code shall disseminate any written or electronic information the person receives from the drug database or otherwise provide another person access to the information that the person receives from the database, except as follows:

(a) When necessary in the investigation or prosecution of a possible or alleged criminal offense;

(b) When a person provides the information to the prescriber, pharmacist, or retail dispensary licensed under Chapter 3796. of the Revised Code for whom the person is approved by the board to serve as a delegate of the prescriber, pharmacist, or retail dispensary for purposes of requesting and receiving information from the drug database under division (A)(5), (6), or (15) of section 4729.80 of the Revised Code;
(c) When a prescriber, pharmacist, or retail dispensary licensed under Chapter 3796. of the Revised Code provides the information to a person who is approved by the board to serve as such a delegate of the prescriber, pharmacist, or retail dispensary;

(d) When a prescriber or pharmacist includes the information in a medical record, as defined in section 3701.74 of the Revised Code.

(2) No person shall provide false information to the state board of pharmacy with the intent to obtain or alter information contained in the drug database.

(3) No person shall obtain drug database information by any means except as provided under section 4729.80 or 4729.81 of the Revised Code.

(B) A person shall not use information obtained pursuant to division (A) of section 4729.80 of the Revised Code as evidence in any civil or administrative proceeding.

(C)(1) Except as provided in division (C)(2) of this section, after providing notice and affording an opportunity for a hearing in accordance with Chapter 119. of the Revised Code, the board may restrict a person from obtaining further information from the drug database if any of the following is the case:

(a) The person violates division (A)(1), (2), or (3) of this section;

(b) The person is a requestor identified in division (A)(14) of section 4729.80 of the Revised Code and the board determines that the person's actions in another state would have constituted a violation of division (A)(1), (2), or (3) of this section;

(c) The person fails to comply with division (B) of this section, regardless of the jurisdiction in which the failure to
comply occurred;

(d) The person creates, by clear and convincing evidence, a threat to the security of information contained in the database.

(2) If the board determines that allegations regarding a person's actions warrant restricting the person from obtaining further information from the drug database without a prior hearing, the board may summarily impose the restriction. A telephone conference call may be used for reviewing the allegations and taking a vote on the summary restriction. The summary restriction shall remain in effect, unless removed by the board, until the board's final adjudication order becomes effective.

(3) The board shall determine the extent to which the person is restricted from obtaining further information from the database.

Sec. 4730.05. (A) There is hereby created the physician assistant policy committee of the state medical board. The president of the board shall appoint the members of the committee. The committee shall consist of the seven members specified in divisions (A)(1) to (3) of this section. When the committee is developing or revising policy and procedures for physician-delegated prescriptive authority for physician assistants, the committee shall include the two additional members specified in division (A)(4) of this section.

(1) Three members of the committee shall be physicians. Of the physician members, one shall be a member of the state medical board, one shall be appointed from a list of five physicians recommended by the Ohio state medical association, and one shall be appointed from a list of five physicians recommended by the Ohio osteopathic association. At all times, the physician membership of the committee shall include at least one physician.
who is a supervising physician of a physician assistant, preferably with at least two years' experience as a supervising physician.

(2) Three members shall be physician assistants appointed from a list of five individuals recommended by the Ohio association of physician assistants.

(3) One member, who is not affiliated with any health care profession, shall be appointed to represent the interests of consumers.

(4) The two additional members, appointed to serve only when the committee is developing or revising policy and procedures for physician-delegated prescriptive authority for physician assistants, shall be pharmacists. Of these members, one shall be appointed from a list of five clinical pharmacists recommended by the Ohio pharmacists association and one shall be appointed from the pharmacist members of the state board of pharmacy, preferably from among the members who are clinical pharmacists.

The pharmacist members shall have voting privileges only for purposes of developing or revising policy and procedures for physician-delegated prescriptive authority for physician assistants. Presence of the pharmacist members shall not be required for the transaction of any other business.

(B) Terms of office shall be for two years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of being appointed until the end of the term for which the member was appointed. Members may be reappointed, except that a member may not be appointed to serve more than three consecutive terms. As vacancies occur, a successor shall be appointed who has the qualifications the vacancy requires. A member appointed to fill a vacancy occurring prior to the expiration of the term for which a
predecessor was appointed shall hold office as a member for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until a successor takes office or until a period of sixty days has elapsed, whichever occurs first.

(C) Each member of the committee shall receive an amount fixed pursuant to division (J) of section 124.15 of the Revised Code for each day employed in the discharge of official duties as a member, and shall also receive the member's necessary and actual expenses incurred in the performance of official duties as a member.

(D) The committee members specified in divisions (A)(1) to (3) of this section by a majority vote shall elect a chairperson from among those members. The members may elect a new chairperson at any time.

(E) The state medical board may appoint assistants, clerical staff, or other employees as necessary for the committee to perform its duties adequately.

(F) The committee shall meet at least four times a year and at such other times as may be necessary to carry out its responsibilities.

Sec. 4731.04. As used in this chapter:

(A) "Cosmetic therapy" means the permanent removal of hair from the human body through the use of electric modalities approved by the state medical board for use in cosmetic therapy and may include the systematic friction, stroking, slapping, and kneading or tapping of the face, neck, scalp, or shoulders.

(B) "Fifth pathway training" means supervised clinical training obtained in the United States as a substitute for the internship or social service requirements of a foreign medical
school.

(C) "Graduate medical education" means education received through any of the following:

(1) An internship or residency program conducted in the United States and accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association;

(2) A clinical fellowship program conducted in the United States at an institution with a residency program accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association that is in a clinical field the same as or related to the clinical field of the fellowship program;

(3) An internship program conducted in Canada and accredited by the committee on accreditation of preregistration physician training programs of the federation of provincial medical licensing authorities of Canada;

(4) A residency program conducted in Canada and accredited by either the royal college of physicians and surgeons of Canada or the college of family physicians of Canada.

(D) "Massage therapy" means the treatment of disorders of the human body by the manipulation of soft tissue through the systematic external application of massage techniques including touch, stroking, friction, vibration, percussion, kneading, stretching, compression, and joint movements within the normal physiologic range of motion; and adjunctive thereto, the external application of water, heat, cold, topical preparations, and mechanical devices.

Sec. 4731.051. The state medical board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing
universal blood and body fluid precautions that shall be used by each person who performs exposure prone invasive procedures and is authorized to practice by this chapter or Chapter 4730., 4759., 4760., 4761., 4762., or 4774. of the Revised Code. The rules shall define and establish requirements for universal blood and body fluid precautions that include the following:

(A) Appropriate use of hand washing;

(B) Disinfection and sterilization of equipment;

(C) Handling and disposal of needles and other sharp instruments;

(D) Wearing and disposal of gloves and other protective garments and devices.

Sec. 4731.07. (A) The state medical board shall keep a record of its proceedings. The minutes of a meeting of the board shall, on approval by the board, constitute an official record of its proceedings.

(B) The board shall keep a register of applicants for certificates to practice issued under this chapter and Chapters 4760., 4762., and 4774. of the Revised Code and licenses issued under this chapter and Chapters 4730. and 4778. of the Revised Code. The register shall show the name of the applicant and whether the applicant was granted or refused a certificate or license. With respect to applicants to practice medicine and surgery or osteopathic medicine and surgery, the register shall show the name of the institution that granted the applicant the degree of doctor of medicine or osteopathic medicine. The books and records of the board shall be prima-facie evidence of matters therein contained.

Sec. 4731.071. The state medical board shall develop and publish on its internet web site a directory containing the names
of, and contact information for, all persons who hold current, valid certificates or licenses issued by the board under this chapter or Chapter 4730., 4759., 4760., 4761., 4762., 4774., or 4778. of the Revised Code. Except as provided in section 4731.10 of the Revised Code, the directory shall be the sole source for verifying that a person holds a current, valid certificate or license issued by the board.

Sec. 4731.081 4731.08. In addition to any other eligibility requirement set forth in this chapter, each applicant for a certificate license to practice medicine and surgery or osteopathic medicine and surgery shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state medical board shall not grant to an applicant a certificate license to practice medicine and surgery or osteopathic medicine and surgery unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a certificate license issued pursuant to section 4731.14 of the Revised Code.

Sec. 4731.091 4731.09. (A) As used in this section and in section 4731.092 of the Revised Code:

(1) "Graduate medical education" means education received through any of the following:

(a) An internship or residency program conducted in the United States and accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association;

(b) A clinical fellowship program conducted in the United States at an institution with a residency program accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic...
association that is in a clinical field the same as or related to
the clinical field of the fellowship program;

(c) An internship program conducted in Canada and accredited
by the committee on accreditation of preregistration physician
training programs of the federation of provincial medical
licensing authorities of Canada;

(d) A residency program conducted in Canada and accredited by
either the royal college of physicians and surgeons of Canada or
the college of family physicians of Canada.

(2) "Fifth pathway training" means supervised clinical
training obtained in the United States as a substitute for the
internship or social service requirements of a foreign medical
school.

(B) To be eligible for admission to the examination conducted
by the state medical board under section 4731.13 of the Revised
Code, an applicant must meet the medical education and graduate
medical education requirements specified in any one of the
following and any additional requirements of division (C) of this
section. An applicant for a license to practice medicine and
surgery or osteopathic medicine and surgery must meet all of the
following requirements:

(1) Be at least eighteen years of age and of good moral
character;

(2) Possess a high school diploma or a certificate of high
school equivalence or have obtained the equivalent of such
education as determined by the state medical board;

(3) Have completed two years of undergraduate work in a
college of arts and sciences or the equivalent of such education
as determined by the board;

(4) Meet one of the following medical education and graduate
medical education requirements:

(a) Hold a diploma from a medical school or osteopathic medical school that, at the time the diploma was issued, was a medical school accredited by the liaison committee on medical education or an osteopathic medical school accredited by the American osteopathic association and have successfully completed not less than nine twelve months of graduate medical education through the first-year level of graduate medical education or its equivalent as determined by the board;

(b) Hold certification from the educational commission for foreign medical graduates and have successfully completed not less than nine twenty-four months of graduate medical education through the first-year second-year level of graduate medical education or its equivalent as determined by the board;

(c) Be a qualified graduate of a fifth pathway training program as recognized by the board under section 4731.091 of the Revised Code and have successfully completed, subsequent to completing fifth pathway training, not less than nine twelve months of graduate medical education or its equivalent as determined by the board.

(5) Have successfully passed an examination prescribed in rules adopted by the board to determine competency to practice medicine and surgery or osteopathic medicine and surgery.

(6) Comply with section 4731.08 of the Revised Code.

(7) Meet the requirements of section 4731.142 of the Revised Code if eligibility for the license applied for is based in part on certification from the educational commission for foreign medical graduates and the undergraduate education requirements established by this section were fulfilled at an institution outside of the United States.

(C) If an applicant holding certification from the
educational commission for foreign medical graduates received the core clinical instruction segment of the applicant's medical education at an institution in the United States, the board may require that to be eligible for admission to its examination, the applicant must have received the instruction at either of the following:

(1) An institution that, at the time of the instruction, was a formal part of or had formal affiliation with a medical school accredited by the liaison committee on medical education or an osteopathic medical school accredited by the American osteopathic association.

(2) An institution with, at the time of the instruction, a graduate medical education program accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association that is in a field the same as or related to the core clinical instruction (B) An applicant for a license to practice medicine and surgery or osteopathic medicine and surgery shall submit to the board an application in the form and manner prescribed by the board. The application must include all of the following:

(1) Evidence satisfactory to the board to demonstrate that the applicant meets all of the requirements of division (A) of this section;

(2) An affidavit from the applicant attesting to the accuracy and truthfulness of the information submitted under this section;

(3) Consent to the release of the applicant's information;

(4) Any other information required by rules adopted by the board.

(C) An applicant for a license to practice medicine and surgery or osteopathic medicine and surgery shall include with the
application a fee of three hundred five dollars, no part of which may be returned. An application is not considered submitted until the board receives the fee.

(D) The board may conduct an investigation related to the application materials received pursuant to this section and may contact any individual, agency, or organization for recommendations or other information about the applicant.

(E) The board shall conclude any investigation of an applicant conducted under section 4731.22 of the Revised Code not later than ninety days after receipt of a complete application unless the applicant agrees in writing to an extension or the board determines that there is a substantial question of a violation of this chapter or the rules adopted under it and notifies the applicant in writing of the reasons for continuation of the investigation. If the board determines that the applicant is not in violation of this chapter or the rules adopted under it, the board shall issue a license not later than forty-five days after making that determination.

Sec. 4731.092. To be recognized by the state medical board as a qualified graduate of a fifth pathway training program, an applicant shall submit evidence satisfactory to the board that he has done all of the following:

(A) Studied medicine in a foreign medical school acknowledged by the world health organization and verified by a member state of that organization as operating within the state's jurisdiction at the time he studied medicine;

(B) Successfully completed all the formal requirements of the foreign medical school except internship or social service requirements;

(C) Prior to entrance into the fifth pathway training
program, attained on a screening examination acceptable to the board a score satisfactory to a medical school accredited by the liaison committee on medical education;

(D) Successfully completed one academic year of fifth pathway training at a hospital affiliated with a medical school accredited by the liaison committee on medical education.

Sec. 4731.10. Upon the request of a person who holds a license or certificate to practice in this state pursuant to Chapter 4731. of the Revised Code issued under this chapter and is seeking licensure in another state, the state medical board shall provide verification of the person's license or certificate to practice the person's profession in this state. The fee for such verification shall be fifty dollars.

Sec. 4731.14. (A) As used in this section, "graduate medical education" has the same meaning as in section 4731.091 of the Revised Code. The state medical board shall review all applications submitted under section 4731.09 or 4731.296 of the Revised Code and determine whether each applicant meets the requirements for a license to practice medicine and surgery or osteopathic medicine and surgery. An affirmative vote of not fewer than six members of the board is necessary for the board to determine that an applicant meets the requirements for a license.

(B) The state medical board shall issue its certificate to practice medicine and surgery or osteopathic medicine and surgery as follows:

(1) The board shall issue its certificate to each individual who was admitted to the board's examination by meeting the educational requirements specified in division (B)(1) or (2) of section 4731.091 of the Revised Code if the individual passes the examination, pays a certificate issuance fee of three hundred
dollars, and submits evidence satisfactory to the board that the individual has successfully completed not less than twelve months of graduate medical education or its equivalent as determined by the board.

(2) Except as provided in section 4731.142 of the Revised Code, the board shall issue its certificate to each individual who was admitted to the board's examination by meeting the educational requirements specified in division (B)(2) of section 4731.091 of the Revised Code if the individual passes the examination, pays a certificate issuance fee of three hundred dollars, submits evidence satisfactory to the board that the individual has successfully completed not less than twenty-four months of graduate medical education through the second-year level of graduate medical education or its equivalent as determined by the board, and, if the individual passed the examination prior to completing twenty-four months of graduate medical education or its equivalent, the individual continues to meet the moral character requirements for admission to the board's examination.

(C) If the board determines that the evidence submitted with an application is satisfactory and the applicant meets the requirements for a license, the board shall issue to the applicant a license to practice medicine and surgery or osteopathic medicine and surgery, as applicable. If the applicant holds a medical degree other than the degree of doctor of medicine or doctor of osteopathic medicine, the license shall indicate that the applicant is authorized to practice medicine and surgery pursuant to the laws of this state. Each certificate license issued by the board shall be signed by its president and secretary, and attested by its seal. The certificate shall be on a form prescribed by the board and shall indicate the medical degree held by the individual to whom the certificate is issued. If the individual holds the degree of doctor of medicine, the certificate shall state that the
individual is authorized to practice medicine and surgery pursuant to the laws of this state. If the individual holds the degree of doctor of osteopathic medicine, the certificate shall state that the individual is authorized to practice osteopathic medicine and surgery pursuant to the laws of this state. If the individual holds a medical degree other than the degree of doctor of medicine or doctor of osteopathic medicine, the certificate shall indicate the diploma, degree, or other document issued by the medical school or institution the individual attended and shall state that the individual is authorized to practice medicine and surgery pursuant to the laws of this state.

(C) The holder of a license to practice medicine and surgery issued under this chapter may use the titles "Dr.," "doctor," "M.D.,” or "physician." The holder of a license to practice osteopathic medicine and surgery issued under this chapter may use the titles "Dr.," "doctor," "D.O.," or "physician."

(D) The certificate shall be prominently displayed in the certificate holder's office or place where a major portion of the certificate holder's practice is conducted and shall entitle the holder to practice either medicine and surgery or osteopathic medicine and surgery provided the certificate holder maintains current registration as required by section 4731.281 of the Revised Code and provided further that such certificate has not been revoked, suspended, or limited by action of the state medical board pursuant to this chapter holder of a license issued under this section shall either provide verification of licensure status from the board's internet web site on request or prominently display a wall certificate in the license holder's office or place where the majority of the holder's practice is conducted.

(E) An affirmative vote of not less than six members of the board is required for the issuance of a certificate.
Sec. 4731.142. (A) Except as provided in division (B) of this section, an individual must demonstrate proficiency in spoken English, by passing an examination specified by the state medical board, to receive a certificate license to practice issued under section 4731.14 of the Revised Code if the individual's eligibility for the certificate license is based in part on certification from the educational commission for foreign medical graduates and fulfillment of the undergraduate requirements established by section 4731.09 of the Revised Code at an institution outside the United States. The board shall adopt rules specifying an acceptable examination and establishing the minimum score that demonstrates proficiency in spoken English.

(B) An individual is not required to demonstrate proficiency in spoken English in accordance with division (A) of this section if any of the following apply:

(1) The individual was required to demonstrate such proficiency as a condition of certification from the educational commission for foreign medical graduates;

(2) For the five years immediately preceding the date on which the applicant submitted to the board an application as described in section 4731.09 of the Revised Code, the applicant held an unrestricted license issued by another state to practice medicine and surgery or osteopathic medicine and surgery and was actively engaged in such practice in the United States;

(3) At the beginning of the five-year period preceding the date on which the applicant submitted to the board an application as described in section 4731.09 of the Revised Code, the applicant was receiving graduate medical education and, upon completion of that education, held an unrestricted license issued by another state to practice medicine and surgery or osteopathic medicine and surgery and was actively engaged in such practice in the United States;
Sec. 4731.143. (A) Each person holding a valid certificate license issued under this chapter authorizing the certificate license holder to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, who is not covered by medical malpractice insurance shall provide a patient with written notice of the certificate license holder's lack of that insurance coverage prior to providing nonemergency professional services to the patient. The notice shall be provided alone on its own page. The notice shall provide space for the patient to acknowledge receipt of the notice, and shall be in the following form:

"NOTICE:

Dr. ............... (here state the full name of the certificate license holder) is not covered by medical malpractice insurance.

The undersigned acknowledges the receipt of this notice.

.................................
(Patient's Signature)

.................................
(Date)"

The certificate license holder shall obtain the patient's signature, acknowledging the patient's receipt of the notice, prior to providing nonemergency professional services to the patient. The certificate license holder shall maintain the signed notice in the patient's file medical record.

(B) This section does not apply to any officer or employee of the state, as those terms are defined in section 9.85 of the Revised Code, who is immune from civil liability under section 9.86 of the Revised Code or is entitled to indemnification.
pursuant to section 9.87 of the Revised Code, to the extent that the person is acting within the scope of the person's employment or official responsibilities.

This section does not apply to a person who complies with division (B)(2) of section 2305.234 of the Revised Code.

(C) As used in this section, "medical malpractice insurance" means insurance coverage against the legal liability of the insured and against loss, damage, or expense incident to a claim arising out of the death, disease, or injury of any person as the result of negligence or malpractice in rendering professional service by any licensed physician, podiatrist, or hospital, as those terms are defined in section 2305.113 of the Revised Code.

Sec. 4731.15. (A) (1) The state medical board also shall regulate the following limited branches of medicine: massage therapy and cosmetic therapy, and to the extent specified in section 4731.151 of the Revised Code, naprapathy and mechanotherapy. The board shall adopt rules governing the limited branches of medicine under its jurisdiction. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(2) As used in this chapter:

(a) "Cosmetic therapy" means the permanent removal of hair from the human body through the use of electric modalities approved by the board for use in cosmetic therapy, and additionally may include the systematic friction, stroking, slapping, and kneading or tapping of the face, neck, scalp, or shoulders.

(b) "Massage therapy" means the treatment of disorders of the human body by the manipulation of soft tissue through the systematic external application of massage techniques including touch, stroking, friction, vibration, percussion, kneading,
stretching, compression, and joint movements within the normal physiologic range of motion; and adjunctive thereto, the external application of water, heat, cold, topical preparations, and mechanical devices.

(B) A certificate to practice a limited branch of medicine issued by the state medical board is valid for a two-year period, except when an initial certificate is issued for a shorter period or when division (C)(2) of this section is applicable. The certificate may be renewed in accordance with division (C) of this section.

(C)(1) Except as provided in division (C)(2) of this section, all both of the following apply with respect to the renewal of certificates to practice a limited branch of medicine:

(a) Each person seeking to renew a certificate to practice a limited branch of medicine shall apply for biennial renewal with the state medical board in a manner prescribed by the board. An applicant for renewal shall pay a biennial renewal fee of one hundred dollars.

(b) At least six months one month before a certificate expires, the board shall provide a renewal notice to the certificate holder.

(c) At least three months before a certificate expires, the certificate holder shall submit the renewal application and biennial renewal fee to the board.

(2) The board shall implement a staggered renewal system that is substantially similar to the staggered renewal system the board uses under division (A) of section 4731.281 of the Revised Code.

(D) All persons who hold a certificate to practice a limited branch of medicine issued by the state medical board shall provide the board notice of any change of address. The notice shall be submitted to the board not later than thirty days after the change.
of address.

(E) A certificate to practice a limited branch of medicine shall be automatically suspended if the certificate holder fails to renew the certificate in accordance with division (C) of this section. Continued practice after the suspension of the certificate to practice shall be considered as practicing in violation of sections 4731.34 and 4731.41 of the Revised Code.

If a certificate to practice has been suspended pursuant to this division for two years or less, it may be reinstated. The board shall reinstate the certificate upon an applicant's submission of a renewal application and payment of the biennial renewal fee and the applicable monetary penalty of one hundred twenty-five dollars. With regard to reinstatement of a certificate to practice cosmetic therapy, the applicant also shall submit with the application a certification that the number of hours of continuing education necessary to have a suspended certificate reinstated have been completed, as specified in rules the board shall adopt in accordance with Chapter 119. of the Revised Code. The penalty for reinstatement shall be twenty-five dollars.

If a certificate has been suspended pursuant to this division for more than two years, it may be restored. Subject to section 4731.222 of the Revised Code, the board may restore the certificate upon an applicant's submission of a restoration application, the biennial renewal fee, and the applicable monetary penalty a restoration fee of one hundred fifty dollars and compliance with sections 4776.01 to 4776.04 of the Revised Code. The board shall not restore to an applicant a certificate to practice unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a certificate issued pursuant to section 4731.17 of the Revised Code. The penalty for restoration is fifty dollars.
Sec. 4731.22. (A) The state medical board, by an affirmative vote of not fewer than six of its members, may limit, revoke, or suspend an individual's license or certificate to practice or certificate to recommend, refuse to grant a license or certificate to an individual, refuse to renew a license or certificate, refuse to reinstate a license or certificate, or reprimand or place on probation the holder of a license or certificate if the individual applying for or holding the license or certificate holder is found by the board to have committed fraud during the administration of the examination for a license or certificate to practice or to have committed fraud, misrepresentation, or deception in applying for, renewing, or securing any license or certificate to practice or certificate to recommend issued by the board.

(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual’s license or certificate to practice or certificate to recommend, refuse to issue a license or certificate to an individual, refuse to renew a license or certificate, refuse to reinstate a license or certificate, or reprimand or place on probation the holder of a license or certificate for one or more of the following reasons:

(1) Permitting one's name or one's license or certificate to practice to be used by a person, group, or corporation when the individual concerned is not actually directing the treatment given;

(2) Failure to maintain minimal standards applicable to the selection or administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease;

(3) Except as provided in section 4731.97 of the Revised Code, selling, giving away, personally furnishing, prescribing, or...
administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug;

(4) Willfully betraying a professional confidence. For purposes of this division, "willfully betraying a professional confidence" does not include providing any information, documents, or reports under sections 307.621 to 307.629 of the Revised Code to a child fatality review board; does not include providing any information, documents, or reports under sections 307.631 to 307.639 of the Revised Code to a drug overdose fatality review committee; does not include providing any information, documents, or reports to the director of health pursuant to guidelines established under section 3701.70 of the Revised Code; does not include written notice to a mental health professional under section 4731.62 of the Revised Code; and does not include the making of a report of an employee's use of a drug of abuse, or a report of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by section 2305.33 or 4731.62 of the Revised Code upon a physician who makes a report in accordance with section 2305.33 or notifies a mental health professional in accordance with section 4731.62 of the Revised Code. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(5) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited
branch of medicine; or in securing or attempting to secure any license or certificate to practice issued by the board.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;

(7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;
(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(15) Violation of the conditions of limitation placed by the board upon a license or certificate to practice;

(16) Failure to pay license renewal fees specified in this chapter;

(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;

(18) Subject to section 4731.226 of the Revised Code, violation of any provision of a code of ethics of the American medical association, the American osteopathic association, the American podiatric medical association, or any other national professional organizations that the board specifies by rule. The state medical board shall obtain and keep on file current copies of the codes of ethics of the various national professional organizations. The individual whose license or certificate is being suspended or revoked shall not be found to have violated any provision of a code of ethics of an organization not appropriate to the individual's profession.

For purposes of this division, a "provision of a code of ethics of a national professional organization" does not include any provision that would preclude the making of a report by a
physician of an employee's use of a drug of abuse, or of a
condition of an employee other than one involving the use of a
drug of abuse, to the employer of the employee as described in
division (B) of section 2305.33 of the Revised Code. Nothing in
this division affects the immunity from civil liability conferred
by that section upon a physician who makes either type of report
in accordance with division (B) of that section. As used in this
division, "employee," "employer," and "physician" have the same
meanings as in section 2305.33 of the Revised Code.

(19) Inability to practice according to acceptable and
prevailing standards of care by reason of mental illness or
physical illness, including, but not limited to, physical
deterioration that adversely affects cognitive, motor, or
perceptive skills.

In enforcing this division, the board, upon a showing of a
possible violation, may compel any individual authorized to
practice by this chapter or who has submitted an application
pursuant to this chapter to submit to a mental examination,
physical examination, including an HIV test, or both a mental and
a physical examination. The expense of the examination is the
responsibility of the individual compelled to be examined. Failure
to submit to a mental or physical examination or consent to an HIV
test ordered by the board constitutes an admission of the
allegations against the individual unless the failure is due to
circumstances beyond the individual's control, and a default and
final order may be entered without the taking of testimony or
presentation of evidence. If the board finds an individual unable
to practice because of the reasons set forth in this division, the
board shall require the individual to submit to care, counseling,
or treatment by physicians approved or designated by the board, as
a condition for initial, continued, reinstated, or renewed
authority to practice. An individual affected under this division
shall be afforded an opportunity to demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards under the provisions of the individual's license or certificate. For the purpose of this division, any individual who applies for or receives a license or certificate to practice under this chapter accepts the privilege of practicing in this state and, by so doing, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(20) Except as provided in division (F)(1)(b) of section 4731.282 of the Revised Code or when civil penalties are imposed under section 4731.225 or 4731.282 of the Revised Code, and subject to section 4731.226 of the Revised Code, violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board.

This division does not apply to a violation or attempted violation of, assisting in or abetting the violation of, or a conspiracy to violate, any provision of this chapter or any rule adopted by the board that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(21) The violation of section 3701.79 of the Revised Code or
of any abortion rule adopted by the director of health pursuant to section 3701.341 of the Revised Code;

(22) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;

(23) The violation of section 2919.12 of the Revised Code or the performance or inducement of an abortion upon a pregnant woman with actual knowledge that the conditions specified in division (B) of section 2317.56 of the Revised Code have not been satisfied or with a heedless indifference as to whether those conditions have been satisfied, unless an affirmative defense as specified in division (H)(2) of that section would apply in a civil action authorized by division (H)(1) of that section;

(24) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice;

(25) Termination or suspension from participation in the medicare or medicaid programs by the department of health and human services or other responsible agency for any act or acts that also would constitute a violation of division (B)(2), (3), (6), (8), or (19) of this section;

(26) Impairment of ability to practice according to
acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice.

For the purposes of this division, any individual authorized to practice by this chapter accepts the privilege of practicing in this state subject to supervision by the board. By filing an application for or holding a license or certificate to practice under this chapter, an individual shall be deemed to have given consent to submit to a mental or physical examination when ordered to do so by the board in writing, and to have waived all objections to the admissibility of testimony or examination reports that constitute privileged communications.

If it has reason to believe that any individual authorized to practice by this chapter or any applicant for licensure or certification to practice suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician who is qualified to conduct the examination and who is chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or certificate or deny the individual's application and shall require the individual, as a condition for initial, continued, reinstated, or renewed licensure or certification to
practice, to submit to treatment.

Before being eligible to apply for reinstatement of a license or certificate suspended under this division, the impaired practitioner shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care under the provisions of the practitioner's license or certificate. The demonstration shall include, but shall not be limited to, the following:

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making the assessments and shall describe the basis for their determination.

The board may reinstate a license or certificate suspended under this division after that demonstration and after the individual has entered into a written consent agreement.

When the impaired practitioner resumes practice, the board shall require continued monitoring of the individual. The monitoring shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of perjury stating whether the individual has maintained sobriety.
(27) A second or subsequent violation of section 4731.66 or 4731.69 of the Revised Code;

(28) Except as provided in division (N) of this section:

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that individual;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay.

(29) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;

(30) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's medical record;

(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter;

(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the
responsibilities of collaboration after entering into a standard

care arrangement;

(33) Failure to comply with the terms of a consult agreement

entered into with a pharmacist pursuant to section 4729.39 of the

Revised Code;

(34) Failure to cooperate in an investigation conducted by

the board under division (F) of this section, including failure to

comply with a subpoena or order issued by the board or failure to

answer truthfully a question presented by the board in an

investigative interview, an investigative office conference, at a

deposition, or in written interrogatories, except that failure to

cooperate with an investigation shall not constitute grounds for

discipline under this section if a court of competent jurisdiction

has issued an order that either quashes a subpoena or permits the

individual to withhold the testimony or evidence in issue;

(35) Failure to supervise an oriental medicine practitioner

or acupuncturist in accordance with Chapter 4762. of the Revised

Code and the board's rules for providing that supervision;

(36) Failure to supervise an anesthesiologist assistant in

accordance with Chapter 4760. of the Revised Code and the board's

rules for supervision of an anesthesiologist assistant;

(37) Assisting suicide, as defined in section 3795.01 of the

Revised Code;

(38) Failure to comply with the requirements of section

2317.561 of the Revised Code;

(39) Failure to supervise a radiologist assistant in

accordance with Chapter 4774. of the Revised Code and the board's

rules for supervision of radiologist assistants;

(40) Performing or inducing an abortion at an office or

facility with knowledge that the office or facility fails to post
the notice required under section 3701.791 of the Revised Code;

(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;

(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;

(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;

(44) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code;

(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;

(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;

(47) Failure to comply with the requirement regarding maintaining notes described in division (B) of section 2919.191 of the Revised Code or failure to satisfy the requirements of section 2919.191 of the Revised Code prior to performing or inducing an
abortion upon a pregnant woman;

(48) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;

(49) Failure to comply with the requirements of section 4731.30 of the Revised Code or rules adopted under section 4731.301 of the Revised Code when recommending treatment with medical marijuana;

(50) Practicing at a facility, clinic, or other location that is subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification unless the person operating that place has obtained and maintains the license with the classification;

(51) Owning a facility, clinic, or other location that is subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification unless that place is licensed with the classification.

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.
A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends an individual's license or certificate to practice or certificate to recommend. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code.

If the board takes disciplinary action against an individual under division (B) of this section for a second or subsequent plea of guilty to, or judicial finding of guilty of, a violation of section 2919.123 of the Revised Code, the disciplinary action shall consist of a suspension of the individual's license or certificate to practice for a period of at least one year or, if determined appropriate by the board, a more serious sanction involving the individual's license or certificate to practice. Any consent agreement entered into under this division with an individual that pertains to a second or subsequent plea of guilty to, or judicial finding of guilty of, a violation of that section shall provide for a suspension of the individual's license or certificate to practice for a period of at least one year or, if determined appropriate by the board, a more serious sanction involving the individual's license or certificate to practice.

(D) For purposes of divisions (B)(10), (12), and (14) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the individual committed the act. The board does not have jurisdiction under those divisions if the trial court renders a final judgment in the individual's favor and that judgment is based upon an adjudication on the merits. The board has jurisdiction under those divisions if the trial court issues an order of dismissal upon technical or procedural grounds.

(E) The sealing of conviction records by any court shall have no effect upon a prior board order entered under this section or upon the board's jurisdiction to take action under this section.
if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing prior to the court's order to seal the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

(F)(1) The board shall investigate evidence that appears to show that a person has violated any provision of this chapter or any rule adopted under it. Any person may report to the board in a signed writing any information that the person may have that appears to show a violation of any provision of this chapter or any rule adopted under it. In the absence of bad faith, any person who reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable in damages in a civil action as a result of the report or testimony. Each complaint or allegation of a violation received by the board shall be assigned a case number and shall be recorded by the board.

(2) Investigations of alleged violations of this chapter or any rule adopted under it shall be supervised by the supervising member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section 4731.39 of the Revised Code. The president may designate another member of the board to supervise the investigation in place of the supervising member. No member of the board who supervises the investigation of a case shall participate in further adjudication of the case.

(3) In investigating a possible violation of this chapter or any rule adopted under this chapter, or in conducting an inspection under division (E) of section 4731.054 of the Revised Code, the board may question witnesses, conduct interviews, administer oaths, order the taking of depositions, inspect and
copy any books, accounts, papers, records, or documents, issue
subpoenas, and compel the attendance of witnesses and production
of books, accounts, papers, records, documents, and testimony,
except that a subpoena for patient record information shall not be
issued without consultation with the attorney general's office and
approval of the secretary and supervising member of the board.

(a) Before issuance of a subpoena for patient record
information, the secretary and supervising member shall determine
whether there is probable cause to believe that the complaint
filed alleges a violation of this chapter or any rule adopted
under it and that the records sought are relevant to the alleged
violation and material to the investigation. The subpoena may
apply only to records that cover a reasonable period of time
surrounding the alleged violation.

(b) On failure to comply with any subpoena issued by the
board and after reasonable notice to the person being subpoenaed,
the board may move for an order compelling the production of
persons or records pursuant to the Rules of Civil Procedure.

(c) A subpoena issued by the board may be served by a
sheriff, the sheriff's deputy, or a board employee designated by
the board. Service of a subpoena issued by the board may be made
by delivering a copy of the subpoena to the person named therein,
reading it to the person, or leaving it at the person's usual
place of residence, usual place of business, or address on file
with the board. When serving a subpoena to an applicant for or the
holder of a license or certificate issued under this chapter,
service of the subpoena may be made by certified mail, return
receipt requested, and the subpoena shall be deemed served on the
date delivery is made or the date the person refuses to accept
delivery. If the person being served refuses to accept the
subpoena or is not located, service may be made to an attorney who
notifies the board that the attorney is representing the person.
(d) A sheriff's deputy who serves a subpoena shall receive the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation or pursuant to an inspection under division (E) of section 4731.054 of the Revised Code is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given or, in the case of a patient, a waiver of the patient privilege exists under division (B) of section 2317.02 of the Revised Code, except that consent or a waiver of that nature is not required if the board possesses reliable and substantial evidence that no bona fide physician-patient relationship exists.

The board may share any information it receives pursuant to an investigation or inspection, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state medical board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is
dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state medical board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

(6) On a quarterly basis, the board shall prepare a report that documents the disposition of all cases during the preceding three months. The report shall contain the following information for each case with which the board has completed its activities:

(a) The case number assigned to the complaint or alleged violation;

(b) The type of license or certificate to practice, if any, held by the individual against whom the complaint is directed;

(c) A description of the allegations contained in the complaint;

(d) The disposition of the case.

The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code.

(G) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license or certificate to practice or certificate to recommend without a prior hearing:
(1) That there is clear and convincing evidence that an individual has violated division (B) of this section;

(2) That the individual's continued practice presents a danger of immediate and serious harm to the public.

Written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license or certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual.

Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within seventy-five days after completion of its hearing. A failure to issue the order within seventy-five days shall result in dissolution of the summary suspension order but shall not invalidate any subsequent, final adjudicative order.

(H) If the board takes action under division (B)(9), (11), or (13) of this section and the judicial finding of guilt, guilty
plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. Upon receipt of a petition of that nature and supporting court documents, the board shall reinstate the individual's license or certificate to practice. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of an opportunity for a hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act or if no hearing is requested, the board may order any of the sanctions identified under division (B) of this section.

(I) The license or certificate to practice issued to an individual under this chapter and the individual's practice in this state are automatically suspended as of the date of the individual's second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 of the Revised Code. In addition, the license or certificate to recommend issued to an individual under this chapter and the individual's practice in this state are automatically suspended as of the date the individual pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after suspension shall be considered practicing
without a license or certificate.

The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose license or certificate is automatically suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall do whichever of the following is applicable:

(1) If the automatic suspension under this division is for a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 of the Revised Code, the board shall enter an order suspending the individual's license or certificate to practice for a period of at least one year or, if determined appropriate by the board, imposing a more serious sanction involving the individual's license or certificate to practice.

(2) In all circumstances in which division (I)(1) of this section does not apply, enter a final order permanently revoking the individual's license or certificate to practice.

(J) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which
the individual's license or certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a license or certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue a license or certificate to practice to an applicant, revokes an individual's license or certificate to practice, refuses to renew an individual's license or certificate to practice, or refuses to reinstate an individual's license or certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license or certificate to practice and the board shall not accept an application for reinstatement of the license or certificate or for issuance of a new license or certificate.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

1. The surrender of a license or certificate issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license or certificate to practice. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license or certificate surrendered to the board requires an affirmative vote of not fewer than six members of the board.

2. An application for a license or certificate made under the provisions of this chapter may not be withdrawn without approval of the board.
(3) Failure by an individual to renew a **license or certificate** to practice in accordance with this chapter or a certificate to recommend in accordance with rules adopted under section 4731.301 of the Revised Code shall not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.

(4) At the request of the board, a **license or certificate** holder shall immediately surrender to the board a **license or certificate** that the board has suspended, revoked, or permanently revoked.

(N) Sanctions shall not be imposed under division (B)(28) of this section against any person who waives deductibles and copayments as follows:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other person authorized to practice pursuant to this chapter, to the extent allowed by this chapter and rules adopted by the board.

(O) Under the board's investigative duties described in this section and subject to division (F) of this section, the board shall develop and implement a quality intervention program designed to improve through remedial education the clinical and communication skills of individuals authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, and podiatric medicine and surgery. In developing and implementing the quality intervention program, the board may do all of the following:

(1) Offer in appropriate cases as determined by the board an...
educational and assessment program pursuant to an investigation the board conducts under this section;

(2) Select providers of educational and assessment services, including a quality intervention program panel of case reviewers;

(3) Make referrals to educational and assessment service providers and approve individual educational programs recommended by those providers. The board shall monitor the progress of each individual undertaking a recommended individual educational program.

(4) Determine what constitutes successful completion of an individual educational program and require further monitoring of the individual who completed the program or other action that the board determines to be appropriate;

(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program.

An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program.

Sec. 4731.221. If the state medical board has reason to believe that any person who has been granted a license or certificate under this chapter is mentally ill or mentally incompetent, it may file in the probate court of the county in which such person has a legal residence an affidavit in the form prescribed in section 5122.11 of the Revised Code and signed by the board secretary or a member of the board secretary's staff, whereupon the same proceedings shall be had as provided in Chapter 5122. of the Revised Code. The attorney general may represent the board in any proceeding commenced under this section.

If any person who has been granted a license or certificate
under this chapter is adjudged by a probate court to be mentally ill or mentally incompetent, the person's license or certificate shall be automatically suspended until such person has filed with the state medical board a certified copy of an adjudication by a probate court of the person's subsequent restoration to competency or has submitted to such board proof, satisfactory to the board, that the person has been discharged as having a restoration to competency in the manner and form provided in section 5122.38 of the Revised Code. The judge of such court shall forthwith notify the state medical board of an adjudication of mental illness or mental incompetence, and shall note any suspension of a license or certificate in the margin of the court's record of such license or certificate.

Sec. 4731.222. (A) This section applies to both of the following:

(1) An applicant seeking restoration of a license or certificate issued under this chapter that has been in a suspended or inactive state for any cause for more than two years;

(2) An applicant seeking issuance of a license or certificate pursuant to section 4731.17, 4731.29, 4731.295, 4731.57, or 4731.571 of the Revised Code who for more than two years has not been engaged in the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine as any of the following:

(a) An active practitioner;

(b) A participant in a program of graduate medical education, as defined in section 4731.091 4731.04 of the Revised Code;

(c) A student in a college of podiatry determined by the state medical board to be in good standing;

(d) A student in a school, college, or institution giving
instruction in a limited branch of medicine determined by the board to be in good standing under section 4731.16 of the Revised Code.

(B) Before restoring a license or certificate to good standing for or issuing a license or certificate to an applicant subject to this section, the state medical board may impose terms and conditions including any one or more of the following:

(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice;

(2) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training;

(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing medical evaluations and procedures in a manner that meets the minimal standards of care;

(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions;

(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders;

(6) Restricting or limiting the extent, scope, or type of practice of the applicant.

The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity, in accordance with section 4731.08, 4731.09, 4731.19, or 4731.52 of the Revised Code. The board shall not restore a license or certificate under this section unless the applicant
complies with sections 4776.01 to 4776.04 of the Revised Code.

Sec. 4731.223. (A) As used in this section, "prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(B) Whenever any person holding a valid license or certificate issued pursuant to this chapter pleads guilty to, is subject to a judicial finding of guilt of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction for a violation of Chapter 2907., 2925., or 3719. of the Revised Code or of any substantively comparable ordinance of a municipal corporation in connection with the person's practice, or for a second or subsequent time pleads guilty to, or is subject to a judicial finding of guilt of, a violation of section 2919.123 of the Revised Code, the prosecutor in the case, on forms prescribed and provided by the state medical board, shall promptly notify the board of the conviction or guilty plea. Within thirty days of receipt of that information, the board shall initiate action in accordance with Chapter 119. of the Revised Code to determine whether to suspend or revoke the license or certificate under section 4731.22 of the Revised Code.

(C) The prosecutor in any case against any person holding a valid license or certificate issued pursuant to this chapter, on forms prescribed and provided by the state medical board, shall notify the board of any of the following:

(1) A plea of guilty to, a finding of guilt by a jury or court of, or judicial finding of eligibility for intervention in lieu of conviction for a felony, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a felony charge;

(2) A plea of guilty to, a finding of guilt by a jury or court of, or judicial finding of eligibility for intervention in lieu of conviction for a misdemeanor committed in the course of
practice, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor, if the alleged act was committed in the course of practice;

(3) A plea of guilty to, a finding of guilt by a jury or court of, or judicial finding of eligibility for intervention in lieu of conviction for a misdemeanor involving moral turpitude, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor involving moral turpitude.

The report shall include the name and address of the license or certificate holder, the nature of the offense for which the action was taken, and the certified court documents recording the action.

Sec. 4731.224. (A) Within sixty days after the imposition of any formal disciplinary action taken by any health care facility, including a hospital, health care facility operated by a health insuring corporation, ambulatory surgical center, or similar facility, against any individual holding a valid license or certificate to practice issued pursuant to this chapter, the chief administrator or executive officer of the facility shall report to the state medical board the name of the individual, the action taken by the facility, and a summary of the underlying facts leading to the action taken. Upon request, the board shall be provided certified copies of the patient records that were the basis for the facility's action. Prior to release to the board, the summary shall be approved by the peer review committee that reviewed the case or by the governing board of the facility. As used in this division, "formal disciplinary action" means any action resulting in the revocation, restriction, reduction, or termination of clinical privileges for violations of professional
ethics, or for reasons of medical incompetence, medical malpractice, or drug or alcohol abuse. "Formal disciplinary action" includes a summary action, an action that takes effect notwithstanding any appeal rights that may exist, and an action that results in an individual surrendering clinical privileges while under investigation and during proceedings regarding the action being taken or in return for not being investigated or having proceedings held. "Formal disciplinary action" does not include any action taken for the sole reason of failure to maintain records on a timely basis or failure to attend staff or section meetings.

The filing or nonfiling of a report with the board, investigation by the board, or any disciplinary action taken by the board, shall not preclude any action by a health care facility to suspend, restrict, or revoke the individual's clinical privileges.

In the absence of fraud or bad faith, no individual or entity that provides patient records to the board shall be liable in damages to any person as a result of providing the records.

(B) If any individual authorized to practice under this chapter or any professional association or society of such individuals believes that a violation of any provision of this chapter, Chapter 4730., 4760., 4762., 4774., or 4778. of the Revised Code, or any rule of the board has occurred, the individual, association, or society shall report to the board the information upon which the belief is based. This division does not require any treatment provider approved by the board under section 4731.25 of the Revised Code or any employee, agent, or representative of such a provider to make reports with respect to an impaired practitioner participating in treatment or aftercare for substance abuse as long as the practitioner maintains
participation in accordance with the requirements of section 4731.25 of the Revised Code, and as long as the treatment provider or employee, agent, or representative of the provider has no reason to believe that the practitioner has violated any provision of this chapter or any rule adopted under it, other than the provisions of division (B)(26) of section 4731.22 of the Revised Code. This division does not require reporting by any member of an impaired practitioner committee established by a health care facility or by any representative or agent of a committee or program sponsored by a professional association or society of individuals authorized to practice under this chapter to provide peer assistance to practitioners with substance abuse problems with respect to a practitioner who has been referred for examination to a treatment program approved by the board under section 4731.25 of the Revised Code if the practitioner cooperates with the referral for examination and with any determination that the practitioner should enter treatment and as long as the committee member, representative, or agent has no reason to believe that the practitioner has ceased to participate in the treatment program in accordance with section 4731.25 of the Revised Code or has violated any provision of this chapter or any rule adopted under it, other than the provisions of division (B)(26) of section 4731.22 of the Revised Code.

(C) Any professional association or society composed primarily of doctors of medicine and surgery, doctors of osteopathic medicine and surgery, doctors of podiatric medicine and surgery, or practitioners of limited branches of medicine that suspends or revokes an individual's membership for violations of professional ethics, or for reasons of professional incompetence or professional malpractice, within sixty days after a final decision shall report to the board, on forms prescribed and provided by the board, the name of the individual, the action taken by the professional organization, and a summary of the
underlying facts leading to the action taken.  

The filing of a report with the board or decision not to file a report, investigation by the board, or any disciplinary action taken by the board, does not preclude a professional organization from taking disciplinary action against an individual.  

(D) Any insurer providing professional liability insurance to an individual authorized to practice under this chapter, or any other entity that seeks to indemnify the professional liability of such an individual, shall notify the board within thirty days after the final disposition of any written claim for damages where such disposition results in a payment exceeding twenty-five thousand dollars. The notice shall contain the following information:  

(1) The name and address of the person submitting the notification;  

(2) The name and address of the insured who is the subject of the claim;  

(3) The name of the person filing the written claim;  

(4) The date of final disposition;  

(5) If applicable, the identity of the court in which the final disposition of the claim took place.  

(E) The board may investigate possible violations of this chapter or the rules adopted under it that are brought to its attention as a result of the reporting requirements of this section, except that the board shall conduct an investigation if a possible violation involves repeated malpractice. As used in this division, "repeated malpractice" means three or more claims for medical malpractice within the previous five-year period, each resulting in a judgment or settlement in excess of twenty-five thousand dollars in favor of the claimant, and each involving
negligent conduct by the practicing individual.

(F) All summaries, reports, and records received and maintained by the board pursuant to this section shall be held in confidence and shall not be subject to discovery or introduction in evidence in any federal or state civil action involving a health care professional or facility arising out of matters that are the subject of the reporting required by this section. The board may use the information obtained only as the basis for an investigation, as evidence in a disciplinary hearing against an individual whose practice is regulated under this chapter, or in any subsequent trial or appeal of a board action or order.

The board may disclose the summaries and reports it receives under this section only to health care facility committees within or outside this state that are involved in credentialing or recredentialing the individual or in reviewing the individual's clinical privileges. The board shall indicate whether or not the information has been verified. Information transmitted by the board shall be subject to the same confidentiality provisions as when maintained by the board.

(G) Except for reports filed by an individual pursuant to division (B) of this section, the board shall send a copy of any reports or summaries it receives pursuant to this section to the individual who is the subject of the reports or summaries. The individual shall have the right to file a statement with the board concerning the correctness or relevance of the information. The statement shall at all times accompany that part of the record in contention.

(H) An individual or entity that, pursuant to this section, reports to the board or refers an impaired practitioner to a treatment provider approved by the board under section 4731.25 of the Revised Code shall not be subject to suit for civil damages as a result of the report, referral, or provision of the information.
In the absence of fraud or bad faith, no professional association or society of individuals authorized to practice under this chapter that sponsors a committee or program to provide peer assistance to practitioners with substance abuse problems, no representative or agent of such a committee or program, and no member of the state medical board shall be held liable in damages to any person by reason of actions taken to refer a practitioner to a treatment provider approved under section 4731.25 of the Revised Code for examination or treatment.

Sec. 4731.225. (A) If the holder of a license or certificate issued under this chapter violates division (A), (B), or (C) of section 4731.66 or section 4731.69 of the Revised Code, or if any other person violates division (B) or (C) of section 4731.66 or section 4731.69 of the Revised Code, the state medical board, pursuant to an adjudication under Chapter 119. of the Revised Code and an affirmative vote of not fewer than six of its members, shall:

(1) For a first violation, impose a civil penalty of not more than five thousand dollars;

(2) For each subsequent violation, impose a civil penalty of not more than twenty thousand dollars and, if the violator is a license or certificate holder, proceed under division (B)(27) of section 4731.22 of the Revised Code.

(B)(1) If the holder of a license or certificate issued under this chapter violates any section of this chapter other than section 4731.281 or 4731.282 of the Revised Code or the sections specified in division (A) of this section, or violates any rule adopted under this chapter, the board may, pursuant to an adjudication under Chapter 119. of the Revised Code and an affirmative vote of not fewer than six of its members, impose a civil penalty. The amount of the civil penalty shall be determined
by the board in accordance with the guidelines adopted under
division (B)(2) of this section. The civil penalty may be in
addition to any other action the board may take under section
4731.22 of the Revised Code.

(2) The board shall adopt and may amend guidelines regarding
the amounts of civil penalties to be imposed under this section.
Adoption or amendment of the guidelines requires the approval of
not fewer than six board members.

Under the guidelines, no civil penalty amount shall exceed
twenty thousand dollars.

(C) Amounts received from payment of civil penalties imposed
under this section shall be deposited by the board in accordance
with section 4731.24 of the Revised Code. Amounts received from
payment of civil penalties imposed for violations of division
(B)(26) of section 4731.22 of the Revised Code shall be used by
the board solely for investigations, enforcement, and compliance
monitoring.

_Sec. 4731.23._ (A)(1)(a) The state medical board shall
designate one or more attorneys at law who have been admitted to
the practice of law, and who are classified as either
administrative law attorney examiners or as administrative law
attorney examiner administrators under the state job
classification plan adopted under section 124.14 of the Revised
Code, as hearing examiners, subject to Chapter 119. of the Revised
Code, to conduct any hearing which the medical board is empowered
to hold or undertake pursuant to Chapter 119. of the Revised Code.

(b) Notwithstanding the requirement of division (A)(1)(a) of
this section that the board designate as a hearing examiner an
attorney who is classified as either an administrative law
attorney examiner or an administrative law attorney examiner
administrator, the board may, subject to section 127.16 of the
Revised Code, enter into a personal service contract with an attorney admitted to the practice of law in this state to serve on a temporary basis as a hearing examiner.

(2) The hearing examiner shall hear and consider the oral and documented evidence introduced by the parties and issue in writing proposed findings of fact and conclusions of law to the board for their consideration within thirty days following the close of the hearing.

(B) The board shall be given copies of the transcript of the record hearing and all exhibits and documents presented by the parties at the hearing.

(C) The board shall, upon the favorable vote of three members, allow the parties or their counsel the opportunity to present oral arguments on the proposed findings of fact and conclusions of law of the hearing examiner prior to the board's final action.

(D) The board shall render a decision and take action within sixty days following the receipt of the hearing examiner's proposed findings of fact and conclusions of law or within any longer period mutually agreed upon by the board and the license or certificate holder.

(E) The final decision of the board in any hearing which the board is empowered to undertake shall be in writing and contain findings of fact and conclusions of law. Copies of the decision shall be delivered to the parties personally or by certified mail. The decision shall be final upon delivery or mailing, except that the license or certificate holder may appeal in the manner provided by Chapter 119. of the Revised Code.

Sec. 4731.24. Except as provided in sections 4731.281 and 4731.40 of the Revised Code, all receipts of the state medical
board, from any source, shall be deposited in the state treasury. The funds shall be deposited to the credit of the state medical board operating fund, which is hereby created. Except as provided in sections 4730.252, 4731.225, 4731.24, 4760.133, 4762.133, 4774.133, and 4778.141 of the Revised Code, all funds deposited into the state treasury under this section shall be used solely for the administration and enforcement of this chapter and Chapters 4730., 4759., 4760., 4761., 4762., 4774., and 4778. of the Revised Code by the board.

Sec. 4731.25. The state medical board, in accordance with Chapter 119. of the Revised Code, shall adopt and may amend and rescind rules establishing standards for approval of physicians and facilities as treatment providers for impaired practitioners who are regulated under this chapter or Chapter 4730., 4759., 4760., 4761., 4762., 4774., or 4778. of the Revised Code. The rules shall include standards for both inpatient and outpatient treatment. The rules shall provide that in order to be approved, a treatment provider must have the capability of making an initial examination to determine what type of treatment an impaired practitioner requires. Subject to the rules, the board shall review and approve treatment providers on a regular basis. The board, at its discretion, may withdraw or deny approval subject to the rules.

An approved impaired practitioner treatment provider shall:

(A) Report to the board the name of any practitioner suffering or showing evidence of suffering impairment as described in division (B)(5) of section 4730.25 of the Revised Code, division (B)(26) of section 4731.22 of the Revised Code, division (A)(4) of section 4759.07 of the Revised Code, division (B)(6) of section 4760.13 of the Revised Code, division (B)(6) of section 4762.13 of the Revised Code, division (B)(6) of section 4774.13 of
the Revised Code, or division (B)(6) of section 4778.14 of the
Revised Code who fails to comply within one week with a referral
for examination;

(B) Report to the board the name of any impaired practitioner
who fails to enter treatment within forty-eight hours following
the provider's determination that the practitioner needs
treatment;

(C) Require every practitioner who enters treatment to agree
to a treatment contract establishing the terms of treatment and
aftercare, including any required supervision or restrictions of
practice during treatment or aftercare;

(D) Require a practitioner to suspend practice upon entry
into any required inpatient treatment;

(E) Report to the board any failure by an impaired
practitioner to comply with the terms of the treatment contract
during inpatient or outpatient treatment or aftercare;

(F) Report to the board the resumption of practice of any
impaired practitioner before the treatment provider has made a
clear determination that the practitioner is capable of practicing
according to acceptable and prevailing standards of care;

(G) Require a practitioner who resumes practice after
completion of treatment to comply with an aftercare contract that
meets the requirements of rules adopted by the board for approval
of treatment providers;

(H) Report the identity of any practitioner practicing under
the terms of an aftercare contract to hospital administrators,
medical chiefs of staff, and chairpersons of impaired practitioner
committees of all health care institutions at which the
practitioner holds clinical privileges or otherwise practices. If
the practitioner does not hold clinical privileges at any health
care institution, the treatment provider shall report the
practitioner's identity to the impaired practitioner committee of the county medical society, osteopathic academy, or podiatric medical association in every county in which the practitioner practices. If there are no impaired practitioner committees in the county, the treatment provider shall report the practitioner's identity to the president or other designated member of the county medical society, osteopathic academy, or podiatric medical association.

(I) Report to the board the identity of any practitioner who suffers a relapse at any time during or following aftercare.

Any individual authorized to practice under this chapter who enters into treatment by an approved treatment provider shall be deemed to have waived any confidentiality requirements that would otherwise prevent the treatment provider from making reports required under this section.

In the absence of fraud or bad faith, no person or organization that conducts an approved impaired practitioner treatment program, no member of such an organization, and no employee, representative, or agent of the treatment provider shall be held liable in damages to any person by reason of actions taken or recommendations made by the treatment provider or its employees, representatives, or agents.

Sec. 4731.26. Upon application by the holder of a license or certificate to practice issued under this chapter, the state medical board shall issue a duplicate license or certificate to replace one missing or damaged, to reflect a name change, or for any other reasonable cause. The fee for a duplicate license or certificate to practice shall be thirty-five dollars.

Sec. 4731.281. (A)(1) Each person holding a certificate issued under this chapter to practice medicine and
surgery, osteopathic medicine and surgery, or podiatric medicine and surgery wishing to renew that certificate shall apply to the board for renewal. Applications shall be submitted to the board in a manner prescribed by the board. Each application shall be accompanied by a biennial renewal fee of three hundred five dollars. Applications shall be submitted according to the following schedule:

(a) Persons whose last name begins with the letters "A" through "B," on or before April 1, 2001, and the first day of April of every odd-numbered year thereafter;

(b) Persons whose last name begins with the letters "C" through "D," on or before January 1, 2001, and the first day of January of every odd-numbered year thereafter;

(c) Persons whose last name begins with the letters "E" through "G," on or before October 1, 2000, and the first day of October of every even-numbered year thereafter;

(d) Persons whose last name begins with the letters "H" through "K," on or before July 1, 2000, and the first day of July of every even-numbered year thereafter;

(e) Persons whose last name begins with the letters "L" through "M," on or before April 1, 2000, and the first day of April of every even-numbered year thereafter;

(f) Persons whose last name begins with the letters "N" through "R," on or before January 1, 2000, and the first day of January of every even-numbered year thereafter;

(g) Persons whose last name begins with the letter "S," on or before October 1, 1999, and the first day of October of every odd-numbered year thereafter;

(h) Persons whose last name begins with the letters "T" through "Z," on or before July 1, 1999, and the first day of July
of every odd-numbered year thereafter.

The board shall deposit the fee in accordance with section 4731.24 of the Revised Code, except that the board shall deposit twenty dollars of the fee into the state treasury to the credit of the physician loan repayment fund created by section 3702.78 of the Revised Code.

(2) The board shall provide to every person holding a certificate license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, a renewal notice or may provide the notice to the person through the secretary of any recognized medical, osteopathic, or podiatric society, according to the following schedule:

(a) To persons whose last name begins with the letters "A" through "B," on or before January 1, 2001, and the first day of January of every odd-numbered year thereafter;

(b) To persons whose last name begins with the letters "C" through "D," on or before October 1, 2000, and the first day of October of every even-numbered year thereafter;

(c) To persons whose last name begins with the letters "E" through "G," on or before July 1, 2000, and the first day of July of every even-numbered year thereafter;

(d) To persons whose last name begins with the letters "H" through "K," on or before April 1, 2000, and the first day of April of every even-numbered year thereafter;

(e) To persons whose last name begins with the letters "L" through "M," on or before January 1, 2000, and the first day of January of every even-numbered year thereafter;

(f) To persons whose last name begins with the letters "N" through "R," on or before October 1, 1999, and the first day of October of every odd-numbered year thereafter;
(g) To persons whose last name begins with the letter "S," on or before July 1, 1999, and the first day of July of every odd-numbered year thereafter;

(h) To persons whose last name begins with the letters "T" through "Z," on or before April 1, 1999, and the first day of April of every odd-numbered year thereafter.

(3) Failure of any person to receive a notice of renewal from the board shall not excuse the person from the requirements contained in this section.

(4) The board's notice shall inform the applicant of the renewal procedure. The board shall provide the application for renewal in a form determined by the board.

(5) The applicant shall provide in the application the applicant's full name; the applicant's residence address, business address, and electronic mail address; the number of the applicant's license certificate to practice; and any other information required by the board.

(6)(a) Except as provided in division (A)(6)(b) of this section, in the case of an applicant who prescribes or personally furnishes opioid analgesics or benzodiazepines, as defined in section 3719.01 of the Revised Code, the applicant shall certify to the board whether the applicant has been granted access to the drug database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.

(b) The requirement in division (A)(6)(a) of this section does not apply if any of the following is the case:

(i) The state board of pharmacy notifies the state medical board pursuant to section 4729.861 of the Revised Code that the applicant has been restricted from obtaining further information from the drug database.
(ii) The state board of pharmacy no longer maintains the drug database.

(iii) The applicant does not practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery in this state.

(c) If an applicant certifies to the state medical board that the applicant has been granted access to the drug database and the board finds through an audit or other means that the applicant has not been granted access, the board may take action under section 4731.22 of the Revised Code.

(7) The applicant shall include with the application a list of the names and addresses of any clinical nurse specialists, certified nurse-midwives, or certified nurse practitioners with whom the applicant is currently collaborating, as defined in section 4723.01 of the Revised Code.

(8) The applicant shall report any criminal offense to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last filing an application for a certificate license to practice or renewal of a certificate license.

(9) The applicant shall execute and deliver the application to the board in a manner prescribed by the board.

(B) The board shall renew a certificate license under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery upon application and qualification therefor in accordance with this section. A renewal shall be valid for a two-year period.

(C) Failure of any certificate license holder to renew and comply with this section shall operate automatically to suspend the holder's certificate license to practice and if applicable,
the holder's certificate to recommend issued under section 4731.30
of the Revised Code. Continued practice after the suspension shall
be considered as practicing in violation of section 4731.41,
4731.43, or 4731.60 of the Revised Code. If the certificate
license has been suspended pursuant to this division for two years
or less, it may be reinstated. The board shall reinstate a
certificate license to practice suspended for failure to renew
upon an applicant's submission of a renewal application, the
biennial renewal fee, and the applicable monetary penalty. The
penalty for reinstatement shall be one hundred dollars. If the
certificate license has been suspended pursuant to this division
for more than two years, it may be restored. Subject to section
4731.222 of the Revised Code, the board may restore a certificate
license to practice suspended for failure to renew upon an
applicant's submission of a restoration application, the biennial
renewal fee, and the applicable monetary penalty and compliance
with sections 4776.01 to 4776.04 of the Revised Code. The board
shall not restore to an applicant a certificate license to
practice unless the board, in its discretion, decides that the
results of the criminal records check do not make the applicant
ineligible for a certificate license issued pursuant to section
4731.14, 4731.56, or 4731.57 of the Revised Code. The penalty for
restoration shall be two hundred dollars. The board shall deposit
the penalties in accordance with section 4731.24 of the Revised
Code. Any renewal or restoration of a certificate license to
practice under this section shall operate automatically to renew
the holder's certificate to recommend.

(D) If an individual certifies completion of the number of
hours and type of continuing medical education required to renew
or reinstate a certificate to practice, and the board finds
through the random samples it conducts under this section or
through any other means that the individual did not complete the
requisite continuing medical education, the board may impose a
civil penalty of not more than five thousand dollars. The board's finding shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six members.

A civil penalty imposed under this division may be in addition to or in lieu of any other action the board may take under section 4731.22 of the Revised Code. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code.

(E) The state medical board may obtain information not protected by statutory or common law privilege from courts and other sources concerning malpractice claims against any person holding a certificate license to practice under this chapter or practicing as provided in section 4731.36 of the Revised Code.

(F) Each mailing sent by the board under division (A)(2) of this section to a person holding a certificate license to practice medicine and surgery or osteopathic medicine and surgery shall inform the applicant of the reporting requirement established by division (H) of section 3701.79 of the Revised Code. At the discretion of the board, the information may be included on the application for renewal or on an accompanying page.

(G) Each person holding a certificate license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery shall give notice to the board of any of the following changes not later than thirty days after the change occurs:

(1) A change in the certificate license holder's residence address, business address, or electronic mail address;

(2) A change in the list provided under division (B)(7) of this section of names and addresses of the nurses with whom the
Sec. 4731.282. (A)(1) Except as provided in division (D) of this section, each person holding a certificate license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery issued by the state medical board shall complete biennially not less than one hundred hours of continuing medical education that has been approved by the board.

(2) Each person holding a certificate license to practice shall be given sufficient choice of continuing education programs to ensure that the person has had a reasonable opportunity to participate in continuing education programs that are relevant to the person's medical practice in terms of subject matter and level.

(B) In determining whether a course, program, or activity qualifies for credit as continuing medical education, the board shall approve all of the following:

(1) Continuing medical education completed by holders of certificates licenses to practice medicine and surgery that is certified by the Ohio state medical association;

(2) Continuing medical education completed by holders of certificates licenses to practice osteopathic medicine and surgery that is certified by the Ohio osteopathic association;

(3) Continuing medical education completed by holders of certificates licenses to practice podiatric medicine and surgery that is certified by the Ohio podiatric medical association.

(C) The board shall approve one or more continuing medical education courses of study included within the programs certified by the Ohio state medical association and the Ohio osteopathic association under divisions (B)(1) and (2) of this section that assist doctors of medicine and doctors of osteopathic medicine in
both of the following:

1. Recognizing the signs of domestic violence and its relationship to child abuse;

2. Diagnosing and treating chronic pain, as defined in section 4731.052 of the Revised Code.

D. The board shall adopt rules providing for pro rata reductions by month of the number of hours of continuing education that must be completed for certificate license holders who are in their first renewal period, have been disabled by illness or accident, or have been absent from the country. The board shall adopt the rules in accordance with Chapter 119. of the Revised Code.

E. The board may require a random sample of holders of certificates licenses to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery to submit materials documenting completion of the required number of hours of continuing medical education. This division does not limit the board's authority to conduct investigations pursuant to section 4731.22 of the Revised Code.

F. The board may impose a civil penalty of not more than five thousand dollars if (1) If, through a random sample conducted under division (E) of this section or any other means, it the board finds that an individual falsely who certified that the individual completed completion of the number of hours and type of continuing medical education required for renewal of to renew, reinstate, or restore a certificate license to practice. If the civil penalty is imposed in addition to any other action the board takes did not complete the requisite continuing medical education, the board may do either of the following:

(a) Take disciplinary action against the individual under section 4731.22 of the Revised Code, the, impose a civil penalty,
or both:

(b) Permit the individual to agree in writing to complete the continuing medical education and pay a civil penalty.

(2) The board's finding in any disciplinary action taken under division (F)(1)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members.

(3) A civil penalty imposed under this division may be in addition to or in lieu of any other action the board takes under section 4731.22 of the Revised Code. paid under division (F)(1)(b) of this section or imposed under division (F)(1)(a) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code.

Sec. 4731.291. (A) An individual seeking to pursue an internship, residency, or clinical fellowship program in this state, who does not hold a certificate license to practice medicine and surgery or osteopathic medicine or surgery issued under this chapter, shall apply to the state medical board for a training certificate. The application shall be made on forms that the board shall furnish and shall be accompanied by an application fee of seventy-five dollars.

An applicant for a training certificate shall furnish to the board of all of the following:

(1) Evidence satisfactory to the board that the applicant is at least eighteen years of age and is of good moral character.

(2) Evidence satisfactory to the board that the applicant has been accepted or appointed to participate in this state in one of the following:

(a) An internship or residency program accredited by either
the accreditation council for graduate medical education of the American medical association or the American osteopathic association;

(b) A clinical fellowship program at an institution with a residency program accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association that is in a clinical field the same as or related to the clinical field of the fellowship program;

(3) Information identifying the beginning and ending dates of the period for which the applicant has been accepted or appointed to participate in the internship, residency, or clinical fellowship program;

(4) Any other information that the board requires.

(B) If no grounds for denying a license or certificate under section 4731.22 of the Revised Code apply, and the applicant meets the requirements of division (A) of this section, the board shall issue a training certificate to the applicant. The board shall not require an examination as a condition of receiving a training certificate.

A training certificate issued pursuant to this section shall be valid only for the period of one year, but may in the discretion of the board and upon application duly made, be renewed annually for a maximum of five years. The fee for renewal of a training certificate shall be thirty-five dollars.

The board shall maintain a register of all individuals who hold training certificates.

(C) The holder of a valid training certificate shall be entitled to perform such acts as may be prescribed by or incidental to the holder's internship, residency, or clinical fellowship program, but the holder shall not be entitled otherwise
to engage in the practice of medicine and surgery or osteopathic medicine and surgery in this state. The holder shall limit activities under the certificate to the programs of the hospitals or facilities for which the training certificate is issued. The holder shall train only under the supervision of the physicians responsible for supervision as part of the internship, residency, or clinical fellowship program. A training certificate may be revoked by the board upon proof, satisfactory to the board, that the holder thereof has engaged in practice in this state outside the scope of the internship, residency, or clinical fellowship program for which the training certificate has been issued, or upon proof, satisfactory to the board, that the holder thereof has engaged in unethical conduct or that there are grounds for action against the holder under section 4731.22 of the Revised Code.

(D) The board may adopt rules as the board finds necessary to effect the purpose of this section.

Sec. 4731.292. The state medical board may register, without examination, persons who are not citizens of the United States, but who hold the degree of doctor of medicine or the degree of doctor of osteopathic medicine and surgery, for the purpose of permitting such persons to practice in hospitals operated by the state. Registration pursuant to this section permits practice of medicine or osteopathic medicine and surgery in state operated institutions under the supervision of the medical staff of such institution until the next scheduled examination conducted prescribed by the state medical board under section 4731.13 of the Revised Code in its rules.

An applicant for a limited certificate to practice medicine or osteopathic medicine and surgery shall furnish proof, satisfactory to the board, that:
(A) **The applicant** has filed an application for naturalization and that such application has not been rejected or withdrawn, or if not yet eligible to file an application for naturalization, **the applicant** has filed a declaration of intention to become a citizen of the United States in an appropriate court of record.

(B) **The applicant** has successfully passed the educational council for foreign medical graduates test.

(C) **The applicant** is at least eighteen years of age and of good moral character.

(D) **The applicant** is a graduate of a medical or osteopathic school or college which is reputable and in good standing in the judgment of the board.

(E) **The applicant** will limit **his** practice and training within the physical confines of the institution for which the limited certificate to practice is granted.

(F) The medical staff of the institution for which the limited certificate to practice is granted has approved in writing **his** application for such certificate.

(G) **The applicant** will practice medicine or osteopathic medicine and surgery only under the supervision of the attending medical staff of the institution for which the limited certificate is granted.

(H) **The applicant** has made application to take the state medical board examination as provided by this section.

Registration pursuant to this section shall be valid until such time as the applicant takes the state medical board examination. If the applicant passes the examination, **the applicant** shall then be granted a limited certificate to practice medicine or osteopathic medicine and surgery. A holder of a
limited certificate to practice, upon completion of the requisite training and upon receipt of his United States citizenship, shall be entitled to receive an unlimited certificate to practice.

A limited certificate to practice issued pursuant to this section shall be valid for a period of one year only, but may be renewed, in the discretion of the board and upon application duly made, annually, with the written approval of the medical staff of the institution for which the limited certificate to practice has been issued, but no limited certificate shall be renewed more than four times. The fee to be paid to the board for the issuances of the pre-examination registration permit to engage in limited practice shall be one hundred dollars; the fee to be paid for each renewal of a limited certificate shall be ten dollars.

An applicant for a limited certificate to practice must take the examination conducted under section 4731.13 of the Revised Code prescribed by the board in its rules at the first reasonable opportunity. Failure to take the examination at the first reasonable opportunity authorizes the termination of the pre-examination registration permit to engage in a limited practice as defined in this section.

The holder of a valid limited certificate to practice may engage in the practice of medicine and surgery or osteopathic medicine and surgery only under the supervision of a member of the medical staff of the institution for which the limited certificate to practice has been issued, and only within physical confines of the institution so named. A limited certificate to practice may be revoked by the board upon proof, satisfactory to the board, that the holder thereof has engaged in the practice of medicine and surgery or osteopathic medicine and surgery in this state outside the scope of his certificate, or upon proof that the holder thereof has engaged in unethical conduct or has violated
section 4731.22 of the Revised Code.

The board may promulgate such additional rules and regulations as the board finds necessary to effect the purpose of this section.

Sec. 4731.294. (A) The state medical board may issue, without examination, a special activity certificate to any person seeking to practice medicine and surgery or osteopathic medicine and surgery in conjunction with a special activity, program, or event taking place in this state.

(B) An applicant for a special activity certificate shall hold a telemedicine certificate issued under section 4731.296 of the Revised Code or submit evidence satisfactory to the board of all of the following:

(1) The applicant holds a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by another state or country and that within the two-year period immediately preceding application, the applicant has done one of the following:

(a) Actively practiced medicine and surgery or osteopathic medicine and surgery in the United States;

(b) Participated in a graduate medical education program accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association;

(c) Successfully passed the federation licensing examination established by the federation of state medical boards, a special examination established by the federation of state medical boards, or all parts of a standard medical licensing examination established for purposes of determining the competence of individuals to practice medicine and surgery or osteopathic
medicine and surgery in the United States.

(2) The applicant meets the same educational requirements that individuals must meet under sections 4731.09, 4731.091, and 4731.14 of the Revised Code.

(3) The applicant's practice in conjunction with the special activity, program, or event will be in the public interest.

(C) The applicant shall pay a fee of one hundred twenty-five dollars unless the applicant holds a telemedicine certificate issued under section 4731.296 of the Revised Code. If the applicant holds a telemedicine certificate, the board shall not charge a fee for issuing a certificate under this section. The board shall maintain a register of all persons who hold a special activity certificate.

(D) The holder of a special activity certificate may practice medicine and surgery or osteopathic medicine and surgery only in conjunction with the special activity, event, or program for which the certificate is issued. The board may revoke a certificate on receiving proof satisfactory to the board that the holder of the certificate has engaged in practice in this state outside the scope of the certificate or that there are grounds for action against the certificate holder under section 4731.22 of the Revised Code.

(E) A special activity certificate is valid for the shorter of thirty days or the duration of the special activity, program, or event. The certificate may not be renewed.

(F) The state medical board shall adopt rules in accordance with Chapter 119. of the Revised Code that specify how often an applicant may be granted a certificate under this section.

Sec. 4731.295. (A)(1) As used in this section:

(a) "Free clinic" has the same meaning as in section 3701.071
of the Revised Code.

(b) "Indigent and uninsured person" and "operation" have the same meanings as in section 2305.234 of the Revised Code.

(2) For the purposes of this section, a person shall be considered retired from practice if the person's license or certificate has expired with the person's intention of ceasing to practice medicine and surgery or osteopathic medicine and surgery for remuneration.

(B) The state medical board may issue, without examination, a volunteer's certificate to a person who is retired from practice so that the person may provide medical services to indigent and uninsured persons at any location, including a free clinic. The board shall deny issuance of a volunteer's certificate to a person who is not qualified under this section to hold a volunteer's certificate.

(C) An application for a volunteer's certificate shall include all of the following:

(1) A copy of the applicant's degree of medicine or osteopathic medicine.

(2) One of the following, as applicable:

(a) A copy of the applicant's most recent license or certificate authorizing the practice of medicine and surgery or osteopathic medicine and surgery issued by a jurisdiction in the United States that licenses persons to practice medicine and surgery or osteopathic medicine and surgery.

(b) A copy of the applicant's most recent license equivalent to a license to practice medicine and surgery or osteopathic medicine and surgery in one or more branches of the United States armed services that the United States government issued.

(3) Evidence of one of the following, as applicable:
(a) That the applicant has maintained for at least ten years prior to retirement full licensure in good standing in any jurisdiction in the United States that licenses persons to practice medicine and surgery or osteopathic medicine and surgery.

(b) That the applicant has practiced for at least ten years prior to retirement in good standing as a doctor of medicine and surgery or osteopathic medicine and surgery in one or more of the branches of the United States armed services.

(4) A notarized statement from the applicant, on a form prescribed by the board, that the applicant will not accept any form of remuneration for any medical services rendered while in possession of a volunteer's certificate.

(D) The holder of a volunteer's certificate may provide medical services only to indigent and uninsured persons, but may do so at any location, including a free clinic. The holder shall not accept any form of remuneration for providing medical services while in possession of the certificate. Except in a medical emergency, the holder shall not perform any operation or deliver babies. The board may revoke a volunteer's certificate on receiving proof satisfactory to the board that the holder has engaged in practice in this state outside the scope of the certificate.

(E)(1) A volunteer's certificate shall be valid for a period of three years, unless earlier revoked under division (D) of this section or pursuant to section 4731.22 of the Revised Code. A volunteer's certificate may be renewed upon the application of the holder. The board shall maintain a register of all persons who hold volunteer's certificates. The board shall not charge a fee for issuing or renewing a certificate pursuant to this section.

(2) To be eligible for renewal of a volunteer's certificate the holder of the certificate shall certify to the board
completion of one hundred fifty hours of continuing medical education that meets the requirements of section 4731.282 of the Revised Code regarding certification by private associations and approval by the board. The board may not renew a certificate if the holder has not complied with the continuing medical education requirements. Any entity for which the holder provides medical services may pay for or reimburse the holder for any costs incurred in obtaining the required continuing medical education credits.

(3) The board shall issue a volunteer's certificate to each person who qualifies under this section for the certificate. The certificate shall state that the certificate holder is authorized to provide medical services pursuant to the laws of this state. The holder shall display the certificate prominently at the location where the holder primarily practices.

(4) The holder of a volunteer's certificate issued pursuant to this section is subject to the immunity provisions regarding the provision of services to indigent and uninsured persons in section 2305.234 of the Revised Code.

(F) The board shall adopt rules in accordance with Chapter 119. of the Revised Code to administer and enforce this section.

Sec. 4731.296. (A) For the purposes of this section, "the practice of telemedicine" means the practice of medicine in this state through the use of any communication, including oral, written, or electronic communication, by a physician located outside this state.

(B) A person who wishes to practice telemedicine in this state shall file an application with the state medical board, together with a fee in the amount of the fee described in division (D) of section 4731.29 of the Revised Code and shall comply with sections 4776.01 to 4776.04 of the Revised Code.
Revised Code. If the board, in its discretion, decides that the results of the criminal records check do not make the person ineligible for a telemedicine certificate, the board may issue, without examination, a telemedicine certificate to a person who meets all of the following requirements:

(1) The person holds a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by another state that requires license holders to complete at least fifty hours of continuing medical education every two years.

(2) The person's principal place of practice is in that state.

(3) The person does not hold a certificate issued under this chapter authorizing the practice of medicine and surgery or osteopathic medicine and surgery in this state.

(4) The person meets the same age, moral character, and educational requirements individuals must meet under sections 4731.08, 4731.09, 4731.091, and 4731.14 of the Revised Code and, if applicable, demonstrates proficiency in spoken English in accordance with division (E) of section 4731.142 of the Revised Code.

(C) The holder of a telemedicine certificate may engage in the practice of telemedicine in this state. A person holding a telemedicine certificate shall not practice medicine in person in this state without obtaining a special activity certificate under section 4731.294 of the Revised Code.

(D) The board may revoke a certificate issued under this section or take other disciplinary action against a certificate holder pursuant to section 4731.22 of the Revised Code on receiving proof satisfactory to the board that the certificate holder has engaged in practice in this state outside the scope of
the certificate or that there are grounds for action against the
holder under section 4731.22 of the Revised Code.

(E) A telemedicine certificate shall be valid for a period
specified by the board, and the initial renewal shall be in
accordance with a schedule established by the board. Thereafter,
the certificate shall be valid for two years. A certificate may be
renewed on application of the holder.

To be eligible for renewal, the holder of the certificate
shall do both of the following:

(1) Pay a fee in the amount of the fee described in division
(A)(1) of section 4731.281 of the Revised Code;

(2) Certify to the board compliance with the continuing
medical education requirements of the state in which the holder's
principal place of practice is located.

The board may require a random sample of persons holding a
telemedicine certificate to submit materials documenting
completion of the continuing medical education requirements
described in this division.

(F) The board shall convert a telemedicine certificate to a
certificate license issued under section 4731.29 4731.14 of the
Revised Code on receipt of a written request from the certificate
holder. Once the telemedicine certificate is converted, the holder
is subject to all requirements and privileges attendant to a
certificate license issued under section 4731.29 4731.14 of the
Revised Code, including continuing medical education requirements.

Sec. 4731.298. (A) The state medical board shall issue,
without examination, to an applicant who meets the requirements of
this section a visiting clinical professional development
certificate authorizing the practice of medicine and surgery or
osteopathic medicine and surgery as part of the applicant's
participation in a clinical professional development program.

(B) To be eligible for a visiting clinical professional
development certificate, an applicant shall provide to the board
both of the following:

(1) Documentation satisfactory to the board of all of the
following:

(a) Verification from the school or hospital conducting the
program that the applicant has sufficient financial resources to
support the applicant and any dependents based on the cost of
living in the geographic area of the school or hospital conducting
the program, including room, board, transportation, and related
living expenses;

(b) Valid health and evacuation insurance for the duration of
the applicant's stay in the United States;

(c) Professional liability insurance provided by the program
or the school or hospital conducting the program for the duration
of the applicant's participation in the program;

(d) Proficiency in spoken English as demonstrated by passing
the examination described in section 4731.142 of the Revised Code;

(e) A description from the school or hospital conducting the
program of the scope of medical or surgical activities permitted
during the applicant's participation in the program that includes
all of the following:

(i) The type of practice in which the applicant will be
involved;

(ii) The type of patient contact that will occur;

(iii) The type of supervision the applicant will experience;

(iv) A list of procedures the applicant will learn;

(v) A list of any patient-based research projects in which
the applicant will be involved;

(vi) Whether the applicant will act as a consultant to a person who holds a certificate of license to practice medicine and surgery or osteopathic medicine and surgery issued under this chapter;

(vii) Any other details of the applicant's participation in the program.

(f) A statement from the school or hospital conducting the program regarding why the applicant needs advanced training and the benefits to the applicant's home country of the applicant receiving the training.

(2) Evidence satisfactory to the board that the applicant meets all of the following requirements:

(a) Has been accepted for participation in a clinical professional development program of a medical school or osteopathic medical school in this state that is accredited by the liaison committee on medical education or the American osteopathic association or of a teaching hospital affiliated with such a medical school;

(b) Is an international medical graduate who holds a medical degree from an educational institution listed in the international medical education directory;

(c) Has practiced medicine and surgery or osteopathic medicine and surgery for at least five years after completing graduate medical education, including postgraduate residency and advanced training;

(d) Has credentials that are primary-source verified by the educational commission for foreign medical graduates or the federation credentials verification service;

(e) Holds a current, unrestricted license to practice
medicine and surgery or osteopathic medicine and surgery issued in
another country;

(f) Agrees to comply with all state and federal laws
regarding health, health care, and patient privacy;

(g) Agrees to return to the applicant's home state or country
at the conclusion of the clinical professional development
program.

(C) The applicant shall pay a fee of three hundred
seventy-five dollars. The board shall maintain a register of all
persons who hold visiting clinical professional development
certificates.

(D) The holder of a visiting clinical professional
development certificate may practice medicine and surgery or
osteopathic medicine and surgery only as part of the clinical
professional development program in which the certificate holder
participates. The certificate holder's practice must be under the
direct supervision of a qualified faculty member of the medical
school, osteopathic medical school, or teaching hospital
conducting the program who holds a certificate license to practice
medicine and surgery or osteopathic medicine and surgery issued
under this chapter.

The program in which the certificate holder participates
shall ensure that the certificate holder does not do any of the
following:

(1) Write orders or prescribe medication;

(2) Bill for services performed;

(3) Occupy a residency or fellowship position approved by the
accreditation council for graduate medical education;

(4) Attempt to have participation in a clinical professional
development program pursuant to this section counted toward
meeting the graduate medical education requirements specified in section 4731.091 of the Revised Code.

(E) The board may revoke a certificate issued under this section on receiving proof satisfactory to the board that the certificate holder has engaged in practice in this state outside the scope of the certificate or that there are grounds for action against the certificate holder under section 4731.22 of the Revised Code.

(F) A visiting clinical professional development certificate is valid for the shorter of one year or the duration of the program in which the holder is participating. The certificate ceases to be valid if the holder resigns or is otherwise terminated from the program. The certificate may not be extended.

(G) The program in which a certificate holder participates shall obtain from each patient or patient's parent or legal guardian written consent to any medical or surgical procedure or course of procedures in which the certificate holder participates.

(H) The board may adopt any rules it considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 4731.299. (A) The state medical board may issue, without examination, to an applicant who meets all of the requirements of this section an expedited certificate to practice medicine and surgery or osteopathic medicine and surgery by endorsement.

(B) An individual who seeks an expedited certificate to practice medicine and surgery or osteopathic medicine and surgery by endorsement shall file with the board a written application on a form prescribed and supplied by the board. The application shall include all of the information the board...
To be eligible to receive an expedited certificate by endorsement, an applicant shall do both of the following:

1. Provide evidence satisfactory to the board that the applicant meets all of the following requirements:
   a. Has passed one of the following:
      i. Steps one, two, and three of the United States medical licensing examination;
      ii. Levels one, two, and three of the comprehensive osteopathic medical licensing examination of the United States;
      iii. Any other medical licensing examination recognized by the board.
   b. For at least five years immediately preceding the date of application, has held a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by the licensing authority of another state or a Canadian province;
   c. For at least two years immediately preceding the date of application, has actively practiced medicine and surgery or osteopathic medicine and surgery in a clinical setting;
   d. Is in compliance with the medical education and training requirements in sections 4731.091, 4731.09 and 4731.14 of the Revised Code.

2. Certify to the board that all of the following are the case:
   a. Not more than two malpractice claims have been filed against the applicant within a period of ten years and no malpractice claim against the applicant has resulted in total payment of more than five hundred thousand dollars.
(b) The applicant does not have a criminal record according to the criminal records check required by section 4731.081 of the Revised Code.

(c) The applicant does not have a medical condition that could affect the applicant's ability to practice according to acceptable and prevailing standards of care.

(d) No adverse action has been taken against the applicant by a health care institution.

(e) To the applicant's knowledge, no federal agency, medical society, medical association, or branch of the United States military has investigated or taken action against the applicant.

(f) No professional licensing or regulatory authority has filed a complaint against, investigated, or taken action against the applicant and the applicant has not withdrawn a professional license application.

(g) The applicant has not been suspended or expelled from any institution of higher education or school, including a medical school.

(D) An applicant for an expedited certificate license by endorsement shall comply with section 4731.081 of the Revised Code.

(E) At the time of application, the applicant shall pay to the board a fee of one thousand dollars, no part of which shall be returned. No application shall be considered filed until the board receives the fee.

(F) The secretary and supervising member of the board shall review all applications received under this section.

If the secretary and supervising member determine that an applicant meets the requirements for an expedited certificate to practice medicine and surgery or osteopathic medicine and surgery...
licensure by endorsement, the board shall issue the certificate of licensure to the applicant.

If the secretary and supervising member determine that an applicant does not meet the requirements for an expedited certificate to practice medicine and surgery or osteopathic medicine and surgery license by endorsement, the application shall be treated as an application under section 4731.08 4731.09 of the Revised Code.

(G) Each certificate license issued by the board under this section shall be signed by the president and secretary of the board and attested by the board's seal.

(H) Within sixty days after September 29, 2013, the board shall approve acceptable means of demonstrating compliance with sections 4731.091 4731.09 and 4731.14 of the Revised Code as required by division (C)(1)(d) of this section.

Sec. 4731.341. (A) The practice of medicine in all of its branches or the treatment of human ailments without the use of drugs or medicines and without operative surgery by any person not at that time holding a valid and current license or certificate as provided by Chapter 4723., 4725., or 4731. of the Revised Code is hereby declared to be inimical to the public welfare and to constitute a public nuisance.

(B) The attorney general, the prosecuting attorney of any county in which the offense was committed or the offender resides, the state medical board, or any other person having knowledge of a person who either directly or by complicity is in violation of division (A) of this section, may on or after January 1, 1969, in accord with provisions of the Revised Code governing injunctions, maintain an action in the name of the state to enjoin any person from engaging either directly or by complicity in the unlawful activity by applying for an injunction in the Franklin county.
court of common pleas or any other court of competent
jurisdiction.

Prior to application for such injunction, the secretary of
the state medical board shall notify the person allegedly engaged
either directly or by complicity in the unlawful activity by
registered mail that the secretary has received information
indicating that this person is so engaged. Said person shall
answer the secretary within thirty days showing either that the
person is either properly licensed or certified for the stated
activity or that the person is not in violation of Chapter 4723.
or 4731. of the Revised Code. If the answer is not forthcoming
within thirty days after notice by the secretary, the secretary
shall request that the attorney general, the prosecuting attorney
of the county in which the offense was committed or the offender
resides, or the state medical board proceed as authorized in this
section.

Upon the filing of a verified petition in court, the court
shall conduct a hearing on the petition and shall give the same
preference to this proceeding as is given all proceedings under
Chapter 119. of the Revised Code, irrespective of the position of
the proceeding on the calendar of the court.

Such injunction proceedings shall be in addition to, and not
in lieu of, all penalties and other remedies provided in Chapters
4723. and 4731. of the Revised Code.

Sec. 4731.36. (A) Sections 4731.01 to 4731.47 of the Revised
Code shall not prohibit service in case of emergency, domestic
administration of family remedies, or provision of assistance to
another individual who is self-administering drugs.

Sections 4731.01 to 4731.47 of the Revised Code shall not
apply to any of the following:
(1) A commissioned medical officer of the armed forces of the United States or an employee of the veterans administration of the United States or the United States public health service in the discharge of the officer's or employee's professional duties;

(2) A dentist authorized under Chapter 4715. of the Revised Code to practice dentistry when engaged exclusively in the practice of dentistry or when administering anesthetics in the practice of dentistry;

(3) A physician or surgeon in another state or territory who is a legal practitioner of medicine or surgery therein when providing consultation to an individual holding a certificate to practice issued under this chapter who is responsible for the examination, diagnosis, and treatment of the patient who is the subject of the consultation, if one of the following applies:

   (a) The physician or surgeon does not provide consultation in this state on a regular or frequent basis.

   (b) The physician or surgeon provides the consultation without compensation of any kind, direct or indirect, for the consultation.

   (c) The consultation is part of the curriculum of a medical school or osteopathic medical school of this state or a program described in division (A)(2) of section 4731.291 of the Revised Code.

(4) A physician or surgeon in another state or territory who is a legal practitioner of medicine or surgery therein and provided services to a patient in that state or territory, when providing, not later than one year after the last date services were provided in another state or territory, follow-up services in person or through the use of any communication, including oral, written, or electronic communication, in this state to the patient.
for the same condition;

(5) A physician or surgeon residing on the border of a contiguous state and authorized under the laws thereof to practice medicine and surgery therein, whose practice extends within the limits of this state. Such practitioner shall not either in person or through the use of any communication, including oral, written, or electronic communication, open an office or appoint a place to see patients or receive calls within the limits of this state.

(6) A board, committee, or corporation engaged in the conduct described in division (A) of section 2305.251 of the Revised Code when acting within the scope of the functions of the board, committee, or corporation;

(7) The conduct of an independent review organization accredited by the superintendent of insurance under section 3922.13 of the Revised Code for the purpose of external reviews conducted under Chapter 3922. of the Revised Code.

As used in division (A)(1) of this section, "armed forces of the United States" means the army, air force, navy, marine corps, coast guard, and any other military service branch that is designated by congress as a part of the armed forces of the United States.

(B)(1) Subject to division (B)(2) of this section, this chapter does not apply to a person who holds a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery in another state when the person, pursuant to a written agreement with an athletic team located in the state in which the person holds the license, provides medical services to any of the following while the team is traveling to or from or participating in a sporting event in this state:

(a) A member of the athletic team;

(b) A member of the athletic team's coaching, communications,
equipment, or sports medicine staff;

(c) A member of a band or cheerleading squad accompanying the athletic team;

(d) The athletic team's mascot.

(2) In providing medical services pursuant to division (B)(1) of this section, the person shall not provide medical services at a health care facility, including a hospital, an ambulatory surgical facility, or any other facility in which medical care, diagnosis, or treatment is provided on an inpatient or outpatient basis.

(C) Sections 4731.51 to 4731.61 of the Revised Code do not apply to any graduate of a podiatric school or college while performing those acts that may be prescribed by or incidental to participation in an accredited podiatric internship, residency, or fellowship program situated in this state approved by the state medical board.

(D) This chapter does not apply to an oriental medicine practitioner or acupuncturist who complies with Chapter 4762. of the Revised Code.

(E) This chapter does not prohibit the administration of drugs by any of the following:

(1) An individual who is licensed or otherwise specifically authorized by the Revised Code to administer drugs;

(2) An individual who is not licensed or otherwise specifically authorized by the Revised Code to administer drugs, but is acting pursuant to the rules for delegation of medical tasks adopted under section 4731.053 of the Revised Code;

(3) An individual specifically authorized to administer drugs pursuant to a rule adopted under the Revised Code that is in effect on April 10, 2001, as long as the rule remains in effect,
specifically authorizing an individual to administer drugs.

(F) The exemptions described in divisions (A)(3), (4), and (5) of this section do not apply to a physician or surgeon whose certificate to practice issued under this chapter is under suspension or has been revoked or permanently revoked by action of the state medical board.

Sec. 4731.41. (A) No person shall practice medicine and surgery, or any of its branches, without the appropriate license or certificate from the state medical board to engage in the practice. No person shall advertise or claim to the public to be a practitioner of medicine and surgery, or any of its branches, without a license or certificate from the board. No person shall open or conduct an office or other place for such practice without a license or certificate from the board. No person shall conduct an office in the name of some person who has a license or certificate to practice medicine and surgery, or any of its branches. No person shall practice medicine and surgery, or any of its branches, after the person's license or certificate has been revoked, or, if suspended, during the time of such suspension.

A license or certificate signed by the secretary of the board to which is affixed the official seal of the board to the effect that it appears from the records of the board that no such license or certificate to practice medicine and surgery, or any of its branches, in this state has been issued to the person specified therein, or that a license or certificate to practice, if issued, has been revoked or suspended, shall be received as prima-facie evidence of the record of the board in any court or before any officer of the state.

(B) No license or certificate from the state medical board is required by a physician who comes into this state to practice medicine at a free-of-charge camp accredited by the SeriousFun
children's network that specializes in providing therapeutic recreation, as defined in section 2305.231 of the Revised Code, for individuals with chronic illnesses as long as all of the following apply:

1. The physician provides documentation to the medical director of the camp that the physician is licensed and in good standing to practice medicine in another state;

2. The physician provides services only at the camp or in connection with camp events or camp activities that occur off the grounds of the camp;

3. The physician receives no compensation for the services;

4. The physician provides those services within this state for not more than thirty days per calendar year;

5. The camp has a medical director who holds an unrestricted license to practice medicine issued in accordance with division (A) of this section.

Sec. 4731.43. No person shall announce or advertise himself that person as an osteopathic physician and surgeon, or shall practice as such, without a certificate license from the state medical board or without complying with all the provisions of law relating to such practice, or shall practice after such certificate license has been revoked, or if suspended, during the time of such suspension.

A certificate license certified by the secretary, under the official seal of the said board to the effect that it appears from the records of the board that no certificate license to practice osteopathic medicine and surgery has been issued to any person specified therein, or that a certificate license, if issued, has been revoked or suspended shall be received as prima-facie evidence of the record in any court or before any officer of the
Sec. 4731.531. In addition to any other eligibility requirement set forth in this chapter, each applicant for a certificate license to practice podiatric medicine and surgery shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state medical board shall not grant to an applicant a certificate license to practice podiatric medicine and surgery unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a certificate license issued pursuant to section 4731.56 or 4731.57 of the Revised Code.

Sec. 4731.55. The examinations of applicants for certificates licenses to practice podiatric medicine and surgery shall be conducted under rules prescribed by the state medical board. An applicant who holds the degree of doctor of podiatric medicine shall be examined in subjects pertinent to current podiatric educational standards.

Sec. 4731.56. The state medical board shall issue its certificate license to practice podiatric medicine and surgery to each applicant who passes the examination conducted under section 4731.55 of the Revised Code and has paid the treasurer of the state medical board a certificate license issuance fee of three hundred dollars. Each certificate license shall be signed by the board's president and secretary and attested by its seal. An affirmative vote of not less than six members of the state medical board is required for issuance of a certificate license.

A certificate license authorizing the practice of podiatric medicine and surgery permits the holder the use of the title "physician" or the use of the title "surgeon" when the title is qualified by letters or words showing that the holder of the
certificate license is a practitioner of podiatric medicine and surgery. The certificate license shall be prominently displayed in the certificate license holder's office or the place where a major portion of the certificate license holder's practice is conducted.

**Sec. 4731.57.** When a podiatrist licensed by the licensing authority of another state wishes to remove to this state to practice the podiatrist's profession, the state medical board may, in its discretion, by an affirmative vote of not less than six of its members, issue to the applicant a certificate license to practice podiatric medicine and surgery without requiring the applicant to submit to examination, provided the applicant meets the requirements for entrance set forth in section 4731.53 of the Revised Code and pays a fee of three hundred dollars. Application shall be made on a form prescribed by the board.

**Sec. 4731.571.** The state medical board may, upon an affirmative vote of not less than six members, issue a certificate license to practice podiatry by endorsement to an applicant who has successfully passed the written examination of a recognized national certifying agency in podiatry; provided the written examination of the certifying agency was, in the opinion of the board, equivalent to its own examination, and provided further that the applicant satisfies in all other respects, the requirements for a license as set forth in sections 4731.51 to 4731.60 of the Revised Code. Such application to the board shall be accompanied by an application fee of three hundred dollars.

**Sec. 4731.573.** (A) An individual seeking to pursue an internship, residency, or clinical fellowship program in podiatric medicine and surgery in this state, who does not hold a certificate license to practice podiatric medicine and surgery issued under this chapter, shall apply to the state medical board...
for a training certificate. The application shall be made on forms that the board shall furnish and shall be accompanied by an application fee of seventy-five dollars.

An applicant for a training certificate shall furnish to the board all of the following:

(1) Evidence satisfactory to the board that the applicant is at least eighteen years of age and is of good moral character;

(2) Evidence satisfactory to the board that the applicant has been accepted or appointed to participate in this state in one of the following:

(a) An internship or residency program accredited by either the council on podiatric medical education or the American podiatric medical association;

(b) A clinical fellowship program at an institution with a residency program accredited by either the council on podiatric medical education or the American podiatric medical association that is in a clinical field the same as or related to the clinical field of the fellowship program.

(3) Information identifying the beginning and ending dates of the period for which the applicant has been accepted or appointed to participate in the internship, residency, or clinical fellowship program;

(4) Any other information that the board requires.

(B) If no grounds for denying a license or certificate under section 4731.22 of the Revised Code apply and the applicant meets the requirements of division (A) of this section, the board shall issue a training certificate to the applicant. The board shall not require an examination as a condition of receiving a training certificate.

A training certificate issued pursuant to this section shall
be valid only for the period of one year, but may in the
discretion of the board and upon application duly made, be renewed
annually for a maximum of five years. The fee for renewal of a
training certificate shall be thirty-five dollars.

The board shall maintain a register of all individuals who
hold training certificates.

(C) The holder of a valid training certificate shall be
entitled to perform such acts as may be prescribed by or
incidental to the holder's internship, residency, or clinical
fellowship program, but the holder shall not be entitled otherwise
to engage in the practice of podiatric medicine and surgery in
this state. The holder shall limit activities under the
certificate to the programs of the hospitals or facilities for
which the training certificate is issued. The holder shall train
only under the supervision of the podiatrists responsible for
supervision as part of the internship, residency, or clinical
fellowship program. A training certificate may be revoked by the
board upon proof, satisfactory to the board, that the holder
thereof has engaged in practice in this state outside the scope of
the internship, residency, or clinical fellowship program for
which the training certificate has been issued, or upon proof,
satisfactory to the board, that the holder thereof has engaged in
unethical conduct or that there are grounds for action against the
holder under section 4731.22 of the Revised Code.

(D) The board may adopt rules as the board finds necessary to
effect the purpose of this section.

Sec. 4731.60. No person shall practice podiatric medicine and
surgery without a certificate license from the state medical
board; no person shall advertise or announce as a practitioner of
podiatric medicine and surgery without a certificate license from
the board; no person shall open or conduct an office or other
place for such practice without a certificate license from the board; no person shall conduct an office in the name of some person who has a certificate license to practice podiatric medicine and surgery; and no person shall practice podiatric medicine and surgery after a certificate license has been revoked, or if suspended, during the time of such suspension.

A certificate signed by the secretary to which is affixed the official seal of the board to the effect that it appears from the records of the board that no such certificate license to practice podiatric medicine and surgery, in the state has been issued to any such person specified therein, or that a certificate license, if issued, has been revoked or suspended, shall be received as prima-facie evidence of the record of such board in any court or before any officer of this state.

Sec. 4731.61. The certificate license of a podiatrist may be revoked, limited, or suspended; the holder of a certificate license may be placed on probation or reprimanded; or an applicant may be refused registration or reinstatement for violations of section 4731.22 or sections 4731.51 to 4731.60 of the Revised Code by an affirmative vote of not less than six members of the state medical board.

This section does not preclude the application to, or limit the operation or effect upon, podiatrists of other sections of Chapter 4731. of the Revised Code.

Sec. 4731.65. As used in sections 4731.65 to 4731.71 of the Revised Code:

(A)(1) "Clinical laboratory services" means either of the following:

(a) Any examination of materials derived from the human body
for the purpose of providing information for the diagnosis, 58869
prevention, or treatment of any disease or impairment or for the 58870
assessment of health;

(b) Procedures to determine, measure, or otherwise describe 58871
the presence or absence of various substances or organisms in the
body.

(2) "Clinical laboratory services" does not include the mere 58872
collection or preparation of specimens.

(B) "Designated health services" means any of the following:

(1) Clinical laboratory services;
(2) Home health care services;
(3) Outpatient prescription drugs.

(C) "Fair market value" means the value in arms-length 58878
transactions, consistent with general market value and:

(1) With respect to rentals or leases, the value of rental
property for general commercial purposes, not taking into account
its intended use;

(2) With respect to a lease of space, not adjusted to reflect
the additional value the prospective lessee or lessor would
attribute to the proximity or convenience to the lessor if the
lessee is a potential source of referrals to the lessee.

(D) "Governmental health care program" means any program
providing health care benefits that is administered by the federal
government, this state, or a political subdivision of this state,
including the medicare program, health care coverage for public
employees, health care benefits administered by the bureau of
workers' compensation, and the medicaid program.

(E)(1) "Group practice" means a group of two or more holders
of licenses or certificates under this chapter legally organized
as a partnership, professional corporation or association, limited
liability company, foundation, nonprofit corporation, faculty practice plan, or similar group practice entity, including an organization comprised of a nonprofit medical clinic that contracts with a professional corporation or association of physicians to provide medical services exclusively to patients of the clinic in order to comply with section 1701.03 of the Revised Code and including a corporation, limited liability company, partnership, or professional association described in division (B) of section 4731.226 of the Revised Code formed for the purpose of providing a combination of the professional services of optometrists who are licensed, certificated, or otherwise legally authorized to practice optometry under Chapter 4725. of the Revised Code, chiropractors who are licensed, certificated, or otherwise legally authorized to practice chiropractic or acupuncture under Chapter 4734. of the Revised Code, psychologists who are licensed, certificated, or otherwise legally authorized to practice psychology under Chapter 4732. of the Revised Code, registered or licensed practical nurses who are licensed, certificated, or otherwise legally authorized to practice nursing under Chapter 4723. of the Revised Code, pharmacists who are licensed, certificated, or otherwise legally authorized to practice pharmacy under Chapter 4729. of the Revised Code, physical therapists who are licensed, certificated, or otherwise legally authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code, occupational therapists who are licensed, certificated, or otherwise legally authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code, mechanotherapists who are licensed, certificated, or otherwise legally authorized to practice mechanotherapy under section 4731.151 of the Revised Code, and doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are licensed, certificated, or otherwise legally authorized for their respective practices.
under this chapter, and licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are licensed, certificated, or otherwise legally authorized for their respective practices under Chapter 4757. of the Revised Code to which all of the following apply:

(a) Each physician who is a member of the group practice provides substantially the full range of services that the physician routinely provides, including medical care, consultation, diagnosis, or treatment, through the joint use of shared office space, facilities, equipment, and personnel.

(b) Substantially all of the services of the members of the group are provided through the group and are billed in the name of the group and amounts so received are treated as receipts of the group.

(c) The overhead expenses of and the income from the practice are distributed in accordance with methods previously determined by members of the group.

(d) The group practice meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code.

(2) In the case of a faculty practice plan associated with a hospital with a medical residency training program in which physician members may provide a variety of specialty services and provide professional services both within and outside the group, as well as perform other tasks such as research, the criteria in division (E)(1) of this section apply only with respect to services rendered within the faculty practice plan.

(F) "Home health care services" and "immediate family" have the same meanings as in the rules adopted under section 4731.70 of ...
the Revised Code.

(G) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(H) A "referral" includes both of the following:

(1) A request by a holder of a license or certificate under this chapter for an item or service, including a request for a consultation with another physician and any test or procedure ordered by or to be performed by or under the supervision of the other physician;

(2) A request for or establishment of a plan of care by a license or certificate holder that includes the provision of designated health services.

(I) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code.

Sec. 4731.66. (A) Except as provided in sections 4731.67 and 4731.68 of the Revised Code, no holder of a certificate license under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery shall refer a patient to a person for a designated health service if the certificate license holder, or a member of the certificate license holder's immediate family, has either of the following financial relationships with the person:

(1) An ownership or investment interest in the person whether through debt, equity, or other means;

(2) Any compensation arrangement involving any remuneration, directly or indirectly, overtly or covertly, in cash or in kind.

(B) No person to which a certificate license holder has referred a patient in violation of division (A) of this section shall bill the patient, any third-party payer, any governmental health care program, or any other person or governmental entity.
for the designated health service rendered pursuant to the referral.

(C) No person shall knowingly enter into an arrangement or scheme, including a cross-referral arrangement, that has a principal purpose of assuring referrals by a certificate license holder to a particular person that, if the certificate license holder directly made referrals to such person, would violate division (A) of this section.

Sec. 4731.67. Section 4731.66 of the Revised Code does not apply to any of the following referrals by the holder of a certificate license under this chapter:

(A) Referrals for physicians' services that are performed by or under the personal supervision of a physician in the same group practice as the referring physician;

(B) Referrals for clinical laboratory services by a certificate license holder specializing in the practice of pathology if those services are provided by or under the supervision of the pathologist pursuant to a consultation requested by another physician;

(C) Referrals for in-office ancillary services to which all of the following apply:

(1) The services are furnished by the referring physician, a physician in the same group practice as the referring physician, or individuals who are employed by the referring physician or the group practice and who are supervised by the referring physician or a physician in the group practice, and are furnished either:

(a) In a building in which the referring physician, or another physician in the same group practice as the referring physician, furnishes physicians' services unrelated to the furnishing of designated health services;
(b) In another building used by the referring physician's  
group practice for the centralized provision of the group's  
designated health services.

(2) The services are billed by the physician performing or  
supervising the services, the physician's group practice, or an  
entity wholly owned by the group practice.

(3) The physician's ownership or investment interest in the  
services described in this division meets any other requirements  
that the state medical board applies in rules adopted under  
section 4731.70 of the Revised Code.

(D) Referrals for in-office ancillary services if the  
third-party payer is aware of and has agreed in writing to  
reimburse the services notwithstanding the financial arrangement  
between the physician and the provider of such ancillary services.

(E) Referrals for services furnished by a health insuring  
corporation to an enrollee of the corporation;

(F) Referrals to a hospital for designated health services,  
if all of the following apply:

(1) The financial arrangement between the referring physician  
or immediate family member and the hospital consists of an  
ownership or investment interest described in division (A)(1) of  
section 4731.66 of the Revised Code and not a compensation  
arrangement described in division (A)(2) of that section.

(2) The referring physician is authorized to perform services  
at the hospital.

(3) The ownership or investment interest is in the hospital  
itself and not merely in a subdivision of the hospital.

(G) Referrals to a hospital with which the certificate  
license holder's or immediate family member's financial  
relationship does not relate to the provision of designated health
services;

(H) Referrals to a laboratory located in a rural area as defined in section 1886(d)(2)(D) of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1395ww(d)(2)(D), as amended, if the financial relationship consists of an ownership or investment interest described in division (A)(1) of section 4731.66 of the Revised Code, and not a compensation arrangement described in division (A)(2) of that section;

(I) Any other referrals in which the financial relationship between the certificate holder or immediate family member and the person furnishing services has been specified in rules adopted by the state medical board under section 4731.70 of the Revised Code.

Sec. 4731.68. (A) Ownership of investment securities in a corporation, including bonds, debentures, notes, other debt instruments, or shares, shall not be considered an ownership or investment interest described in division (A)(1) of section 4731.66 of the Revised Code if all of the following apply:

(1) The securities were purchased on terms generally available to the public.

(2) The corporation is listed for trading on the New York stock exchange or the American stock exchange or is a national market system security traded under an automated interdealer quotation system operated by the national association of securities dealers.

(3) The corporation had, at the end of its most recent fiscal year, total assets exceeding one hundred million dollars.

(B) Payments for the rental or lease of office space shall not be considered a compensation arrangement described in division (A)(2) of section 4731.66 of the Revised Code if all of the
following apply:

(1) There is a written agreement signed by the parties for the rental or lease of the space that does all of the following:

   (a) Specifies the space covered by the agreement and dedicated for the use of the lessee;

   (b) Provides for a term of rental or lease of at least one year;

   (c) Provides for payment on a periodic basis of an amount that is consistent with fair market value;

   (d) Provides for an amount of aggregate payments that does not directly or indirectly vary based on the volume or value of any referrals of business between the parties;

   (e) Would be commercially reasonable even if no referrals were made between the parties.

(2) In the case of a rental or lease arrangement between a holder of a certificate license under this chapter or member of the certificate license holder's immediate family and another person in which the certificate license holder or family member also has an ownership or investment interest described in division (A)(1) of section 4731.66 of the Revised Code, the office space is in the same building as the building in which the certificate license holder or the certificate license holder's group practice has a practice.

(3) The arrangement meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code.

(C) An arrangement between a hospital and a certificate license holder or a member of the certificate license holder's immediate family for the employment of the certificate license holder or family member or for the provision of administrative
services shall not be considered a compensation arrangement described in division (A)(2) of section 4731.66 of the Revised Code if all of the following apply:

(1) The arrangement is for identifiable services.

(2) The amount of the remuneration under the arrangement is consistent with the fair market value of the services and is not determined in a manner that directly or indirectly takes into account the volume or value of any referrals by the certificate license holder.

(3) The remuneration is provided pursuant to an agreement that would be commercially reasonable even if the certificate license holder made no referrals to the hospital.

(4) The arrangement meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code.

(D) Remuneration by a hospital of a certificate license holder to induce the certificate license holder to relocate to the geographic area served by the hospital in order to be a member of the hospital's medical staff shall not be considered a compensation arrangement described in division (A)(2) of section 4731.66 of the Revised Code if all of the following apply:

(1) The certificate license holder is not required to refer patients to the hospital.

(2) The amount of the remuneration is not determined in a manner that directly or indirectly takes into account the volume or value of any referrals by the certificate license holder to the hospital.

(3) The arrangement meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code.
(E) Remuneration of a certificate license holder or member of the certificate license holder's immediate family by a person other than a hospital shall not be considered a compensation arrangement described in division (A)(2) of section 4731.66 of the Revised Code if all of the following apply:

(1) The remuneration is for any of the following:

(a) Specific, identifiable services as the medical director or a member of a medical advisory board of the person;

(b) Specific, identifiable physicians' services furnished to an individual in a hospice if the physicians' services are payable by the individual's third-party payer only to the hospice;

(c) Specific, identifiable physicians' services furnished to a nonprofit blood center;

(d) Specific, identifiable administrative services other than direct patient care services in circumstances specified in rules adopted by the state medical board under section 4731.70 of the Revised Code.

(2) The amount of the remuneration under the arrangement is consistent with the fair market value of the services and is not determined in a manner that directly or indirectly takes into account the volume or value of any referrals by the certificate license holder.

(3) The remuneration is provided pursuant to an agreement that would be commercially reasonable even if the certificate license holder made no referrals to the person.

(4) The arrangement meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code.

(F) Isolated financial transactions, including a one-time sale of property, shall not be considered a compensation.
arrangement described in division (A)(2) of section 4731.66 of the Revised Code if all of the following apply:

(1) The amount of the remuneration under the arrangement is consistent with fair market value and is not determined in a manner that directly or indirectly takes into account the volume or value of any referrals by the certificate license holder.

(2) The remuneration is provided pursuant to an agreement that would be commercially reasonable even if the certificate license holder made no referrals to the other parties to the transaction.

(3) The transaction meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code.

(G) Payment of the salary of a certificate license holder by the certificate license holder's group practice shall not be considered a compensation arrangement described in division (A)(2) of section 4731.66 of the Revised Code.

Sec. 4731.76. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state medical board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license or certificate issued pursuant to this chapter.

Sec. 4731.82. (A) As used in this section:

(1) "Fetal death" has the same meaning as in section 3705.01 of the Revised Code, except that it does not include either of the following:

(a) The product of human conception of at least twenty weeks of gestation;
(b) The purposeful termination of a pregnancy, as described in section 2919.11 of the Revised Code.

(2) "Physician" means an individual holding a certificate license issued under this chapter to practice medicine and surgery or osteopathic medicine and surgery pursuant to this chapter.

(B) If a woman in the process of experiencing a fetal death or with the product of human conception as a result of a fetal death presents herself to a physician and is not referred to a hospital, the attending physician shall provide the woman with all of the following:

(1) A written statement, not longer than one page in length, that confirms that the woman was pregnant and that she subsequently suffered a miscarriage that resulted in a fetal death;

(2) Notice of the right of the woman to apply for a fetal death certificate pursuant to section 3705.20 of the Revised Code;

(3) A short, general description of the attending physician's procedures for disposing of the product of a fetal death.

The attending physician may present the notice and description required by divisions (B)(2) and (B)(3) of this section through oral or written means. The physician shall document in the woman's medical record that all of the items required by this division were provided to the woman and shall place in the record a copy of the statement required by division (B)(1) of this section.

(C) A physician is immune from civil or criminal liability or professional disciplinary action with regard to any action taken in good faith compliance with this section.

Sec. 4731.85. The department of health shall establish a procedure to provide special recognition annually to one or more
persons issued a certificate license under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who volunteer medical services to medically underserved areas of this state or to charitable shelters or clinics. Any person may nominate a certificate license holder for consideration by the department. The department shall annually submit to newspapers of general circulation and other publications selected by the department a request for nominations. The request shall describe the required form and content of nominations and indicate a deadline for submitting nominations.

The department may adopt criteria and guidelines for selecting nominees for recognition. The department shall publicize the names, professional accomplishments, and service contributions of the certificate license holders that it recognizes under this section. The department may purchase recognition awards and take other actions to honor such volunteers.

Sec. 4732.01. As used in this chapter:

(A) "Psychologist" means any person who holds self out to the public by any title or description of services incorporating the words "psychologic," "psychological," "psychologist," "psychology," or any other terms that imply the person is trained, experienced, or an expert in the field of psychology.

(B) "The practice of psychology" means rendering or offering to render to individuals, groups, organizations, or the public any service involving the application of psychological procedures to assessment, diagnosis, prevention, treatment, or amelioration of psychological problems or emotional or mental disorders of individuals or groups; or to the assessment or improvement of psychological adjustment or functioning of individuals or groups, whether or not there is a diagnosable pre-existing psychological
problem. Practice of psychology includes the practice of school psychology. For purposes of this chapter, teaching or research shall not be regarded as the practice of psychology, even when dealing with psychological subject matter, provided it does not otherwise involve the professional practice of psychology in which an individual's welfare is directly affected by the application of psychological procedures.

(C) "Psychological procedures" include but are not restricted to application of principles, methods, or procedures of understanding, predicting, or influencing behavior, such as the principles pertaining to learning, conditioning, perception, motivation, thinking, emotions, or interpersonal relationships; the methods or procedures of verbal interaction, interviewing, counseling, behavior modification, environmental manipulation, group process, psychological psychotherapy, or hypnosis; and the methods or procedures of administering or interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions, or motivation.

(D) "School psychologist" means any person who holds self out to the public by any title or description of services incorporating the words "school psychologist" or "school psychology," or who holds self out to be trained, experienced, or an expert in the practice of school psychology.

(E) "Practice of school psychology" means rendering or offering to render to individuals, groups, organizations, or the public any of the following services:

(1) Evaluation, diagnosis, or test interpretation limited to assessment of intellectual ability, learning patterns, achievement, motivation, behavior, or personality factors directly related to learning problems;

(2) Intervention services, including counseling, for children
or adults for amelioration or prevention of educationally related learning problems, including emotional and behavioral aspects of such problems;

   (3) Psychological, educational, or vocational consultation or direct educational services. This does not include industrial consultation or counseling services to clients undergoing vocational rehabilitation.

   (F) "Licensed psychologist" means an individual holding a current, valid license to practice psychology issued under section 4732.12 or 4732.15 of the Revised Code.

   (G) "School psychologist licensed by the state behavioral health and social work board of psychology" means an individual holding a current, valid license to practice school psychology issued under section 4732.12 or 4732.15 of the Revised Code.

   (H) "School psychologist licensed by the state board of education" means an individual holding a current, valid school psychologist license issued under rules adopted under section 3319.22 of the Revised Code.

   (I) "Mental health professional" and "mental health service" have the same meanings as in section 2305.51 of the Revised Code.

   (J) "Telepsychology" means the practice of psychology or school psychology by distance communication technology, including telephone, electronic mail, internet-based communications, and video conferencing.

   Sec. 4732.09. Each person who desires to practice psychology or school psychology shall file with the executive director of the state behavioral health and social work board of psychology a written application, under oath, on a form prescribed by the board.
Sec. 4732.091. (A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code, except that "license" as used in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter.

(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state behavioral health and social work board of psychology shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4732.14 of the Revised Code.

Sec. 4732.10. (A) The state behavioral health and social work board of psychology shall appoint an entrance examiner who shall determine the sufficiency of an applicant's qualifications for admission to the appropriate examination. A member of the board or the executive director may be appointed as the entrance examiner.

(B) Requirements for admission to examination for a psychologist license shall be that the applicant:

(1) Is at least twenty-one years of age;

(2) Is of good moral character;

(3) Meets one of the following requirements:

(a) Received an earned doctoral degree from an institution accredited or recognized by a national or regional accrediting agency and a program accredited by any of the following:
(i) The American psychological association, office of program consultation and accreditation;

(ii) The accreditation office of the Canadian psychological association;

(iii) A program listed by the association of state and provincial psychology boards/national register designation committee;

(iv) The national association of school psychologists.

(b) Received an earned doctoral degree in psychology or school psychology from an institution accredited or recognized by a national or regional accrediting agency but the program does not meet the program accreditation requirements of division (B)(3)(a) of this section;

(c) Received from an academic institution outside of the United States or Canada a degree determined, under rules adopted by the board under division (E) of this section, to be equivalent to a doctoral degree in psychology from a program described in division (B)(3)(a) of this section;

(d) Held a psychologist license, certificate, or registration required for practice in another United States or Canadian jurisdiction for a minimum of ten years and meets educational, experience, and professional requirements established under rules adopted by the board.

(4) Has had at least two years of supervised professional experience in psychological work of a type satisfactory to the board, at least one year of which must be a predoctoral internship. The board shall adopt guidelines for the kind of supervised professional experience that fulfill this requirement.

(5) If applying under division (B)(3)(b) or (c) of this section, has had at least two years of supervised professional
experience in psychological work of a type satisfactory to the board, at least one year of which must be postdoctoral. The board shall adopt guidelines for the kind of supervised professional experience that fulfill this requirement.

(C) Requirements for admission to examination for a school psychologist license shall be that the applicant:

(1) Has received from an educational institution accredited or recognized by national or regional accrediting agencies as maintaining satisfactory standards, including those approved by the state board of education for the training of school psychologists, at least a master's degree in school psychology, or a degree considered equivalent by the board;

(2) Is at least twenty-one years of age;

(3) Is of good moral character;

(4) Has completed at least sixty quarter hours, or the semester hours equivalent, at the graduate level, of accredited study in course work relevant to the study of school psychology;

(5) Has completed an internship in an educational institution approved by the Ohio department of education for school psychology supervised experience or one year of other training experience acceptable to the board, such as supervised professional experience under the direction of a licensed psychologist or licensed school psychologist;

(6) Furnishes proof of at least twenty-seven months, exclusive of internship, of full-time experience as a certificated school psychologist employed by a board of education or a private school meeting the standards prescribed by the state board of education, or of experience that the board deems equivalent.

(D) If the entrance examiner finds that the applicant meets the requirements set forth in this section, the applicant shall be
admitted to the appropriate examination.

(E) The board shall adopt under Chapter 119. of the Revised Code rules for determining for the purposes of division (B)(3)(b) of this section whether a degree is equivalent to a degree in psychology from an institution in the United States.

Sec. 4732.11. (A)(1) Each applicant for a license to practice as a psychologist shall be required to earn a score acceptable to the state behavioral health and social work board of psychology on an examination selected by the board. The applicant shall follow all necessary procedures and pay all necessary fees for the examination. An applicant who fails to earn a score acceptable to the board may be admitted to a subsequent examination no less than thirty days after the initial examination. After failing to earn a passing score three consecutive times, an applicant may not be admitted to the examination for a period of six months following the third examination attempt. An applicant who fails to achieve an acceptable score in nine attempts is not eligible for additional admissions to the examination, and the application shall be permanently closed.

An applicant who achieves an acceptable score on the examination selected by the board as a candidate in another state or Canadian province before or after submitting an application to the board must cause the score to be submitted directly to the board's executive director.

(2) The board may also require that an applicant for a license to practice as a psychologist earn a passing score on an examination that covers one or more of the following:

(a) Chapter 4732. of the Revised Code;

(b) Rules promulgated under Chapter 4732. of the Revised
The examination may be administered orally or in writing in accordance with rules adopted by the board.

(B)(1) Each applicant for a license to practice as a school psychologist licensed by the state behavioral health and social work board of psychology shall be required to earn a score acceptable to the board on an examination selected by the board. The applicant shall follow all necessary procedures and pay all necessary fees for the examination.

(2) The board may also require that an applicant for a license to practice as a school psychologist licensed by the state behavioral health and social work board of psychology earn a passing score on an examination that covers one or more of the following:

(a) Chapter 4732. of the Revised Code;

(b) Rules promulgated under Chapter 4732. of the Revised Code;

(c) Related provisions of the Revised Code;

(d) Professional ethical principles;

(e) Professional standards of care.

The examination may be administered orally or in writing in accordance with rules adopted by the board.

(C) The board may establish procedures designed to expose applicants to the subject matter of the examinations described in divisions (A)(2) and (B)(2) of this section.

(D) The board shall appoint a school psychology examination
committee responsible to the board. The committee shall consist of five school psychologists each of whom holds either of the following:

(1) A school psychologist license issued under this chapter;

(2) A psychologist license issued under this chapter and a certificate or license issued by the state board of education.

Committee members shall be appointed by the state board of psychology for staggered five-year terms, according to rules adopted by that board. The board may delegate to the committee authority to develop the examination described in division (B)(2) of this section and any procedures to be established under division (C) of this section.

Sec. 4732.12. If an applicant for a license issued by the state behavioral health and social work board of psychology to practice as a psychologist or school psychologist receives a score acceptable to the board on the appropriate examination required by section 4732.11 of the Revised Code and has paid the fee required by section 4732.15 of the Revised Code, the board shall issue the appropriate license.

Sec. 4732.13. A license issued under this chapter by the state behavioral health and social work board of psychology shall remain active until it expires pursuant to section 4732.14 of the Revised Code, or is suspended, revoked, or placed in retired status. An active psychologist license shall entitle the holder to practice psychology. An active school psychologist license shall entitle the holder to practice school psychology.

Sec. 4732.14. (A) On or before the thirty-first day of August of each even-numbered year, each person who holds an active license issued under this chapter by the state behavioral health
and social work board of psychology shall register with the board in a format and manner prescribed by the board, giving the person's name, address, license number, the continuing education information required by section 4732.141 of the Revised Code, and such other reasonable information as the board requires. The person shall pay to the board a biennial registration fee, as follows:

(1) From the effective date of this amendment, March 20, 2014, through June 30, 2016, three hundred fifty dollars;

(2) From July 1, 2016, through June 30, 2020, three hundred sixty dollars;

(3) July 1, 2020, and thereafter three hundred sixty-five dollars.

A person licensed for the first time on or before the thirtieth day of September of an even-numbered year shall next be required to register on or before the thirtieth day of September of the next even-numbered year.

(B) Before the first day of August of each even-numbered year, the board shall send a notice to each license holder, whether a resident or not, at the license holder's last provided official mailing address, that the license holder's continuing education compliance must be completed on or before the last day of August and the biennial registration form and fee are due on or before the last day of September. A license of any license holder shall automatically expire if any of the following are not received on or before the thirtieth day of September of a renewal year:

(1) The biennial registration fee;

(2) The registration form;

(3) A report of compliance with continuing education
Within five years thereafter, the board may reinstate any expired license upon payment of the current registration fee and a penalty fee established by the board, not to exceed two hundred fifty dollars, and receipt of the registration form completed by the registrant in accordance with this section and section 4732.141 of the Revised Code or in accordance with any modifications authorized by the board under division (F) of section 4732.141 of the Revised Code.

The board may by rule waive the payment of the registration fee and completion of the continuing psychology education required by section 4732.141 of the Revised Code by a license holder when the license holder is on active duty in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state.

An individual who has had a license placed on retired status under section 4732.142 of the Revised Code may seek reinstatement of the license in accordance with rules adopted by the board.

(C) Each license holder shall notify the executive director of any change in the license holder's official mailing address, office address, or employment within sixty days of such change.

Sec. 4732.141. (A)(1) Except as provided in division (D) of this section, on or before the thirty-first day of August of each even-numbered year, each person who holds a license issued under this chapter by the state behavioral health and social work board of psychology shall have completed, in the preceding two-year period, not less than twenty-three hours of continuing education in psychology, including not less than four hours of continuing education in one or more of the following:
(a) Professional conduct;

(b) Ethics;

(c) The role of culture, ethnic identity, or both in the provision of psychological assessment, consultation, or psychological interventions, or a combination thereof.

(2) Each license holder shall certify to the board, at the time of biennial registration pursuant to section 4732.14 of the Revised Code and on the registration form prescribed by the board under that section, that in the preceding two years the license holder has completed continuing psychology education in compliance with this section. The board shall adopt rules establishing the procedure for a license holder to certify to the board and for properly recording with the Ohio psychological association or the Ohio school psychologists association completion of the continuing education.

(B) Continuing psychology education may be applied to meet the requirement of division (A) of this section if both of the following requirements are met:

(1) It is obtained through a program or course approved by the state behavioral health and social work board of psychology, the Ohio psychological association, the Ohio association of black psychologists, or the American psychological association or, in the case of a school psychologist who holds a license issued under this chapter or a licensed psychologist with a school psychology specialty, by the state board of education, the Ohio school psychologists association, or the national association of school psychologists;

(2) Completion of the program or course is recorded with the Ohio psychological association or the Ohio school psychologists association in accordance with rules adopted by the state behavioral health and social work board of psychology.
accordance with division (A) of this section.

The state behavioral health and social work board of psychology may disapprove any program or course that has been approved by the Ohio psychological association, Ohio association of black psychologists, American psychological association, state board of education, Ohio school psychologists association, or national association of school psychologists. Such program or course may not be applied to meet the requirement of division (A) of this section.

(C) Each license holder shall be given a sufficient choice of continuing education programs or courses in psychology, including programs or courses on professional conduct and ethics when required under division (A)(2) of this section, to ensure that the license holder has had a reasonable opportunity to participate in programs or courses that are relevant to the license holder's practice in terms of subject matter and level.

(D) The board shall adopt rules providing for reductions of the hours of continuing psychology education required by this section for license holders in their first registration period.

(E) Each license holder shall retain in the license holder's records for at least three years the receipts, vouchers, or certificates necessary to document completion of continuing psychology education. Proof of continuing psychology education recorded with the Ohio psychological association or the Ohio school psychologists association in accordance with the procedures established pursuant to division (A) of this section shall serve as sufficient documentation of completion. With cause, the board may request the documentation from the license holder. The board may review any continuing psychology education records recorded by the Ohio psychological association or the Ohio school psychologists association.
(F) The board may excuse license holders, as a group or as individuals, from all or any part of the requirements of this section because of an unusual circumstance, emergency, or special hardship.

(G) The state **behavioral health and social work board of psychology** shall approve one or more continuing education courses of study that assist psychologists and school psychologists in recognizing the signs of domestic violence and its relationship to child abuse. Psychologists and school psychologists are not required to take the courses.

(H) The board may require a license holder to evidence completion of specific continuing education coursework as part of the process of registering or continuing to register a person working under the license holder's supervision under division (B) of section 4732.22 of the Revised Code and conducting psychological or psychological work or training supervision. Procedures for the completion, verification, and documentation of such continuing education shall be specified in rules adopted by the board. A license holder completing this continuing education may receive credit toward the four-hour requirement in division (A)(1) of this section during the next continuing education period following the completion of this continuing education.

**Sec. 4732.142.** (A) The holder of a license issued under this chapter who retires from the practice of psychology or school psychology may request during the biennial license registration process that the license holder's license be placed in "licensed psychologist-retired" or "licensed school psychologist-retired" status. Once the license is placed in retired status, the license holder shall not practice psychology or school psychology in this state. A license holder selecting this status shall pay to the state **behavioral health and social work board of psychology** a fee
of fifty dollars.

(B) Procedures for reinstating a retired license shall be established in rules adopted by the board.

Sec. 4732.151. The state behavioral health and social work board of psychology shall charge a fee of forty dollars to a license holder of a license issued under this chapter for the written verification of licensure status, including verification of the date of licensure, the presence or absence of a history of disciplinary action, and the expiration date of the license.

Sec. 4732.16. (A) The state behavioral health and social work board of psychology shall investigate alleged violations of this chapter or the rules adopted under it. Each investigation shall be assigned by the executive director or designated investigator to one of the members of the board who shall serve as the supervising member of the investigation.

As part of its conduct of investigations, the board may examine witnesses, administer oaths, and issue subpoenas, except that the board may not compel the attendance of the respondent in an investigation. A subpoena for patient record information may be issued only if the supervising member, executive director, secretary, and an attorney from the office of the attorney general determine that there is probable cause to believe that the complaint alleges a violation of this chapter and that the records sought are relevant to the alleged violation and material to the investigation. No member of the board who supervises the investigation or approves the issuance of a subpoena for patient records shall participate in further adjudication of the case. The subpoena may apply only to records that cover a reasonable period of time surrounding the alleged violation. On failure of a person to comply with a subpoena issued by the board and after reasonable
notice to that person, the board may move for an order compelling
the production of records or persons pursuant to the Rules of
Civil Procedure.

A subpoena issued by the board may be served by a sheriff,
the sheriff's deputy, or a board employee designated by the board.
Service of a subpoena issued by the board may be made by
delivering a copy of the subpoena to the person named in the
subpoena, reading it to the person, or leaving it at the person's
usual place of residence. When the person being served is a person
whose practice is authorized by this chapter, service of the
subpoena may be made by certified mail, return receipt requested,
and the subpoena shall be deemed served on the date delivery is
made or the date the person refuses to accept delivery.

A sheriff's deputy who serves a subpoena shall receive the
same fees as a sheriff. Each witness who appears before the board
in obedience to a subpoena shall receive the fees and mileage
provided for witnesses under section 119.094 of the Revised Code.

(B)(1) The board shall conduct all investigations and
proceedings in a manner that protects the confidentiality of
patients and persons who file complaints with the board. The board
shall not make public the names or any other identifying
information about patients or complainants unless proper consent
is given or, in the case of a patient, the patient privilege has
been waived by the patient. Information received by the board
pursuant to an investigation is confidential and not subject to
discovery in any civil action.

(2) The board may share any information it receives pursuant
to an investigation, including patient records and patient record
information, with law enforcement agencies, other licensing
boards, and other government agencies that are prosecuting,
adjudicating, or investigating alleged violations of statutes or
administrative rules. An agency or board that receives the
information shall comply with the same requirements regarding
confidentiality as the board must comply with under division
(B)(1) of this section, notwithstanding any conflicting provision
of the Revised Code or procedure of the agency or board that
applies when it is dealing with other information in its
possession.

(3) In a judicial proceeding, any information the board
receives pursuant to an investigation may be admitted into
evidence only in accordance with the Ohio Rules of Evidence, but
the court shall require that appropriate measures be taken to
ensure that confidentiality is maintained with respect to any part
of the information that contains names or other identifying
information about patients or complainants whose confidentiality
was protected by the board when the information was in the board's
possession. Measures to ensure confidentiality that may be taken
by the court include sealing its records or deleting specific
information from its records.

Sec. 4732.17. (A) Subject to division (F) of this section,
the state behavioral health and social work board of psychology
may take any of the actions specified in division (C) of this
section against an applicant for or a person who holds a license
issued under this chapter on any of the following grounds as
applicable:

(1) Conviction, including a plea of guilty or no contest, of
a felony, or of any offense involving moral turpitude, in a court
of this or any other state or in a federal court;

(2) A judicial finding of eligibility for intervention in
lieu of conviction for a felony or any offense involving moral
turpitude in a court of this or any other state or in a federal
court;

(3) Using fraud or deceit in the procurement of the license
to practice psychology or school psychology or knowingly assisting another in the procurement of such a license through fraud or deceit;

(4) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals;

(5) Willful, unauthorized communication of information received in professional confidence;

(6) Being negligent in the practice of psychology or school psychology;

(7) Inability to practice according to acceptable and prevailing standards of care by reason of a mental, emotional, physiological, or pharmacological condition or substance abuse;

(8) Subject to section 4732.28 of the Revised Code, violating any rule of professional conduct promulgated by the board;

(9) Practicing in an area of psychology for which the person is clearly untrained or incompetent;

(10) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the person is incompetent for the purpose of holding the license. Such person may have the person's license issued or restored only upon determination by a court that the person is competent for the purpose of holding the license and upon the decision by the board that such license be issued or restored. The board may require an examination prior to such issuance or restoration.

(11) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers psychological services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;
Advertising that the person will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers psychological services, would otherwise be required to pay;

Any of the following actions taken by the agency responsible for authorizing or certifying the person to practice or regulating the person's practice of a health care occupation or provision of health care services in this state or another jurisdiction, as evidenced by a certified copy of that agency's records and findings for any reason other than the nonpayment of fees:

(a) Limitation, revocation, or suspension of the person's license to practice;

(b) Acceptance of the person's license surrender;

(c) Denial of a license to the person;

(d) Refuse to renew or reinstate the person's license;

(e) Imposition of probation on the person;

(f) Issuance of an order of censure or other reprimand against the person;

(g) Other negative action or finding against the person about which information is available to the public.

Offering or rendering psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;

Offering or rendering psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code;

Unless the person is a school psychologist licensed by
the state board of education:

(a) Offering or rendering school psychological services after
a license issued under this chapter has expired due to a failure
to timely register under section 4732.14 of the Revised Code or
complete continuing education requirements;

(b) Offering or rendering school psychological services after
a license issued under this chapter has been placed in retired
status pursuant to section 4732.142 of the Revised Code.

(17) Violating any adjudication order or consent agreement
adopted by the board;

(18) Failure to submit to mental, cognitive, substance abuse,
or medical evaluations, or a combination of these evaluations,
ordered by the board under division (E) of this section.

(B) Notwithstanding divisions (A)(11) and (12) of this
section, sanctions shall not be imposed against any license holder
who waives deductibles and copayments:

(1) In compliance with the health benefit plan that expressly
allows such a practice. Waiver of the deductibles or copays shall
be made only with the full knowledge and consent of the plan
purchaser, payer, and third-party administrator. Such consent
shall be made available to the board upon request.

(2) For professional services rendered to any other person
licensed pursuant to this chapter to the extent allowed by this
chapter and the rules of the board.

(C) For any of the reasons specified in division (A) of this
section, the board may do one or more of the following:

(1) Refuse to issue a license to an applicant;

(2) Issue a reprimand to a license holder;

(3) Suspend the license of a license holder;
(4) Revoke the license of a license holder;

(5) Limit or restrict the areas of practice of an applicant or a license holder;

(6) Require mental, substance abuse, or physical evaluations, or any combination of these evaluations, of an applicant or a license holder;

(7) Require remedial education and training of an applicant or a license holder.

(D) When it revokes the license of a license holder under division (C)(4) of this section, the board may specify that the revocation is permanent. An individual subject to permanent revocation is forever thereafter ineligible to hold a license, and the board shall not accept an application for reinstatement of the license or issuance of a new license.

(E) When the board issues a notice of opportunity for a hearing on the basis of division (A)(7) of this section, the supervising member of the board, with cause and upon consultation with the board's executive director and the board's legal counsel, may compel the applicant or license holder to submit to mental, cognitive, substance abuse, or medical evaluations, or a combination of these evaluations, by a person or persons selected by the board. Notice shall be given to the applicant or license holder in writing signed by the supervising member, the executive director, and the board's legal counsel. The applicant or license holder is deemed to have given consent to submit to these evaluations and to have waived all objections to the admissibility of testimony or evaluation reports that constitute a privileged communication. The expense of the evaluation or evaluations shall be the responsibility of the applicant or license holder who is evaluated.

(F) Before the board may take action under this section,
written charges shall be filed with the board by the secretary and a hearing shall be had thereon in accordance with Chapter 119. of the Revised Code, except as follows:

(1) On receipt of a complaint that any of the grounds listed in division (A) of this section exist, the state behavioral health and social work board of psychology may suspend a license issued under this chapter prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that there is an immediate threat to the public. A telephone conference call may be used to conduct an emergency meeting for review of the matter by a quorum of the board, taking the vote, and memorializing the action in the minutes of the meeting.

After suspending a license pursuant to division (F)(1) of this section, the board shall notify the license holder of the suspension in accordance with section 119.07 of the Revised Code. If the individual whose license is suspended fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the license.

(2) The board shall adopt rules establishing a case management schedule for pre-hearing procedures by the hearing examiner or presiding board member. The schedule shall include applicable deadlines related to the hearing process, including all of the following:

(a) The date of the hearing;
(b) The date for the disclosure of witnesses and exhibits;
(c) The date for the disclosure of the identity of expert witnesses and the exchange of written reports;
(d) The deadline for submitting a request for the issuance of a subpoena for the hearing as provided under Chapter 119. of the Revised Code.
Revised Code and division (F)(4) of this section.

(3) Either party to the hearing may submit a written request to the other party for a list of witnesses and copies of documents intended to be introduced at the hearing. The request shall be in writing and shall be served not less than thirty-seven days prior to the hearing, unless the hearing officer or presiding board member grants an extension of time to make the request. Not later than thirty days before the hearing, the responding party shall provide the requested list of witnesses, summary of their testimony, and copies of documents to the requesting party, unless the hearing officer or presiding board member grants an extension. Failure to timely provide a list or copies requested in accordance with this section may, at the discretion of the hearing officer or presiding board member, result in exclusion from the hearing of the witnesses, testimony, or documents.

(4) In addition to subpoenas for the production of books, records, and papers requested under Chapter 119. of the Revised Code, either party may ask the board to issue a subpoena for the production of other tangible items.

The person subject to a subpoena for the production of books, records, papers, or other tangible items shall respond to the subpoena at least twenty days prior to the date of the hearing. If a person fails to respond to a subpoena issued by the board, after providing reasonable notice to the person, the board, the hearing officer, or both may proceed with enforcement of the subpoena pursuant to section 119.09 of the Revised Code.

Sec. 4732.171. (A) Except as provided in division (B) of this section, if, at the conclusion of a hearing required by section 4732.17 of the Revised Code, the state behavioral health and social work board of psychology determines that a licensed psychologist or school psychologist licensed by the state.
behavioral health and social work board of psychology has engaged in sexual conduct or had sexual contact with the license holder's patient or client in violation of any prohibition contained in Chapter 2907. of the Revised Code, the board shall do one of the following:

(1) Suspend the license holder's license;

(2) Permanently revoke the license holder's license.

(B) If it determines at the conclusion of the hearing that neither of the sanctions described in division (A) of this section is appropriate, the board shall impose another sanction it considers appropriate and issue a written finding setting forth the reasons for the sanction imposed and the reason that neither of the sanctions described in division (A) of this section is appropriate.

Sec. 4732.172. Any finding made, and the record of any sanction imposed, by the state behavioral health and social work board of psychology under section 4732.17 or 4732.171 of the Revised Code is a public record under section 149.43 of the Revised Code.

Sec. 4732.173. (A) The state behavioral health and social work board of psychology may approve or establish a colleague assistance program for the purpose of affording holders of licenses issued under this chapter, license applicants, and persons subject to discipline pursuant to division (B) of section 4731.22 of the Revised Code access to all of the following:

(1) Resources concerning the prevention of distress;

(2) Evaluation and intervention services concerning mental, emotional, substance use, and other conditions that may impair competence, objectivity, and judgment in the provision of
psychological or school psychological services;

(3) Consultation and mentoring services for practice oversight and remediation of professional skill deficits.

The board may compel a license holder, applicant, or registered person to participate in the program in conjunction with the board's actions under section 4732.17 of the Revised Code.

(B) If a program is approved or established, the board shall adopt rules specifying the circumstances under which self-referred participants may receive confidential services from the program.

Sec. 4732.18. At any time after the suspension or revocation of a license issued under this chapter, the state behavioral health and social work board of psychology may restore the license upon the written finding by the board that circumstances so warrant. At the time it restores a license, the board may impose restrictions and limitations on the practice of the license holder.

The board may require a person seeking restoration of a license to submit to mental, substance abuse, cognitive, or physical evaluations, or a combination of these evaluations. Evaluations shall be conducted by qualified individuals selected by the board. The costs of any evaluative processes shall be paid by the applicant for restoration. A person requesting restoration of a license is deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

As a further condition of license restoration, the board may require the applicant to do both of the following:
(A) Take the examination selected by the board under section 4732.11 of the Revised Code and receive a score acceptable to the board;

(B) Participate in board processes designed to expose the applicant to Chapter 4732. of the Revised Code and rules promulgated thereunder, which may include passing a written or oral examination on the Ohio laws and rules governing psychologists and school psychologists.

Sec. 4732.21. Except as provided in section 4732.22 of the Revised Code:

(A) No person who is not a licensed psychologist shall offer or render services as a psychologist or otherwise engage in the practice of psychology.

(B) No person who is not a licensed psychologist, a school psychologist licensed by the state behavioral health and social work board of psychology, or a school psychologist licensed by the state board of education shall offer or render services as a school psychologist or otherwise engage in the practice of school psychology.

Sec. 4732.22. (A) The following persons are exempted from the licensing requirements of this chapter:

(1) A person who holds a license or certificate issued by the state board of education authorizing the practice of school psychology, while practicing school psychology within the scope of employment by a board of education or by a private school meeting the standards prescribed by the state board of education under division (D) of section 3301.07 of the Revised Code, or while acting as a school psychologist within the scope of employment in a program for children with disabilities established under Chapter 3323. or 5126. of the Revised Code. A person exempted under this
division shall not offer psychological services to any other individual, organization, or group for remuneration, monetary or otherwise, unless the person is licensed by the state behavioral health and social work board of psychology.

(2) Any nonresident temporarily employed in this state to render psychological services for not more than thirty days a year, who, in the opinion of the board, meets the standards for entrance in division (B) of section 4732.10 of the Revised Code, who has paid the required fee and submitted an application prescribed by the board, and who holds whatever license or certificate, if any, is required for such practice in the person's home state or home country.

(3) Any person working under the supervision of a psychologist or school psychologist licensed under this chapter, while carrying out specific tasks, under the license holder's supervision, as an extension of the license holder's legal and ethical authority as specified under this chapter if the person is registered under division (B) of this section. All fees shall be billed under the name of the license holder. The person working under the license holder's supervision shall not represent self to the public as a psychologist or school psychologist, although supervised persons and persons in training may be ascribed such titles as "psychology trainee," "psychology assistant," "psychology intern," or other appropriate term that clearly implies their supervised or training status.

(4) Any student in an accredited educational institution, while carrying out activities that are part of the student's prescribed course of study, provided such activities are supervised by a professional person who is qualified to perform such activities and is licensed under this chapter or is a qualified supervisor pursuant to rules of the board;

(5) Recognized religious officials, including ministers,
priests, rabbis, imams, Christian science practitioners, and other persons recognized by the board, conducting counseling when the counseling activities are within the scope of the performance of their regular duties and are performed under the auspices or sponsorship of an established and legally cognizable religious denomination or sect, as defined in current federal tax regulations, and when the religious official does not refer to the official's self as a psychologist and remains accountable to the established authority of the religious denomination or sect;

(6) Persons in the employ of the federal government insofar as their activities are a part of the duties of their positions;

(7) Persons licensed, certified, or registered under any other provision of the Revised Code who are practicing those arts and utilizing psychological procedures that are allowed and within the standards and ethics of their profession or within new areas of practice that represent appropriate extensions of their profession, provided that they do not hold themselves out to the public by the title of psychologist;

(8) Persons using the term "social psychologist," "experimental psychologist," "developmental psychologist," "research psychologist," "cognitive psychologist," and other terms used by those in academic and research settings who possess a doctoral degree in psychology from an educational institution accredited or recognized by national or regional accrediting agencies as maintaining satisfactory standards and who do not use such a term in the solicitation or rendering of professional psychological services.

(B) The license holder who is supervising a person described in division (A)(3) of this section shall register the person with the board. The board shall adopt rules regarding the registration process and the supervisory relationship.
Sec. 4732.221. A nonresident applicant seeking a review of qualifications and permission of the state behavioral health and social work board of psychology to practice psychology in Ohio for no more than thirty days per year under division (A)(2) of section 4732.22 of the Revised Code shall pay a fee established by the board of not less than seventy-five dollars and not more than one hundred fifty dollars, no part of which shall be returned. The board may adopt rules for the purpose of recognizing a nonresident's interjurisdictional practice credentials granted by the association of state and provincial psychology boards and other relevant professional organizations.

Sec. 4732.24. On complaint by the state behavioral health and social work board of psychology, the unlawful practice of psychology or school psychology may be enjoined by the common pleas court of the county in which such practice is occurring.

Sec. 4732.25. All fines collected for violation of section 4732.21 of the Revised Code shall be distributed as follows:

(A) One half to the state behavioral health and social work board of psychology;

(B) One half to the municipal corporation in which the offense was committed or, if the offense was committed outside a municipal corporation, to the county in which the offense was committed.

Money received by a municipal corporation or a county shall be paid into its general fund and may be used for any lawful purpose.

Sec. 4732.26. The state behavioral health and social work board of psychology, subject to the approval of the controlling board, may establish fees in excess of the amounts provided by
sections 4732.01 to 4732.99 of the Revised Code, provided that such fees do not exceed the amounts permitted by those sections by more than fifty per cent.

Sec. 4732.27. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state behavioral health and social work board of psychology shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued pursuant to this chapter.

Sec. 4732.28. (A) An individual whom the state behavioral health and social work board of psychology licenses, certifies, or otherwise legally authorizes to engage in the practice of psychology may render the professional services of a psychologist within this state through a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705 of the Revised Code, a partnership, or a professional association formed under Chapter 1785 of the Revised Code. This division does not preclude an individual of that nature from rendering professional services as a psychologist through another form of business entity, including, but not limited to, a nonprofit corporation or foundation, or in another manner that is authorized by or in accordance with this chapter, another chapter of the Revised Code, or rules of the state behavioral health and social work board of psychology adopted pursuant to this chapter.

(B) A corporation, limited liability company, partnership, or professional association described in division (A) of this section may be formed for the purpose of providing a combination of the professional services of the following individuals who are licensed, certificated, or otherwise legally authorized to practice their respective professions:
(1) Optometrists who are authorized to practice optometry under Chapter 4725. of the Revised Code;

(2) Chiropractors who are authorized to practice chiropractic or acupuncture under Chapter 4734. of the Revised Code;

(3) Psychologists who are authorized to practice psychology under this chapter;

(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. of the Revised Code;

(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;

(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;

(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;

(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;

(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;

(10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code.

This division shall apply notwithstanding a provision of a code of ethics applicable to a psychologist that prohibits a
psychologist from engaging in the practice of psychology in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, nursing, pharmacy, physical therapy, occupational therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, professional counseling, social work, or marriage and family therapy, but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of psychology.

Sec. 4732.31. (A) The state behavioral health and social work board of psychology shall provide access to the following information through the internet:

(1) The names of all licensed psychologists and all school psychologists licensed by the state behavioral health and social work board of psychology;

(2) The names of all licensed psychologists and all school psychologists licensed by the state behavioral health and social work board of psychology who have been reprimanded by the board for misconduct, the names of all licensed psychologists or school psychologists licensed by the state behavioral health and social work board of psychology whose licenses are under an active suspension imposed for misconduct, the names of all former licensed psychologists and school psychologists licensed by the state behavioral health and social work board of psychology whose licenses have been suspended or revoked for misconduct, and the reason for each reprimand, suspension, or revocation;

(3) Written findings made under division (B) of section 4732.171 of the Revised Code.

(B) Division (A)(2) of this section does not apply to a suspension of the license of a psychologist or school psychologist...
that is an automatic suspension imposed under section 4732.14 of
the Revised Code.

Sec. 4732.32. The state behavioral health and social work
board of psychology shall comply with section 4776.20 of the
Revised Code.

Sec. 4732.33. The state behavioral health and social work
board of psychology shall adopt rules governing the use of
telepsychology for the purpose of protecting the welfare of
recipients of telepsychology services and establishing
requirements for the responsible use of telepsychology in the
practice of psychology and school psychology, including
supervision of persons registered with the state board of
psychology as described in division (B) of section 4732.22 of the
Revised Code.

Sec. 4736.12. (A) The state board of sanitarian registration
shall charge the following fees:

(1) To apply as a sanitarian-in-training, eighty one hundred
twenty dollars;

(2) For sanitarians-in-training to apply for registration as
sanitarians, eighty one hundred twenty dollars. The applicant
shall pay this fee only once regardless of the number of times the
applicant takes an examination required under section 4736.08 of
the Revised Code.

(3) For persons other than sanitarians-in-training to apply
for registration as sanitarians, including persons meeting the
requirements of section 4736.16 of the Revised Code, one hundred
sixty dollars. The applicant shall pay this fee only once
regardless of the number of times the applicant takes an
examination required under section 4736.08 of the Revised Code.
(4) The renewal fee for registered sanitarians shall be ninety one hundred five dollars.

(5) The renewal fee for sanitarians-in-training shall be ninety one hundred five dollars.

(6) For late application for renewal, an additional seventy-five dollars.

The board of sanitarian registration, with the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that such fees do not exceed the amounts permitted by this section by more than fifty per cent.

(B) The board of sanitarian registration shall charge separate fees for examinations as required by section 4736.08 of the Revised Code, provided that the fees are not in excess of the actual cost to the board of conducting the examinations.

(C) The board of sanitarian registration may adopt rules establishing fees for all of the following:

1. Application for the registration of a training agency approved under rules adopted by the board pursuant to section 4736.11 of the Revised Code and for the annual registration renewal of an approved training agency;

2. Application for the review of continuing education hours submitted for the board's approval by approved training agencies or by registered sanitarians or sanitarians-in-training;

3. Additional copies of pocket identification cards and wall certificates.

Sec. 4743.05. Except as otherwise provided in sections 4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of the Revised Code, all money collected under Chapters 3773., 4701., 4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 4733., 4734., 4736., 4741., 4744., 4747., 4753., 4755., 4757.,
4758., 4759., 4761., 4771., 4775., 4779., and 4781. of the Revised Code shall be paid into the state treasury to the credit of the occupational licensing and regulatory fund, which is hereby created for use in administering such chapters.

At the end of each quarter, the director of budget and management shall transfer from the occupational licensing and regulatory fund to the nurse education assistance fund created in section 3333.28 of the Revised Code the amount certified to the director under division (B) of section 4723.08 of the Revised Code.

At the end of each quarter, the director shall transfer from the occupational licensing and regulatory fund to the certified public accountant education assistance fund created in section 4701.26 of the Revised Code the amount certified to the director under division (H)(2) of section 4701.10 of the Revised Code.

**Sec. 4744.02.** (A) There is hereby created the state vision and hearing professionals board consisting of the following members, appointed by the governor with the advice and consent of the senate:

(1) Two individuals licensed as optometrists under Chapter 4725. of the Revised Code;

(2) Two individuals licensed as licensed dispensing opticians under Chapter 4725. of the Revised Code;

(3) Two individuals licensed as speech-language pathologists under Chapter 4753. of the Revised Code;

(4) One individual licensed as an audiologist under Chapter 4753. of the Revised Code;

(5) One individual licensed as a hearing aid fitter under Chapter 4747. of the Revised Code;

(6) One individual representing the general public.
(B) Not later than ninety days after the effective date of this section, the governor shall make initial appointments to the board. Of the initial appointments, four members shall serve terms ending March 22, 2019, three members shall serve terms ending March 22, 2020, and two members shall serve terms ending March 22, 2021.

Thereafter, terms of office are three years, with each term commencing on the twenty-third day of March and ending on the twenty-second day of March. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed, except that a member shall continue in office after the expiration date of the member's term until the member's successor takes office. No member shall serve more than three consecutive terms.

Vacancies shall be filled in the same manner as original appointments. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term.

(C) No individual may be appointed to the board who has been convicted of or pleaded guilty to a felony under the laws of this state, another state, or the United States.

The governor may remove a member of the board for malfeasance, misfeasance, or nonfeasance after a hearing in accordance with Chapter 119. of the Revised Code. The governor shall remove, after a hearing in accordance with Chapter 119. of the Revised Code, any member who has been convicted of or pleaded guilty to a felony under the laws of this state, another state, or the United States.

Sec. 4744.04. (A) There is hereby created the state behavioral health and social work board consisting of the
following members, appointed by the governor with the advice and consent of the senate:

(1) One individual licensed as a psychologist under Chapter 4732. of the Revised Code who is not a school psychologist;

(2) One individual licensed as a school psychologist under Chapter 4732. of the Revised Code;

(3) One individual licensed as an independent chemical dependency counselor—clinical supervisor, independent chemical dependency counselor, chemical dependency counselor II, or chemical dependency counselor III under Chapter 4758. of the Revised Code;

(4) One individual holding a prevention consultant certificate or prevention specialist I certificate issued under Chapter 4758. of the Revised Code;

(5) One individual licensed as a professional clinical counselor or professional counselor under Chapter 4757. of the Revised Code;

(6) Two individuals licensed as independent social workers or social workers under Chapter 4757. of the Revised Code;

(7) One individual licensed as an independent marriage and family therapist or marriage and family therapist under Chapter 4757. of the Revised Code;

(8) One individual representing the general public.

(B) Not later than ninety days after the effective date of this section, the governor shall make initial appointments to the board. Of the initial appointments, four members shall serve terms ending October 4, 2019, three members shall serve terms ending October 4, 2020, and two members shall serve terms ending October 4, 2021. Thereafter, terms of office are three years, with each term commencing on the fifth day of October and ending on the
fourth day of October. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed, except that a member shall continue in office after the expiration date of the member's term until the member's successor takes office. No member shall serve more than three consecutive terms.

Vacancies shall be filled in the same manner as original appointments. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term.

(C) No individual may be appointed to the board who has been convicted of or pleaded guilty to a felony under the laws of this state, another state, or the United States.

The governor may remove a member of the board for malfeasance, misfeasance, or nonfeasance after a hearing in accordance with Chapter 119. of the Revised Code. The governor shall remove, after a hearing in accordance with Chapter 119. of the Revised Code, any member who has been convicted of or pleaded guilty to a felony under the laws of this state, another state, or the United States.

Sec. 4744.041. (A) The state behavioral health and social work board shall appoint a school psychology examination committee responsible to the board.

(B) The committee shall consist of five school psychologists, each of whom holds either of the following:

(1) A school psychologist license issued under Chapter 4732. of the Revised Code;

(2) A psychologist license issued under Chapter 4732. of the Revised Code and a certificate or license issued by the state
board of education.

(C) Committee members shall be appointed by the state behavioral health and social work board for staggered five-year terms, in accordance with rules adopted by the board. The board may delegate to the committee authority to develop the examination described in division (B)(2) of section 4732.11 of the Revised Code and any procedures the board establishes under division (C) of section 4732.11 of the Revised Code.

Sec. 4744.06. (A) There is hereby created the state physical health services board consisting of the following members, appointed by the governor with the advice and consent of the senate:

(1) One individual licensed as an occupational therapist under Chapter 4755. of the Revised Code;

(2) One individual licensed as a physical therapist under Chapter 4755. of the Revised Code;

(3) One individual licensed as an athletic trainer under Chapter 4755. of the Revised Code;

(4) Two individuals licensed as occupational therapists, physical therapists, or athletic trainers under Chapter 4755. of the Revised Code, in any combination of those professionals;

(5) One individual licensed as an orthotist or orthotist or prosthetist under Chapter 4779. of the Revised Code;

(6) One individual licensed as a prosthetist or an orthotist or prosthetist under Chapter 4779. of the Revised Code;

(7) One individual licensed as a pedorthist under Chapter 4779. of the Revised Code;

(8) One individual representing the general public.

(B) Not later than ninety days after the effective date of
this section, the governor shall make initial appointments to the board. Of the initial appointments, four members shall serve terms ending August 27, 2019, three members shall serve terms ending August 27, 2020, and two members shall serve terms ending August 27, 2021. Thereafter, terms of office are three years, with each term commencing on the twenty-eighth day of August and ending on the twenty-seventh day of August. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed, except that a member shall continue in office after the expiration date of the member's term until the member's successor takes office. No member shall serve more than three consecutive terms.

Vacancies shall be filled in the same manner as original appointments. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term.

(C) No individual may be appointed to the board who has been convicted of or pleaded guilty to a felony under the laws of this state, another state, or the United States.

The governor may remove a member of the board for malfeasance, misfeasance, or nonfeasance after a hearing in accordance with Chapter 119. of the Revised Code. The governor shall remove, after a hearing in accordance with Chapter 119. of the Revised Code, any member who has been convicted of or pleaded guilty to a felony under the laws of this state, another state, or the United States.

Sec. 4744.07. When the term of a member of a board organized under this chapter expires or a vacancy occurs on the board, a professional association representing the interests of the occupation of the board position to be filled may recommend to the
governor individuals to fill the position. The governor shall consider the recommendation in making appointments to the board.

Sec. 4744.10. Whenever the term "state board of optometry," "Ohio optical dispensers board," "hearing aid dealers and fitters licensing board," or "board of speech-language pathology and audiology" is used in any statute, rule, contract, or other document, the use shall be construed to mean the "state vision and hearing professionals board."

Whenever "executive director of the state board of optometry," "executive secretary-treasurer of the Ohio optical dispensers board," "secretary of the hearing aid dealers and fitters licensing board," or "executive director of the board of speech-language pathology and audiology" is used in a statute, rule, contract, or other document, the use shall be construed to mean the executive director of the state vision and hearing professionals board.

Whenever the term "chemical dependency professionals board," "counselor, social worker, and marriage and family therapist board," or "state board of psychology" is used in any statute, rule, contract, or other document, the use shall be construed to mean the "state behavioral health and social work board."

Whenever the executive director of the "chemical dependency professionals board," "counselor, social worker, and marriage and family therapist board," or "state board of psychology" is used in any statute, rule, contract, or other document, the use shall be construed to mean the executive director of the state behavioral health and social work board.

Whenever the term "Ohio occupational therapy, physical therapy, and athletic trainers board" or "state board of orthotics, prosthetics, and pedorthics" is used in any statute,
rule, contract, or other document, the use shall be construed to mean the "state physical health services board."

Whenever the executive director of the "Ohio occupational therapy, physical therapy, and athletic trainers board" or "state board of orthotics, prosthetics, and pedorthics" is used in any statute, rule, contract, or other document, the use shall be construed to mean the executive director of the state physical health services board.

**Sec. 4744.12.** (A) Each board organized under this chapter shall annually elect from among its members a president and secretary. Each board shall hold at least four regular meetings each year and may hold additional meetings as it considers necessary. At least one of the board's regular meetings shall be held in Franklin county. The boards shall publish the time and place of any meetings at least thirty days before the date on which the meeting is to be held, except that in the case of an emergency or special meeting, the board shall give twenty-four-hours' notice or as much notice as possible.

A majority of board members constitutes a quorum.

(B) Each board shall do all of the following:

(1) Adopt a seal and certificate of suitable design;

(2) Maintain a record of its proceedings;

(3) Maintain a register of every individual holding a certificate, license, permit, registration, or endorsement issued under Chapters 4725., 4732., 4747., 4753., 4755., 4757., 4758., 4779., and 4783. of the Revised Code, as applicable, and every individual whose certificate, license, permit, registration, or endorsement has been revoked under those chapters.

(C) Except as otherwise provided in the Revised Code, the books and records of each board, including its registers, shall be
open to public inspection at all reasonable times. A copy of an
entry in those books and records, certified by the executive
director under the board's seal, is prima facie evidence of the
facts therein stated.

Sec. 4744.14. Each board organized under this chapter shall hire an executive director. Before discharging the executive
director's duties, each executive director shall give a bond, to be approved by the board, in the amount of two thousand dollars to ensure the faithful performance of the executive director's duties. The board shall pay the premium of the bond in the same manner as it pays other expenditures of the board. The bond shall be deposited with the secretary of state and kept in the secretary of state's office.

The executive director of each board organized under this chapter, in consultation with the director of administrative services, may employ inspectors, investigators, assistants, and other employees as necessary to administer and enforce Chapters 4725., 4732., 4747., 4753., 4755., 4757., 4758., 4779., and 4783. of the Revised Code, as applicable.

Sec. 4744.16. Each member of a board organized under this chapter shall receive an amount fixed under division (J) of section 124.15 of the Revised Code for each day the member is performing their official duties and be reimbursed for actual and necessary expenses incurred in performing such duties.

Each board, in consultation with the director of administrative services, shall set the compensation of its executive director and of any employees of the board. The executive director of each board shall be reimbursed for necessary expenses in accordance with section 126.31 of the Revised Code.

All vouchers of the board shall be approved by the board's
president or executive director, or both, as authorized by the
board.

Sec. 4744.18. Each board organized under this chapter shall
have an office in Franklin county, where all of the board's
permanent records shall be kept. On request of each board, the
director of administrative services shall supply each board with
office space and supplies. The board's president and executive
director shall submit an order to the director of administrative
services for all printing and binding necessary for the board's
work.

Sec. 4744.20. All expenses of the boards organized under this
chapter shall be paid from, and all receipts of the boards shall
be deposited in, the state treasury to the credit of the
occupational licensing and regulatory fund created in section
4743.05 of the Revised Code.

Sec. 4744.24. Each board organized under this chapter shall
annually, on or before the first day of February, submit a report
to the governor of all its official acts during the preceding
year, its receipts and disbursements, and a complete report of the
conditions of the professions regulated by the board. Each board
shall submit its first report to the governor not later than
February 1, 2019. Each board shall submit the reports to the
governor electronically.

Sec. 4744.28. Each board organized under this chapter may
adopt rules as necessary for the transaction of its business.

Sec. 4744.30. In the absence of fraud or bad faith, any board
organized under this chapter, current or former board members,
agents of the board, persons formally requested by the board to be
the board's representative, or employees of the board shall not be held liable in damages to any person as the result of any act, omission, proceeding, conduct, or decision related to official duties undertaken or performed pursuant to Chapters 4725., 4732., 4747., 4753., 4755., 4757., 4758., 4779., and 4783. of the Revised Code, as applicable.

If such a person asks to be defended by the state against any claim or action arising out of any act, omission, proceeding, conduct, or decision related to the person's official duties, and if the request is made in writing at a reasonable time before trial and the person requesting defense cooperates in good faith in the defense of the claim or action, the state shall provide and pay for the person's defense and shall pay any resulting judgment, compromise, or settlement. At no time shall the state pay any part of a claim or judgment that is for punitive or exemplary damages.

Sec. 4744.36. Each board organized under this chapter may appoint committees or other groups to assist in fulfilling its duties. A committee or group may consist of board members, other individuals with appropriate backgrounds, or both board members and other individuals with appropriate backgrounds. Any appointed committee or group shall act under the board's direction and shall perform its functions within the limits established by the board.

Except as otherwise provided in the Revised Code, a committee or group organized under this section is advisory in nature and may not act independently of the board or act on the board's behalf.

Members of a committee or group may be reimbursed by the board for any expenses incurred in the performance of their duties, in accordance with section 126.31 of the Revised Code and with approval from the director of administrative services.
Sec. 4744.40. Each board organized under this chapter may enter into contracts with any person or government entity to implement this chapter and Chapters 4725., 4732., 4747., 4753., 4755., 4757., 4758., 4779., and 4783. of the Revised Code, as applicable, the rules adopted under those chapters, any other applicable statutes or rules, and any applicable federal statutes or regulations.

Sec. 4744.48. Each board organized under this chapter may become a member of a national licensing organization for the professions regulated by that board. The board may participate in any of the organization's activities, including reporting actions the board takes against an applicant or license holder to any data bank established by the organization.

Sec. 4744.50. Each board organized under this chapter shall establish a code of ethical practice for individuals licensed, certified, or registered by that board in accordance with rules adopted under Chapter 119. of the Revised Code. In establishing the codes of ethical practice, the board shall define unprofessional conduct in the rules, which shall include engaging in a dual relationship with a client or former client, committing an act of sexual abuse, misconduct, or exploitation of a client or former client, and, except as permitted by law, violating client confidentiality.

The codes of ethical practice may be based on any codes of ethical practice developed by national organizations representing the interests of those professions regulated by each board. The board may establish standards in its codes of ethical practice that are more stringent than those established by national organizations.

The board may take disciplinary action against an applicant...
or license holder for violating any code of ethical practice established under this section.

Sec. 4744.54. No board organized under this chapter or any committees established by the board shall discriminate against an applicant or license holder because of the person's race, color, religion, sex, national origin, disability as defined in section 4112.01 of the Revised Code, or age. A person who files with the board or committee a statement alleging discrimination based on any of those reasons may request a hearing with the board or committee, as appropriate.


(B) "Licensing agency," as used in this chapter, means any department, division, board, section of a board, or other state governmental unit subject to the standard renewal procedure, as defined in this section, and authorized by the Revised Code to issue a license to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specified equipment, machinery, or premises.

(C) "License," as used in this chapter, means a license, certificate, permit, card, or other authority issued or conferred by a licensing agency by authority of which the licensee has or claims the privilege to engage in the profession, occupation, or
occupational activity, or to have control of and operate certain specific equipment, machinery, or premises, over which the licensing agency has jurisdiction.

(D) "Licensee," as used in this chapter, means either the person to whom the license is issued or renewed by a licensing agency, or the person, partnership, or corporation at whose request the license is issued or renewed.

(E) "Renewal" and "renewed," as used in this chapter and in the chapters of the Revised Code specified in division (A) of this section, includes the continuing licensing procedure provided in Chapter 3748. of the Revised Code and rules adopted under it and in sections 1321.05 and 3921.33 of the Revised Code, and as applied to those continuing licenses any reference in this chapter to the date of expiration of any license shall be construed to mean the due date of the annual or other fee for the continuing license.

Sec. 4745.02. On or before the thirtieth day prior to the expiration of any license, each licensing agency shall cause to be mailed notice and application for renewal to every licensee for whom a license was issued or renewed during the current license year or other specified period and who has been approved for renewal by the specific licensing agency.

The licensee shall complete the applicable renewal application and return it to pay the applicable renewal fee. Renewal fees paid pursuant to this section shall be deposited with the treasurer of state with a renewal fee in the amount specified on the renewal application.

Upon receipt of the correct fee by the treasurer and acceptance of the renewal application by the licensing agency, the applicant shall be entered as currently renewed on the records of the particular licensing agency, and notice of the entry shall be
mailed provided to each licensee as soon as practicable, but not later than thirty days after receipt by the treasurer of the application and renewal fee. A certification by the respective licensing agency, with its seal affixed, of those records shall be prima-facie evidence of renewal in all courts in the trial of any case.

**Sec. 4745.021.** Notwithstanding any provision of the Revised Code pertaining to the timing of a license renewal to the contrary, if a failure in any electronic license renewal system occurs, a licensing agency may extend the date by which licenses must be renewed. The licensing agency may extend a renewal period for a reasonable time period after the resolution of the system failure. However, a licensing agency must obtain approval from the director of administrative services for an extension in excess of fourteen days beyond the resolution of the system failure.

**Sec. 4747.04.** The state vision and hearing aid dealers and fitters licensing board shall meet annually to elect a chairperson and a vice-chairperson, who shall act as chairperson in the absence of the chairperson. A majority of the board constitutes a quorum. The board shall meet when called by the chairperson. The professionals board shall:

(A) Adopt rules for the transaction of its business;

(B) Design and prepare qualifying examinations for licensing of hearing aid dealers, fitters, and trainees;

(C) (B) Determine whether persons holding similar valid licenses from other states or jurisdictions shall be required to take and successfully pass the appropriate qualifying examination as a condition for licensing in this state;

(D) (C) Determine whether charges made against any licensee warrant a hearing before the board;
Hold hearings to determine the truth and circumstances of all charges filed in writing with the board against any licensee and determine whether any license held by any person shall be revoked, suspended, or reissued;

Determine and specify the length of time each license that is suspended or revoked shall remain suspended or revoked;

Advise and assist the department of health in all matters relating to this chapter;

Deposit all payments collected under this chapter into the general operations state treasury to the credit of the occupational licensing and regulatory fund created under in section 3701.83 4743.05 of the Revised Code to be used in administering and enforcing this chapter;

Establish a list of disqualifying offenses for licensure as a hearing aid dealer or fitter, or for a hearing aid dealer or fitter trainee permit, pursuant to sections 4747.05, 4747.10, 4747.12, and 4776.10 of the Revised Code.

Nothing in this section shall be interpreted as granting to the hearing aid dealers and fitters licensing board the right to restrict advertising which is not false or misleading, or to prohibit or in any way restrict a hearing aid dealer or fitter from renting or leasing space from any person, firm or corporation in a mercantile establishment for the purpose of using such space for the lawful sale of hearing aids or to prohibit a mercantile establishment from selling hearing aids if the sale would be otherwise lawful under this chapter.

Sec. 4747.05. (A) The state vision and hearing aid dealers and fitters licensing professionals board shall issue to each applicant, within sixty days of receipt of a properly completed application and payment of two hundred sixty-two dollars, a
hearing aid dealer's or fitter's license if the applicant, if an individual:

(1) In the case of an individual, the individual is at least eighteen years of age;

(2) Has not committed a disqualifying offense or a crime of moral turpitude, as those terms are defined in section 4776.10 of the Revised Code;

(3) Is free of contagious or infectious disease;

(4) Has successfully passed a qualifying examination specified and administered by the board.

(B) If the applicant is a firm, partnership, association, or corporation, the application, in addition to such information as the board requires, shall be accompanied by an application for a license for each person, whether owner or employee, of the firm, partnership, association, or corporation, who engages in dealing in or fitting of hearing aids, or contains a statement that such applications are submitted separately. No firm, partnership, association, or corporation licensed pursuant to this chapter shall permit any unlicensed person to sell or fit hearing aids.

(C) (B) (1) Subject to divisions (C) (B) (2), (3), and (4) of this section, the board shall not adopt, maintain, renew, or enforce any rule that precludes an individual from receiving or renewing a license issued under this chapter due to any past criminal activity or interpretation of moral character, unless the individual has committed a crime of moral turpitude or a disqualifying offense as those terms are defined in section 4776.10 of the Revised Code. If the board denies an individual a license or license renewal, the reasons for such denial shall be put in writing.

(2) Except as otherwise provided in this division, if an individual:
individual applying for a license has been convicted of or pleaded guilty to a misdemeanor that is not a crime of moral turpitude or a disqualifying offense less than one year prior to making the application, the board may use the board's discretion in granting or denying the individual a license. Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded guilty to a felony that is not a crime of moral turpitude or a disqualifying offense less than three years prior to making the application, the board may use the board's discretion in granting or denying the individual a license. The provisions in this paragraph do not apply with respect to any offense unless the board, prior to the effective date of this amendment September 28, 2012, was required or authorized to deny the application based on that offense.

In all other circumstances, the board shall follow the procedures it adopts by rule that conform to division (C)(B)(1) of this section.

(3) In considering a renewal of an individual's license, the board shall not consider any conviction or plea of guilty prior to the initial licensing. However, the board may consider a conviction or plea of guilty if it occurred after the individual was initially licensed, or after the most recent license renewal.

(4) The board may grant an individual a conditional license that lasts for one year. After the one-year period has expired, the license is no longer considered conditional, and the individual shall be considered fully licensed.

(D)(C) Each license issued expires on the thirtieth day of January of the year following that in which it was issued.

Sec. 4747.051. (A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code, except that "license" as used
in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter.

(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state vision and hearing professionals board shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4747.05 or 4747.10 of the Revised Code.

Sec. 4747.06. (A) Each person engaged in the practice of dealing in or fitting of hearing aids who holds a valid hearing aid dealer's or fitter's license shall apply annually to the state vision and hearing aid dealers and fitters licensing professionals board for renewal of such license under the standard renewal procedure specified in Chapter 4745. of the Revised Code. The board shall issue to each applicant, on proof of completion of the continuing education required by division (B) of this section and payment of one hundred fifty-seven dollars on or before the first day of February, one hundred eighty-three dollars on or before the first day of March, or two hundred ten dollars thereafter, a renewed hearing aid dealer's or fitter's license. No person who applies for renewal of a hearing aid dealer's or fitter's license that has expired shall be required to take any examination as a condition of renewal provided application for renewal is made within two years of the date such license expired.

(B) Each person engaged in the practice of dealing in or fitting of hearing aids who holds a valid hearing aid dealer's or fitter's license shall complete each year not less than ten hours...
of continuing professional education approved by the board. On a form provided by the board, the person shall certify to the board, at the time of license renewal pursuant to division (A) of this section, that in the preceding year the person has completed continuing education in compliance with this division and shall submit any additional information required by rule of the board regarding the continuing education. The board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing the standards continuing education programs must meet to obtain board approval and continuing education reporting requirements.

Continuing education may be applied to meet the requirement of this division if it is provided or certified by any of the following:

1) The national institute of hearing instruments studies committee of the international hearing society;

2) The American speech-language hearing association;

3) The American academy of audiology.

The board may excuse persons licensed under this chapter, as a group or as individuals, from all or any part of the requirements of this division because of an unusual circumstance, emergency, or special hardship.

Sec. 4747.07. Each person who holds a hearing aid dealer's or fitter's license and engages in the practice of dealing in and fitting of hearing aids shall display such license in a conspicuous place in the person's office or place of business at all times. Each person who maintains more than one office or place of business shall post a duplicate copy of the license at each location. The state vision and hearing aid dealers and fitters licensing board shall issue duplicate copies of a license upon receipt of a properly completed application and
payment of sixteen dollars for each copy requested.

Sec. 4747.08. After July 1, 1970, no person shall be issued a hearing aid dealer's or fitter's license unless such person has successfully taken and passed a qualifying examination. The qualifying examination shall be a thorough testing of knowledge required for the proper selecting, fitting, and sale of hearing aids, but shall not be such that a medical or surgical education is required for successful completion. It shall consist of written and practical portions which shall include, but not be limited to, the following areas:

(A) Basic physics of sound;

(B) The anatomy and physiology of the human ear;

(C) The function and purpose of hearing aids;

(D) Pure tone audiometry, including air conduction and bone conduction testing;

(E) Live voice or recorded voice speech audiometry, including speech reception threshold testing and speech discrimination testing;

(F) Masking techniques;

(G) Recording and evaluation of audiograms and speech audiometry to determine proper selection and adaption of hearing aids;

(H) Earmold impression techniques.

The state vision and hearing aid dealers and fitters licensing professionals board shall design, prepare, and revise such qualifying examinations as are determined necessary by the board pursuant to this chapter. It shall administer all such qualifying examinations and shall designate the time, place, and date the examinations are held. The board shall also furnish all
materials and equipment necessary for the conducting of all qualifying examinations.

**Sec. 4747.10.** Each person currently engaged in training to become a licensed hearing aid dealer or fitter shall apply to the state vision and hearing aid dealers and fitters licensing professionals board for a hearing aid dealer's and fitter's trainee permit. The board shall issue to each applicant within thirty days of receipt of a properly completed application and payment of one hundred fifty dollars, a trainee permit if such applicant meets all of the following criteria:

(A) Is at least eighteen years of age;

(B) Is the holder of a diploma from an accredited high school or a certificate of high school equivalence issued by the department of education;

(C) Has not committed a disqualifying offense or a crime of moral turpitude, as those terms are defined in section 4776.10 of the Revised Code;

(D) Is free of contagious or infectious disease.

Subject to the next paragraph, the board shall not deny a trainee permit issued under this section to any individual based on the individual's past criminal history or an interpretation of moral character unless the individual has committed a disqualifying offense or crime of moral turpitude as those terms are defined in section 4776.10 of the Revised Code. Except as otherwise provided in this paragraph, if an individual applying for a trainee permit has been convicted of or pleaded guilty to a misdemeanor that is not a crime of moral turpitude or a disqualifying offense less than one year prior to making the application, the board may use the board's discretion in granting or denying the individual a trainee permit. Except as otherwise
provided in this paragraph, if an individual applying for a
trainee permit has been convicted of or pleaded guilty to a felony
that is not a crime of moral turpitude or a disqualifying offense
less than three years prior to making the application, the board
may use the board's discretion in granting or denying the
individual a trainee permit. The provisions in this paragraph do
not apply with respect to any offense unless the board, prior to
September 28, 2012, was required or authorized to deny the
application based on that offense.

In all other circumstances not described in the preceding
paragraph, the board shall follow the procedures it adopts by rule
that conform to this section.

In considering a renewal of an individual's trainee permit,
the board shall not consider any conviction or plea of guilty
prior to the issuance of the initial trainee permit. However, the
board may consider a conviction or plea of guilty if it occurred
after the individual was initially granted the trainee permit, or
after the most recent trainee permit renewal. If the board denies
an individual for a trainee permit or renewal, the reasons for
such denial shall be put in writing. Additionally, the board may
grant an individual a conditional trainee permit that lasts for
one year. After the one-year period has expired, the permit is no
longer considered conditional, and the individual shall be
considered to be granted a full trainee permit.

Each trainee permit issued by the board expires one year from
the date it was first issued, and may be renewed once if the
trainee has not successfully completed the qualifying requirements
for licensing as a hearing aid dealer or fitter before the
expiration date of such permit. The board shall issue a renewed
permit to each applicant upon receipt of a properly completed
application and payment of one hundred five dollars. No person
holding a trainee permit shall engage in the practice of dealing
in or fitting of hearing aids except while under supervision by a licensed hearing aid dealer or fitter.

Sec. 4747.11. Each person who holds a hearing aid dealer's or fitter's license or trainee permit shall notify the state vision and hearing aid dealers and fitters licensing professionals board in writing of the place or places where he the person engages or intends to engage in the practice of dealing in and fitting of hearing aids, and shall immediately notify the board in writing of any change in such address or addresses. The board shall keep a record of the past and current place of business of each person who holds a license or permit.

Any notice that is required to be given by the board to a person holding a license or permit pursuant to the provisions of this chapter shall be mailed to such person by certified mail to the address of his the person's current or most recent place of business as revealed in the records of the board.

Sec. 4747.12. The state vision and hearing aid dealers and fitters licensing professionals board may revoke or suspend a license or permit if the person who holds such license or permit:

(A) Is convicted of a disqualifying offense or a crime of moral turpitude as those terms are defined in section 4776.10 of the Revised Code. The record of conviction, or a copy thereof certified by the clerk of the court or by the judge in whose court the conviction occurs, is conclusive evidence of such conviction;

(B) Procured a license or permit by fraud or deceit practiced upon the board;

(C) Obtained any fee or made any sale of a hearing aid by fraud or misrepresentation;

(D) Knowingly employed any person without a license or a person whose license was suspended or revoked to engage in the
fitting or sale of hearing aids;

(E) Used or caused or promoted the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however disseminated or published, which is misleading, deceptive, or untruthful;

(F) Advertised a particular model or type of hearing aid for sale when purchasers or prospective purchasers responding to the advertisement cannot purchase the specified model or type of hearing aid;

(G) Represented or advertised that the service or advice of a person licensed to practice medicine will be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing aids when such is not true, or using the words "doctor," "clinic," or similar words, abbreviations, or symbols which connote the medical profession when such use is not accurate;

(H) Is found by the board to be a person of habitual intemperance or gross immorality;

(I) Advertised a manufacturer's product or used a manufacturer's name or trademark in a manner which suggested the existence of a relationship with the manufacturer which did not or does not exist;

(J) Fitted or sold, or attempted to fit or sell, a hearing aid to a person without first utilizing the appropriate procedures and instruments required for proper fitting of hearing aids;

(K) Engaged in the fitting and sale of hearing aids under a false name or an alias;

(L) Engaged in the practice of dealing in or fitting of hearing aids while suffering from a contagious or infectious

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disease;

(M) Was found by the board to be guilty of gross incompetence or negligence in the fitting or sale of hearing aids;

(N) Permitted another person to use the licensee's license;

(O) Violate the code of ethical practice adopted under section 4744.50 of the Revised Code.

Sec. 4747.13. (A) Any person who wishes to make a complaint against any person, firm, partnership, association, or corporation licensed pursuant to this chapter shall submit such complaint in writing to the state vision and hearing aid dealers and fitters licensing professionals board within one year from the date of the action or event upon which the complaint is based. The hearing aid dealers and fitters board shall determine whether the charges in the complaint are of a sufficiently serious nature to warrant a hearing before the board to determine whether the license or permit held by the person complained against shall be revoked or suspended. If the board determines that a hearing is warranted, then it shall fix the time and place of such hearing and deliver or cause to have delivered, either in person or by registered mail, at least twenty days before the date of such hearing, an order instructing the licensee complained against of the date, time, and place where the licensee shall appear before the board. Such order shall include a copy of the complaint against the licensee.

The board, and the licensee after receipt of the order and a copy of the complaint made against the licensee, may take depositions in advance of the hearing, provided that each party taking depositions shall give at least five days notice to the other party of the time, date, and place where such depositions shall be taken. Each party shall have the right to attend with counsel the taking of such depositions and may cross-examine the
deponent or deponents. Each licensee appearing before the board may be represented by counsel. No person shall have the person's license or permit revoked or suspended without an opportunity to present the person's case at a hearing before the board, and the board shall grant a continuance or adjournment of a hearing date for good cause. Each person whose license or permit is suspended or revoked by the board may appeal such action to the court of common pleas.

(B) The board shall petition the court of common pleas of the county in which a person, firm, partnership, or corporation engages in the sale, practice of dealing in or fitting of hearing aids, advertises or assumes such practice, or engages in training to become a licensed hearing aid dealer or fitter without first being licensed, for an order enjoining any such acts or practices. The court may grant such injunctive relief upon a showing that the respondent named in the petition is engaging in such acts or practices without being licensed under this chapter.

Sec. 4747.14. No person, firm, partnership, association, or corporation shall:

(A) Sell or barter or offer to sell or barter a hearing aid dealers or fitters license or trainee permit issued by the state vision and hearing aid dealers and fitters licensing professionals board pursuant to sections 4747.05, 4747.06, and 4747.10 of the Revised Code;

(B) Purchase or procure or attempt to purchase or procure a hearing aid dealers or fitters license or trainee permit with intent to use such license or permit as evidence of the holder's qualification to engage in the practice of dealing in or fitting of hearing aids;

(C) Use or attempt to use as a valid license or permit a license or permit which has been purchased, fraudulently obtained,
counterfeited, materially altered, or suspended or revoked;

(D) Alter a license or permit in any way, shape, or form, except as may be specified by the board;

(E) Willfully and knowingly make a false statement in an application for issuance or renewal of a license or permit.

Sec. 4747.16. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state vision and hearing aid dealers and fitters licensing professionals board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued pursuant to this chapter.

Sec. 4747.17. The state vision and hearing aid dealers and fitters licensing professionals board shall comply with section 4776.20 of the Revised Code.

Sec. 4749.031. (A) The department of public safety shall be a participating public office for purposes of the retained applicant fingerprint database established under section 109.5721 of the Revised Code. The department shall elect to participate in the continuous record monitoring service for all persons licensed or registered under this chapter. When the superintendent of the bureau of criminal identification and investigation, under section 109.57 of the Revised Code, indicates that an individual in the retained applicant fingerprint database has been arrested for, convicted of, or pleaded guilty to any offense, the superintendent promptly shall notify the department either electronically or by mail that additional arrest or conviction information is available.

(B) In addition to any other fees charged by the department under this chapter, an applicant for a license under section...
4749.03 of the Revised Code, at the time of making an initial or renewal application, shall pay any initial or annual fee charged by the superintendent pursuant to rules adopted under division (F) of section 109.5721 of the Revised Code.

Sec. 4751.03. (A) There is hereby established in the department of aging a board of executives of long-term services and supports, which board shall be composed of the following eleven members:

(1) Four members who are nursing home administrators, owners of nursing homes, or officers of corporations owning nursing homes, and who shall have an understanding of person-centered care, and experience with a range of long-term services and supports settings;

(2)(a) Three members who work in long-term services and supports settings that are not nursing homes, and who shall have an understanding of person-centered care, and experience with a range of long-term services and supports settings;

(b) At least one of the members described in division (A)(2)(a) of this section shall be a home health administrator, an owner of a home health agency, or an officer of a home health agency.

(3) One member who is a member of the academic community;

(4) One member who is a consumer of services offered in a long-term services and supports setting;

(5) One nonvoting member who is a representative of the department of health, designated by the director of health, who is involved in the nursing home survey and certification process, who shall serve in an advisory capacity only;

(6) One nonvoting member who is a representative of the office of the state long-term care ombudsman, designated by the
state long-term care ombudsman, who shall serve in an advisory capacity only.

All members of the board shall be citizens of the United States and residents of this state. No member of the board who is appointed under divisions (A)(3) to (6) of this section may have or acquire any direct financial interest in a nursing home or long-term services and supports settings.

(B) The term of office for each appointed member of the board shall be for three years, commencing on the twenty-eighth day of May and ending on the twenty-seventh day of May. Each member shall serve from the date of appointment until the end of the term for which appointed. No member shall serve more than two consecutive full terms.

(C) Appointments to the board shall be made by the governor. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any appointed member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

(D) The governor may remove any member of the board for misconduct, incapacity, incompetence, or neglect of duty after the member so charged has been served with a written statement of charges and has been given an opportunity to be heard.

(E) Each member of the board, except the member designated by the director of health and the member designated by the ombudsman, shall be paid in accordance with section 124.15 of the Revised Code and each member shall be reimbursed for the member's actual and necessary expenses incurred in the discharge of such duties.

(F) The board shall elect annually from its membership a
chairperson and a vice-chairperson.

(G) The board shall hold and conduct meetings quarterly and
at such other times as its business requires. A majority of the
voting members of the board shall constitute a quorum. The
affirmative vote of a majority of the voting members of the board
is necessary for the board to act.

(H) The board shall appoint a secretary who has no financial
interest in a long-term services and supports setting, and may
employ and prescribe the powers and duties of such employees and
consultants as are necessary to carry out this chapter and the
rules adopted under it.

Sec. 4751.04. (A) The board of executives of long-term
services and supports shall:

(1) Develop, adopt, impose, and enforce regulations
prescribing standards which must be met by individuals in order to
receive a license as a nursing home administrator, which standards
shall be designed to ensure that nursing home administrators are
of good character and are otherwise suitable, and who, by training
and experience, are qualified to serve as nursing home
administrators;

(2) Develop and apply appropriate techniques, including
examinations and investigations, for determining whether an
individual meets such standards;

(3) Issue licenses and registrations to individuals
determined, after application of such techniques, to meet such
standards, and revoke;

(4) Revoke or suspend licenses or registrations previously
issued by the board or impose a civil penalty, fine, or any other
sanction authorized by the board on an individual holding a
license or registration, in any case where the individual holding
such license or registration is determined to have failed substantially to conform to the requirements of such standards;

(4) Develop, adopt, impose, and enforce regulations and procedures designed to ensure that individuals holding a temporary license, or licensed as nursing home administrators will, during any period that they serve as such, comply with Chapter 4751. of the Revised Code and the regulations adopted thereunder;

(5) Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with Chapter 4751. of the Revised Code and the regulations adopted thereunder;

(6) Take such other actions as may be necessary to enable the state to meet the requirements set forth in the "Social Security Amendments of 1967," 81 Stat. 908 (1968), 42 U.S.C. 1396 g;

(7) Pay all license and registration fees, civil penalties, and fines collected under Chapter 4751. of the Revised Code into the board of executives of long-term services and supports fund created by section 4751.14 of the Revised Code to be used in administering and enforcing this chapter and the rules adopted under it;

(8) Administer, or contract with a government or private entity to administer, examinations for licensure as a nursing home administrator. If the board contracts with a government or private entity to administer the examinations, the contract may authorize the entity to collect and keep, as all or part of the entity's compensation under the contract, any fee an applicant for licensure pays to take an examination. The entity is not required to deposit the fee into the state treasury;

(9) Enter into a contract with the department of aging as
required under section 4751.042 of the Revised Code;

(11) Create opportunities for the education, training, and credentialing of nursing home administrators and others, persons in leadership positions who practice in long-term services and supports settings or who direct the practices of others in those settings, and persons interested in serving in those roles. In carrying out this function, the board shall do the following:

(a) Identify core competencies and areas of knowledge that are appropriate for nursing home administrators, credentialed individuals, and others working within the long-term services and supports settings system, with an emphasis on all of the following:

(i) Leadership;

(ii) Person-centered care;

(iii) Principles of management within both the business and regulatory environments;

(iv) An understanding of all post-acute settings, including transitions from acute settings and between post-acute settings.

(b) Assist in the development of a strong, competitive market in Ohio for training, continuing education, and degree programs in long-term services and supports settings administration.

(B) In the administration and enforcement of Chapter 4751. of the Revised Code, and the regulations adopted thereunder, the board is subject to Chapter 119. of the Revised Code and sections 4743.01 and 4743.02 of the Revised Code except that a notice of appeal of an order of the board adopting, amending, or rescinding a rule or regulation does not operate as a stay of the effective date of such order as provided in section 119.11 of the Revised Code. The court, at its discretion, may grant a stay of any regulation in its application against the person filing the notice.
of appeal.

Sec. 4751.043. (A) Training and education programs developed by the board of executives of long-term services and supports pursuant to division (A)(10) of section 4751.04 of the Revised Code may be conducted in person or through electronic media. The board may establish and charge a fee for the education and training programs.

(B) The board may enter into a contract with a government or private entity to perform the board's duties under division (A)(10) of section 4751.04 of the Revised Code to develop and conduct education and training programs. If the board enters into such a contract, the contract may authorize the entity to pay any or all costs associated with the education or training programs and to collect and keep, as all or part of the entity's compensation under the contract, any fee an applicant for education or training pays to enroll in the education or training program.

Sec. 4751.044. The board of executives of long-term services and supports shall approve continuing education courses for nursing home administrators. The board may establish a fee for approval of such courses that is adequate to cover any expense the board incurs in the approval process.

Sec. 4751.10. The license or registration, or both, or the temporary license of any person practicing or offering to practice nursing home administration, shall be revoked or suspended by the board of executives of long-term services and supports if such licensee or temporary licensee:

(A) Is unfit or incompetent by reason of negligence, habits, or other causes;
(B) Has willfully or repeatedly violated any of the provisions of Chapter 4751. of the Revised Code or the regulations adopted thereunder; or willfully or repeatedly acted in a manner inconsistent with the health and safety of the patients of the nursing home in which the licensee or temporary licensee is the administrator;

(C) Is guilty of fraud or deceit in the practice of nursing home administration or in the licensee's or temporary licensee's admission to such practice;

(D) Has been convicted in a court of competent jurisdiction, either within or without this state, of a felony.

Proceedings under this section shall be instituted by the board or shall be begun by filing with the board charges in writing and under oath.

Sec. 4751.14. There is hereby created in the state treasury the board of executives of long-term services and supports fund. The fund shall consist of the amounts the board collects under this chapter as license and registration fees collected under this chapter, other fees, civil penalties, and fines. Money in the fund shall be used by the board of executives of long-term services and supports to administer and enforce this chapter and the rules adopted under it. Investment earnings of the fund shall be credited to the fund.

Sec. 4751.99. Whoever violates section 4751.02 or 4751.09 of the Revised Code shall may be fined not less than fifty dollars or more than five hundred dollars for the first offense; for each subsequent offense such person shall may be fined not less than one hundred dollars or imprisoned for not more than ninety days, or both.

The imposition of fines pursuant to this section does not
Sec. 4752.01. As used in this chapter:

(A) "Authorized health care professional" means a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery or otherwise authorized under Ohio law to prescribe the use of home medical equipment by a patient.

(B) "Home medical equipment" means equipment that can stand repeated use, is primarily and customarily used to serve a medical purpose, is not useful to a person in the absence of illness or injury, is appropriate for use in the home, and is one or more of the following:

(1) Life-sustaining equipment prescribed by an authorized health care professional that mechanically sustains, restores, or supplants a vital bodily function, such as breathing;

(2) Technologically sophisticated medical equipment prescribed by an authorized health care professional that requires individualized adjustment or regular maintenance by a home medical equipment services provider to maintain a patient's health care condition or the effectiveness of the equipment;

(3) An item specified by the Ohio respiratory care board state board of pharmacy in rules adopted under division (B) of section 4752.17 of the Revised Code.

(C) "Home medical equipment services" means the sale, delivery, installation, maintenance, replacement, or demonstration of home medical equipment.

(D) "Home medical equipment services provider" means a person engaged in offering home medical equipment services to the public.

(E) "Hospital" has the same meaning as in section 3727.01 of
the Revised Code.

(F) "Sell or rent" means to transfer ownership or the right
to use property, whether in person or through an agent, employee,
or other person, in return for compensation.

Sec. 4752.03. (A) A person seeking to comply with division
(A) of section 4752.02 of the Revised Code shall do either of the
following:

(1) Apply for a license issued under this chapter;

(2) Apply for a certificate of registration issued under this
chapter on the basis of being accredited by the joint commission
on accreditation of healthcare organizations or another national
accrediting body recognized by the state board of pharmacy, as specified in rules adopted under
section 4752.17 of the Revised Code.

(B) A person intending to provide home medical equipment
services from more than one facility shall apply for a separate
license or certificate of registration for each facility.

Sec. 4752.04. A person seeking a license to provide home
medical equipment services shall apply to the state board of pharmacy on a form the board shall
prescribe and provide. The application must be accompanied by the
license application fee established in rules adopted under section
4752.17 of the Revised Code, except that the board may waive all
or part of the fee if the board determines that an applicant's
license will be issued in the last six months of the biennial
licensing period established under section 4752.05 of the Revised
Code.

In the application, the applicant shall specify the name and
location of the facility from which services will be provided.
Sec. 4752.05. (A) The Ohio respiratory care board or the state board of pharmacy shall issue a license to provide home medical equipment services to each applicant under section 4752.04 of the Revised Code that meets either of the following requirements:

(1) Meets the standards established by the board in rules adopted under section 4752.17 of the Revised Code;

(2) Is a pharmacy licensed under Chapter 4729. of the Revised Code that receives total payments of ten thousand dollars or more per year from selling or renting home medical equipment.

(B) During the period ending one year after September 16, 2004, an applicant that does not meet either of the requirements of division (A) of this section shall be granted a provisional license if for at least twelve months prior to September 16, 2004, the applicant was engaged in the business of providing home medical equipment services. The provisional license expires one year following the date on which it is issued and is not subject to renewal under section 4752.06 of the Revised Code.

(C) The board may conduct a personal interview of an applicant, or an applicant's representative, to determine the applicant's qualifications for licensure.

(D) A license issued under division (A) of this section expires at the end of the licensing period for which it is issued and may be renewed in accordance with section 4752.06 of the Revised Code. For purposes of issuing and renewing licenses, the board shall use a biennial licensing period that begins on the first day of July of each even-numbered year and ends on the thirtieth day of June of the next succeeding even-numbered year.

(E) Any license issued under this section is valid only for the facility named in the application.

Sec. 4752.06. Except for a provisional license issued under
section 4752.05 of the Revised Code, a license issued under this chapter shall be renewed by the Ohio respiratory care board state board of pharmacy if the license holder is in compliance with the applicable requirements of this chapter.

An application for license renewal shall be accompanied by the renewal fee established in rules adopted under section 4752.17 of the Revised Code and, except as provided in division (B) of section 4752.07 of the Revised Code, by documentation satisfactory to the board that the continuing education requirements of section 4752.07 of the Revised Code have been met. Renewals shall be made in accordance with the standard renewal procedure established under Chapter 4745. of the Revised Code and the renewal procedures established in rules adopted under section 4752.17 of the Revised Code.

Sec. 4752.08. (A) The Ohio respiratory care board state board of pharmacy may inspect the operations and facility, subpoena the records, and compel testimony of employees of any home medical equipment services provider licensed under this chapter. Inspections shall be conducted as provided in rules adopted by the board under section 4752.17 of the Revised Code.

(B) The board shall employ investigators who shall, under the direction of the executive director of the board, investigate complaints and conduct inspections. Pursuant to an investigation or inspection, investigators may review and audit records during normal business hours at the place of business of the person being investigated. The board and its employees shall not disclose confidential information obtained during an investigation, except pursuant to a court order.

(C) The board shall send the provider a report of the results of an inspection. If the board determines that the provider is not
in compliance with any requirement of this chapter applicable to
providers licensed under this chapter, the board may direct the
provider to attain compliance. Failure of the provider to comply
with the directive is grounds for action by the board under
division (A)(1) of section 4752.09 of the Revised Code.

(D) A provider that disputes the results of an inspection may
file an appeal with the board not later than ninety days after
receiving the inspection report. The board shall review the
inspection report and, at the request of the provider, conduct a
new inspection.

Sec. 4752.09. (A) The Ohio respiratory care board state board
of pharmacy may, in accordance with Chapter 119. of the Revised
Code, suspend or revoke a license issued under this chapter or
discipline a license holder by imposing a fine of not more than
five thousand dollars or taking other disciplinary action on any
of the following grounds:

(1) Violation of any provision of this chapter or an order or
rule of the board, as those provisions, orders, or rules are
applicable to persons licensed under this chapter;

(2) A plea of guilty to or a judicial finding of guilt of a
felony or a misdemeanor that involves dishonesty or is directly
related to the provision of home medical equipment services;

(3) Making a material misstatement in furnishing information
to the board;

(4) Professional incompetence;

(5) Being guilty of negligence or gross misconduct in
providing home medical equipment services;

(6) Aiding, assisting, or willfully permitting another person
to violate any provision of this chapter or an order or rule of
the board, as those provisions, orders, or rules are applicable to
persons licensed under this chapter;

(7) Failing, within sixty days, to provide information in response to a written request by the board;

(8) Engaging in conduct likely to deceive, defraud, or harm the public;

(9) Denial, revocation, suspension, or restriction of a license to provide home medical equipment services, for any reason other than failure to renew, in another state or jurisdiction;

(10) Directly or indirectly giving to or receiving from any person a fee, commission, rebate, or other form of compensation for services not rendered;

(11) Knowingly making or filing false records, reports, or billings in the course of providing home medical equipment services, including false records, reports, or billings prepared for or submitted to state and federal agencies or departments;

(12) Failing to comply with federal rules issued pursuant to the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620(1935), 42 U.S.C. 1395, as amended, relating to operations, financial transactions, and general business practices of home medical services providers.

(B) The respiratory care board or state board of pharmacy immediately may suspend a license without a hearing if it determines that there is evidence that the license holder is subject to actions under this section and that there is clear and convincing evidence that continued operation by the license holder presents an immediate and serious harm to the public. The president and executive director of the board shall make a preliminary determination and describe, by telephone conference or any other method of communication, the evidence on which they made their determination to the other members of the board. The board may by resolution designate another board member to act in place.
of the president of the board or another employee to act in the
place of the executive director, in the event that the board
president or executive director is unavailable or unable to act.
On review of the evidence, the board may by a vote of not less
than seven of its members, suspend a license without a prior
hearing. The board may vote on the suspension by way of a
telephone conference call.

Immediately following the decision to suspend a license under
this division, the board shall issue a written order of suspension
and cause it to be delivered in accordance with section 119.07 of
the Revised Code. The order shall not be subject to suspension by
the court during the pendency of any appeal filed under section
119.12 of the Revised Code. If the license holder requests an
adjudication hearing, the date set for the hearing shall be within
fifteen days but not earlier than seven days after the license
holder requests the hearing, unless another date is agreed to by
the license holder and the board. The suspension shall remain in
effect, unless reversed by the board, until a final adjudication
order issued by the board pursuant to this section and Chapter
119. of the Revised Code becomes effective. The board shall issue
its final adjudication order not later than ninety days after
completion of the hearing. The board's failure to issue the order
by that day shall cause the summary suspension to end, but shall
not affect the validity of any subsequent final adjudication
order.

Sec. 4752.11. (A) A person seeking a certificate of
registration to provide home medical equipment services shall
apply to the Ohio respiratory care board state board of pharmacy
on a form the board shall prescribe and provide. The application
must be accompanied by the registration fee established in rules
adopted under section 4752.17 of the Revised Code, except that the
board may waive all or part of the fee if the board determines
that an applicant's certificate of registration will be issued in the last six months of the biennial registration period established under section 4752.12 of the Revised Code.

(B) The applicant shall specify in the application all of the following:

(1) The name of the facility from which services will be provided;

(2) The facility's address;

(3) The facility's telephone number;

(4) A person who may be contacted with regard to the facility;

(5) The name of the national accrediting body that issued the accreditation on which the application is based;

(6) The applicant's accreditation number and the expiration date of the accreditation;

(7) A telephone number that may be used twenty-four hours a day, seven days a week, to obtain information related to the facility's provision of home medical equipment services.

Sec. 4752.12. (A) The Ohio respiratory care board state board of pharmacy shall issue a certificate of registration to provide home medical equipment services to each applicant who submits a complete application under section 4752.11 of the Revised Code. For purposes of this division, an application is complete only if the board finds that the applicant holds accreditation from the joint commission on accreditation of healthcare organizations or another national accrediting body recognized by the board, as specified in rules adopted under section 4752.17 of the Revised Code.

(B) A certificate of registration issued under this section
expires at the end of the registration period for which it is issued and may be renewed in accordance with section 4752.13 of the Revised Code. For purposes of renewing certificates of registration, the board shall use a biennial registration period that begins on the first day of July of each even-numbered year and ends on the thirtieth day of June of the next succeeding even-numbered year.

(C) A certificate of registration issued under this section is valid only for the facility named in the application.

Sec. 4752.13. A certificate of registration issued under this chapter shall be renewed by the Ohio respiratory care board state board of pharmacy if the certificate holder is accredited by the joint commission on accreditation of healthcare organizations or another national accrediting body recognized by the board, as specified in rules adopted under section 4752.17 of the Revised Code.

An application for renewal of a certificate of registration shall be accompanied by the renewal fee established in rules adopted under section 4752.17 of the Revised Code. Renewals shall be made in accordance with the standard renewal procedure established under Chapter 4745. of the Revised Code and the renewal procedures established in rules adopted under section 4752.17 of the Revised Code.

Sec. 4752.14. The Ohio respiratory care board state board of pharmacy shall enter into a cooperative agreement with each of the national accrediting bodies it recognizes in rules adopted under section 4752.17 of the Revised Code for purposes of issuing certificates of registration under this chapter. The board shall ensure that each cooperative agreement establishes or specifies standards or procedures regarding a complaint process, patient
safety and care, and any other matter the board considers appropriate for home medical equipment services providers that receive certificates of registration under this chapter.

**Sec. 4752.15.** (A) The Ohio respiratory care board of pharmacy shall, in accordance with Chapter 119. of the Revised Code, suspend or revoke a certificate of registration issued under this chapter if it learns from any source that the accreditation on which the certificate of registration was issued has been revoked or suspended or is otherwise no longer valid.

(B) If the status of the accreditation on which a certificate of registration is issued under this chapter changes for any reason, the holder of the certificate shall notify the board. On receipt of the notice, the board shall take action under division (A) of this section, if appropriate.

**Sec. 4752.17.** (A) The Ohio respiratory care board of pharmacy shall adopt rules to implement and administer this chapter. The rules shall do all of the following:

1. Specify items considered to be home medical equipment for purposes of divisions (B)(1) and (2) of section 4752.01 of the Revised Code;

2. Establish procedures for issuance and renewal of licenses and certificates of registration under this chapter, including the duties that may be fulfilled by the board's executive director and other board employees;

3. Specify the national accrediting bodies the board recognizes for purposes of issuing certificates of registration under this chapter;

4. Establish standards an applicant must meet to be eligible to be granted a license under section 4752.05 of the Revised Code;
(5) Establish standards for personnel policies, equipment storage, equipment maintenance, and record keeping to be followed by home medical equipment services providers licensed under this chapter;

(6) Establish standards for continuing education programs in home medical equipment services for individuals who provide home medical equipment services while employed by or under the control of a home medical equipment services provider licensed under this chapter;

(7) Establish standards and procedures for inspection of home medical equipment providers licensed under this chapter and the facilities from which their home medical equipment services are provided and for appeal of inspection results;

(8) Establish fees for issuing and renewing licenses under this chapter, in an amount sufficient to meet the expenses the board incurs in administering the licensing program;

(9) Establish fees for conducting inspections of home medical equipment services providers licensed under this chapter, in an amount sufficient to meet the expenses the board incurs in administering the inspection program;

(10) Establish fees for issuing and renewing certificates of registration under this chapter, in an amount sufficient to meet the expenses the board incurs in administering the registration program;

(11) Establish any other standards, requirements, or procedures the board considers necessary for the implementation or administration of this chapter.

(B) The board may adopt rules specifying items that are considered home medical equipment for purposes of division (B)(3) of section 4752.01 of the Revised Code.
(C) Rules shall be adopted under this chapter in accordance with Chapter 119. of the Revised Code. Prior to adopting any rule, the board shall consult with representatives of any association of home medical equipment services providers that do business in this state.

Sec. 4752.18. All moneys the Ohio respiratory care board state board of pharmacy receives under this chapter, from any source, shall be deposited into the state treasury to the credit of the occupational licensing and regulatory fund created under section 4743.05 of the Revised Code.

Sec. 4752.19. (A) At the request of the Ohio respiratory care board state board of pharmacy, the attorney general may bring a civil action for appropriate relief, including a temporary restraining order, preliminary or permanent injunction, and civil penalties, in the court of common pleas of the county in which a violation has occurred, is occurring, or is threatening to occur against any person who has violated, is violating, or threatens to violate section 4752.02 of the Revised Code. In accordance with the Rules of Civil Procedure, the court of common pleas in which an action for injunction is filed has jurisdiction to grant, and shall grant, a temporary restraining order and preliminary and permanent injunctive relief upon a showing that the person against whom the action is brought has violated, is violating, or threatens to violate section 4752.02 of the Revised Code. In an action for a civil penalty, the court may impose upon a person found to have violated section 4752.02 of the Revised Code a civil penalty of not less than five hundred and not more than two thousand five hundred dollars for each day of violation. Moneys resulting from civil penalties imposed under this section shall be deposited into the state treasury to the credit of the occupational licensing and regulatory fund created under section...
4743.05 of the Revised Code.

(B) The remedies provided in this section are in addition to remedies otherwise available under any federal or state law or ordinance of a municipal corporation.

Sec. 4752.20. The Ohio respiratory care board shall comply with section 4776.20 of the Revised Code.

Sec. 4752.22. Whenever the term "Ohio respiratory care board" is used in any statute, rule, contract, or other document, the use shall be construed to mean the "state board of pharmacy," with respect to implementing Chapter 4752. of the Revised Code.

Whenever the executive director of the Ohio respiratory care board is used in any statute, rule, contract, or other document, the use shall be construed to mean the executive director of the state board of pharmacy, with respect to implementing Chapter 4752. of the Revised Code.

Sec. 4752.24. The state board of pharmacy shall appoint a home medical equipment services advisory council for the purpose of advising the board on issues relating to providing home medical equipment services. The advisory council shall consist of not more than seven individuals knowledgeable in the provision of home medical equipment services.

Not later than ninety days after the effective date of this section, the board shall make initial appointments to the council. Members shall serve three-year staggered terms of office in accordance with rules adopted by the board.

With approval from the director of administrative services, members may receive an amount fixed under division (J) of section 124.15 of the Revised Code for each day the member is performing the member's official duties and be reimbursed for actual and
necessary expenses incurred in performing those duties.

Sec. 4753.05. (A) The state vision and hearing professionals board of speech-language pathology and audiology may make reasonable rules necessary for the administration of this chapter. The board shall adopt rules to ensure ethical standards of practice by speech-language pathologists and audiologists licensed or permitted pursuant to this chapter. All rules adopted under this chapter shall be adopted in accordance with Chapter 119. of the Revised Code.

(B) The board shall determine the nature and scope of examinations to be administered to applicants for licensure pursuant to this chapter in the practices of speech-language pathology and audiology, and shall evaluate the qualifications of all applicants. Written examinations may be supplemented by such practical and oral examinations as the board shall determine by rule. The board shall determine by rule the minimum examination score for licensure. Licensure shall be granted independently in speech-language pathology and audiology. The board shall maintain a current public record of all persons licensed, to be made available upon request.

(C) The board shall publish and make available, upon request, the licensure and permit standards prescribed by this chapter and rules adopted pursuant thereto.

(D) The board shall submit to the governor each year a report of all its official actions during the preceding year together with any recommendations and findings with regard to the improvement of the professions of audiology and speech-language pathology.

(E) The board shall investigate all alleged irregularities in the practices of speech-language pathology and audiology by persons licensed or permitted pursuant to this chapter and any
violations of this chapter or rules adopted by the board. The board shall not investigate the practice of any person specifically exempted from licensure under this chapter by section 4753.12 of the Revised Code, as long as the person is practicing within the scope of the person's license or is carrying out responsibilities as described in division (G) or (H) of section 4753.12 of the Revised Code and does not claim to be a speech-language pathologist or audiologist.

In conducting investigations under this division, the board may administer oaths, order the taking of depositions, issue subpoenas, and compel the attendance of witnesses and the production of books, accounts, papers, records, documents, and testimony. In any case of disobedience or neglect of any subpoena served on any person or the refusal of any witness to testify to any matter regarding which the witness may lawfully be interrogated, the court of common pleas of any county where such disobedience, neglect, or refusal occurs or any judge thereof, on application by the board, shall compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court, or a refusal to testify therein.

(F) (E) The board shall conduct such hearings and keep such records and minutes as are necessary to carry out this chapter.

(G) The board shall adopt a seal by which it shall authenticate its proceedings. Copies of the proceedings, records, and acts signed by the chairperson or executive director and authenticated by such seal shall be prima-facie evidence thereof in all courts of this state.

Sec. 4753.06. No person is eligible for licensure as a speech-language pathologist or audiologist unless:

(A) The person has obtained a broad general education to
serve as a background for the person's specialized academic training and preparatory professional experience. Such background may include study from among the areas of human psychology, sociology, psychological and physical development, the physical sciences, especially those that pertain to acoustic and biological phenomena, and human anatomy and physiology, including neuroanatomy and neurophysiology.

(B) If the person seeks licensure as a speech-language pathologist, the person submits to the state vision and hearing professionals board of speech-language pathology and audiology an official transcript demonstrating that the person has at least a master's degree in speech-language pathology or the equivalent as determined by the board. The person's academic credit must include course work accumulated in the completion of a well-integrated course of study approved by the board and delineated by rule dealing with the normal aspects of human communication, development and disorders thereof, and clinical techniques for the evaluation and the improvement or eradication of such disorders. The course work must have been completed at colleges or universities accredited by regional or national accrediting organizations recognized by the board.

(C) Except as provided in division (F)(1)(b) of this section, if the person seeks licensure as an audiologist, the person submits to the board an official transcript demonstrating that the person has at least a doctor of audiology degree or the equivalent as determined by the board. The person's academic credit must include course work accumulated in the completion of a well-integrated course of study approved by the board and delineated by rules dealing with the normal aspects of human hearing, balance, and related development and clinical evaluation, audiologic diagnosis, and treatment of disorders of human hearing, balance, and related development. The course work must have been
completed in an audiology program that is accredited by an organization recognized by the United States department of education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board.

(D) The person submits to the board evidence of the completion of appropriate, supervised clinical experience in the professional area, speech-language pathology or audiology, for which licensure is requested, dealing with a variety of communication disorders. The appropriateness of the experience shall be determined under rules of the board. This experience shall have been obtained in an accredited college or university, in a cooperating program of an accredited college or university, or in another program approved by the board.

(E) The person submits to the board evidence that the person has passed the examination for licensure to practice speech-language pathology or audiology pursuant to division (B) of section 4753.05 of the Revised Code.

(F)(1) In the case of either of the following, the person presents to the board written evidence that the person has obtained professional experience:

(a) The person seeks licensure as a speech-language pathologist;

(b) The person seeks licensure as an audiologist and does not meet the requirements of division (C) of this section regarding a doctor of audiology degree, but before January 1, 2006, the person met the requirements of division (B) of this section regarding a master's degree in audiology as that division existed on December 31, 2005.

(2) The professional experience shall be appropriately supervised as determined by board rule. The amount of professional
experience shall be determined by board rule and shall be bona
fide clinical work that has been accomplished in the major
professional area, speech-language pathology or audiology, in
which licensure is being sought. If the person seeks licensure as
a speech-language pathologist, this experience shall not begin
until the requirements of divisions (B), (D), and (E) of this
section have been completed unless approved by the board. If the
person seeks licensure as an audiologist, this experience shall
not begin until the requirements of division (B) of this section,
as that division existed on December 31, 2005, and divisions (D)
and (E) of this section have been completed unless approved by the
board. Before beginning the supervised professional experience
pursuant to this section, the applicant for licensure to practice
speech-language pathology or audiology shall obtain a conditional
license pursuant to section 4753.071 of the Revised Code.

Sec. 4753.061. (A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code, except that "license" as used in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter.

(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state vision and hearing professionals board shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4753.06 or 4753.07 of the Revised Code.

Sec. 4753.07. The state vision and hearing professionals
board of speech-language pathology and audiology shall issue under its seal a license or conditional license to every applicant who has passed the appropriate examinations designated by the board and who otherwise complies with the licensure requirements of this chapter. The license or conditional license entitles the holder to practice speech-language pathology or audiology. Each licensee shall display the license or conditional license or an official duplicate in a conspicuous place where the licensee practices speech-language pathology or audiology or both.

Sec. 4753.071. A person who is required to meet the supervised professional experience requirement of division (F) of section 4753.06 of the Revised Code shall submit to the state vision and hearing professionals board of speech-language pathology and audiology an application for a conditional license. The application shall include a plan for the content of the supervised professional experience on a form the board shall prescribe. The board shall issue the conditional license to the applicant if the applicant meets the requirements of section 4753.06 of the Revised Code, other than the requirement to have obtained the supervised professional experience, and pays to the board the appropriate fee for a conditional license. An applicant may not begin employment until the conditional license has been issued.

A conditional license authorizes an individual to practice speech-language pathology or audiology while completing the supervised professional experience as required by division (F) of section 4753.06 of the Revised Code. A person holding a conditional license may practice speech-language pathology or audiology while working under the supervision of a person fully licensed in accordance with this chapter. A conditional license is valid for eighteen months unless suspended or revoked pursuant to section 3123.47 or 4753.10 of the Revised Code.
A person holding a conditional license may perform services for which payment will be sought under the medicare program or the medicaid program but all requests for payment for such services shall be made by the person who supervises the person performing the services.

Sec. 4753.072. The state vision and hearing professionals board of speech-language pathology and audiology shall establish by rule pursuant to Chapter 119. of the Revised Code the qualifications for persons seeking licensure as a speech-language pathology aide or an audiology aide. The qualifications shall be less than the standards for licensure as a speech-language pathologist or audiologist. An aide shall not act independently and shall work under the direction and supervision of a speech-language pathologist or audiologist licensed by the board. An aide shall not dispense hearing aids. An applicant shall not begin employment until the license has been approved.

Sec. 4753.073. (A)(1) The state vision and hearing professionals board of speech-language pathology and audiology shall issue under its seal a speech-language pathology student permit to any applicant who submits a plan that has been approved by the applicant's university graduate program in speech-language pathology and that conforms to requirements determined by the board by rule and who meets all of the following requirements:

(1) Is enrolled in a graduate program at an educational institution located in this state that is accredited by the council on academic accreditation in audiology and speech-language pathology of the American speech-language-hearing association;

(2) Has completed at least one year of postgraduate training in speech-language pathology, or equivalent coursework as determined by the board, and any student clinical experience the
board may require by rule.

(2)(B) The speech-language pathology student permit authorizes the holder to practice speech-language pathology within limits determined by the board by rule, which shall include the following:

(a)(1) The permit holder's caseload shall be limited in a manner to be determined by the board by rule.

(b)(1) The permit holder's authorized scope of practice shall be limited in a manner to be determined by the board by rule. The rule shall consider the coursework and clinical experience that has been completed by the permit holder and the recommendation of the applicant's university graduate program in speech-language pathology.

(c)(3) The permit holder shall practice only when under the supervision of a speech-language pathologist who is licensed by the board and acting under the approval and direction of the applicant's university graduate program in speech-language pathology. The board shall determine by rule the manner of supervision.

(3)(C) A permit issued under this section shall expire two years after the date of issuance. Student permits may be renewed in a manner to be determined by the board by rule.

(4)(D) Each permit holder shall display the permit or an official duplicate in a conspicuous place where the permit holder practices speech-language pathology.

Sec. 4753.08. The state vision and hearing professionals board of speech-language pathology and audiology shall waive the examination, educational, and professional experience requirements for any applicant who meets any of the following requirements:

(A) On September 26, 1975, has had at least a bachelor's
degree with a major in speech-language pathology or audiology from an accredited college or university, or who has been employed as a speech-language pathologist or audiologist for at least nine months at any time within the three years prior to September 26, 1975, if an application providing bona fide proof of such degree or employment is filed with the former board of speech-language pathology and audiology within one year after September 26, 1975 that date, and is accompanied by the application fee as prescribed in division (A) of section 4753.11 of the Revised Code;

(B) Presents proof to the state vision and hearing professionals board of current certification or licensure in good standing in the area in which licensure is sought in a state that has standards at least equal to the standards for licensure that are in effect in this state at the time the applicant applies for the license;

(C) Presents proof to the state vision and hearing professionals board of both of the following:

(1) Having current certification or licensure in good standing in audiology in a state that has standards at least equal to the standards for licensure as an audiologist that were in effect in this state on December 31, 2005;

(2) Having first obtained that certification or licensure not later than December 31, 2007.

(D) Presents proof to the state vision and hearing professionals board of a current certificate of clinical competence in speech-language pathology or audiology that is in good standing and received from the American speech-language-hearing association in the area in which licensure is sought.
Sec. 4753.09. Except as provided in this section and in section 4753.10 of the Revised Code, a license issued by the state vision and hearing professionals board of speech-language pathology and audiology shall be renewed biennially in accordance with the standard renewal procedure contained in Chapter 4745. of the Revised Code. If the application for renewal is made one year or longer after the renewal application is due, the person shall apply for licensure as provided in section 4753.06 or division (B), (C), or (D) of section 4753.08 of the Revised Code. The board shall not renew a conditional license; however, the board may grant an applicant a second conditional license.

The board shall establish by rule adopted pursuant to Chapter 119. of the Revised Code the qualifications for license renewal. Applicants shall demonstrate continued competence, which may include continuing education, examination, self-evaluation, peer review, performance appraisal, or practical simulation. The board may establish other requirements as a condition for license renewal as considered appropriate by the board.

The board may renew a license which expires while the license is suspended, but the renewal shall not affect the suspension. The board shall not renew a license which has been revoked. If a revoked license is reinstated under section 4753.10 of the Revised Code after it has expired, the licensee, as a condition of reinstatement, shall pay a reinstatement fee in the amount equal to the renewal fee in effect on the last preceding regular renewal date on which it is reinstated, plus any delinquent fees accrued from the time of the revocation, if such a fee is prescribed by the board by rule.

Sec. 4753.091. (A) A person licensed under this chapter may apply to the state vision and hearing professionals board of speech-language pathology and audiology to have the person's
license classified as inactive. If a fee is charged under division (B) of this section, the person shall include the fee with the application.

If the person's license is in good standing, the person is not the subject of any complaint, the person is not the subject of an investigation or disciplinary action by the board, and the person meets any other requirements established by the board in rules adopted under this section, the board shall classify the license as inactive. The inactive classification shall become effective on the date immediately following the date that the person's license is scheduled to expire.

(B) The board may charge a fee for classifying a license as inactive.

(C) During the period that a license is classified as inactive, the person may not engage in the practice of speech-language pathology or the practice of audiology, as applicable, in this state or make any representation to the public indicating that the person is actively licensed under this chapter.

(D) A person whose license has been classified as inactive may apply to the board to have the license reactivated. The board shall reactivate the license if the person meets the requirements established by the board in rules adopted under this section.

(E) The board's jurisdiction to take disciplinary action under this chapter is not removed or limited when a person's license is classified as inactive under this section.

(F) The board shall adopt rules as necessary for classifying a license as inactive and reactivating an inactive license. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.
Sec. 4753.10. In accordance with Chapter 119. of the Revised Code, the state vision and hearing professionals board of speech-language pathology and audiology may reprimand or place on probation a speech-language pathologist or audiologist or suspend, revoke, or refuse to issue or renew the license of a speech-language pathologist or audiologist. Disciplinary actions may be taken by the board for conduct that may result from but not necessarily be limited to:

(A) Fraud, deception, or misrepresentation in obtaining or attempting to obtain a license;

(B) Fraud, deception, or misrepresentation in using a license;

(C) Altering a license;

(D) Aiding or abetting unlicensed practice;

(E) Committing fraud, deception, or misrepresentation in the practice of speech-language pathology or audiology including:

1) Making or filing a false report or record in the practice of speech-language pathology or audiology;

2) Submitting a false statement to collect a fee;

3) Obtaining a fee through fraud, deception, or misrepresentation, or accepting commissions or rebates or other forms of remuneration for referring persons to others.

(F) Using or promoting or causing the use of any misleading, deceiving, improbable, or untruthful advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation;

(G) Falsely representing the use or availability of services or advice of a physician;

(H) Misrepresenting the applicant, licensee, or holder by
using the word "doctor" or any similar word, abbreviation, or symbol if the use is not accurate or if the degree was not obtained from an accredited institution;

(I) Committing any act of dishonorable, immoral, or unprofessional conduct while engaging in the practice of speech-language pathology or audiology;

(J) Engaging in illegal, incompetent, or habitually negligent practice;

(K) Providing professional services while:

(1) Mentally incompetent;

(2) Under the influence of alcohol;

(3) Using any narcotic or controlled substance or other drug that is in excess of therapeutic amounts or without valid medical indication.

(L) Providing services or promoting the sale of devices, appliances, or products to a person who cannot reasonably be expected to benefit from such services, devices, appliances, or products in accordance with results obtained utilizing appropriate assessment procedures and instruments;

(M) Violating this chapter or any lawful order given or rule adopted by the board;

(N) Being convicted of or pleading guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

(O) Being disciplined by a licensing or disciplinary authority of this or any other state or country or convicted or disciplined by a court of this or any other state or country for an act that would be grounds for disciplinary action under this section.
After revocation of a license under this section, application may be made to the board for reinstatement. The board, in accordance with an order of revocation as issued under Chapter 119. of the Revised Code, may require an examination for such reinstatement.

If any person has engaged in any practice which constitutes an offense under the provisions of this chapter or rules promulgated thereunder by the board, the board may apply to the court of common pleas of the county for an injunction or other appropriate order restraining such conduct, and the court may issue such order.

Any person who wishes to make a complaint against any person licensed pursuant to this chapter shall submit the complaint in writing to the board within one year from the date of the action or event upon which the complaint is based. The board shall determine whether the allegations in the complaint are of a sufficiently serious nature to warrant formal disciplinary charges against the licensee pursuant to this section. If the board determines that formal disciplinary charges are warranted, it shall proceed in accordance with the procedures established in Chapter 119. of the Revised Code.

Sec. 4753.101. The state vision and hearing professionals board of speech-language pathology and audiology, in accordance with Chapter 119. of the Revised Code, may establish rules to govern any disciplinary action to be taken against a student issued a permit under section 4753.073 of the Revised Code. The rules established by the board are not subject to the adjudication procedure requirements of sections 119.06 to 119.13 of the Revised Code.

Sec. 4753.11. (A) For all types of licenses and permits, the
The state vision and hearing professionals board of speech-language patholology and audiology shall charge a nonrefundable licensure or permit fee, to be determined by board rule, which shall be paid at the time the application is filed with the board.

(B) On or before the thirty-first day of January of every other year, the board shall charge a biennial licensure renewal fee which shall be determined by board rule and used to defray costs of the board.

(C) The board may, by rule, provide for the waiver of all or part of such fees when the license is issued less than one hundred days before the date on which it will expire.

(D) After the last day of the month designated by the board for renewal, the board shall charge a late fee to be determined by board rule in addition to the biennial licensure renewal fee.

(E) No municipal corporation shall levy an occupational or similar excise tax on any person licensed under this chapter.

(F) All fees collected under this section and section 4753.09 of the Revised Code shall be paid into the state treasury to the credit of the occupational licensing and regulatory fund created in section 4743.05 of the Revised Code.

Sec. 4753.12. Nothing in this chapter shall be construed to:

(A) Prohibit a person other than an individual from engaging in the business of speech-language pathology or audiology without licensure if it employs a licensed individual in the direct practice of speech-language pathology and audiology. Such entity shall file a statement with the state vision and hearing professionals board, on a form approved by the board for this purpose, swearing that it submits itself to the rules of the board and the provisions of this chapter which the board determines applicable.
(B) Prevent or restrict the practice of a person employed as a speech-language pathologist or audiologist by any agency of the federal government.

(C) Restrict the activities and services of a student or intern in speech-language pathology or audiology from pursuing a course of study leading to a degree in these areas at a college or university accredited by a recognized regional or national accrediting body or in one of its cooperating clinical training facilities, if these activities and services are supervised by a person licensed in the area of study or certified by the American speech-language-hearing association in the area of study and if the student is designated by a title such as "speech-language pathology intern," "audiology intern," "trainee," or other such title clearly indicating the training status.

(D) Prevent a person from performing speech-language pathology or audiology services when performing these services in pursuit of the required supervised professional experience as prescribed in section 4753.06 of the Revised Code and that person has been issued a conditional license pursuant to section 4753.071 of the Revised Code.

(E) Restrict a speech-language pathologist or audiologist who holds the certification of the American speech-language-hearing association, or who is licensed as a speech-language pathologist or audiologist in another state and who has made application to the board for a license in this state from practicing speech-language pathology or audiology without a valid license pending the disposition of the application.

(F) Restrict a person not a resident of this state from offering speech-language pathology or audiology services in this state if such services are performed for not more than one period of thirty consecutive calendar days in any year, if the person is licensed in the state of the person's residence or certified by
the American speech-language-hearing association and files a statement as prescribed by the board in advance of providing these services. Such person shall be subject to the rules of the board and the provisions of this chapter.

(G) Restrict a person licensed under Chapter 4747. of the Revised Code from engaging in the duties as defined in that chapter related to measuring, testing, and counseling for the purpose of identifying or modifying hearing conditions in connection with the fitting, dispensing, or servicing of a hearing aid, or affect the authority of hearing aid dealers to deal in hearing aids or advertise the practice of dealing in hearing aids in accordance with Chapter 4747. of the Revised Code.

(H) Restrict a physician from engaging in the practice of medicine and surgery or osteopathic medicine and surgery or prevent any individual from carrying out any properly delegated responsibilities within the normal practice of medicine and surgery or osteopathic medicine and surgery.

(I) Restrict a person registered or licensed under Chapter 4723. of the Revised Code from performing those acts and utilizing those procedures that are within the scope of the practice of professional or practical nursing as defined in Chapter 4723. of the Revised Code and the ethics of the nursing profession, provided such a person does not claim to the public to be a speech-language pathologist or audiologist.

(J) Restrict an individual licensed as an audiologist under this chapter from fitting, selling, or dispensing hearing aids.

(K) Authorize the practice of medicine and surgery or entitle a person licensed pursuant to this chapter to engage in the practice of medicine or surgery or any of its branches.

(L) Restrict a person licensed pursuant to Chapter 4755. of the Revised Code from performing those acts and utilizing those
procedures that are within the scope of the practice of occupational therapy or occupational therapy assistant as defined in Chapter 4755. of the Revised Code, provided the person does not claim to the public to be a speech-language pathologist or audiologist.

Sec. 4753.15. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state vision and hearing professionals board of speech-language pathology and audiology shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued pursuant to this chapter.

Sec. 4753.16. The state vision and hearing professionals board of speech-language pathology and audiology shall comply with section 4776.20 of the Revised Code.

Sec. 4755.02. (A) The appropriate section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board shall investigate compliance with this chapter or any rule or order issued under this chapter and shall investigate alleged grounds for the suspension, revocation, or refusal to issue or renew licenses or limited permits under section 3123.47, 4755.11, 4755.47, or 4755.64 of the Revised Code. The appropriate section board may subpoena witnesses and documents in connection with its investigations.

(B) Through the attorney general or an appropriate prosecuting attorney, the appropriate section board may apply to an appropriate court for an order enjoining the violation of this chapter. On the filing of a verified petition, the court shall conduct a hearing on the petition and give the same preference to the proceeding as is given to all proceedings under Chapter 119.
of the Revised Code, irrespective of the position of the proceeding on the court's calendar. On a showing that a person has violated or is about to violate this chapter, the court shall grant an injunction, restraining order, or other order as appropriate. The injunction proceedings provided by this division are in addition to all penalties and other remedies provided in this chapter.

(C) When requested by the appropriate section board, the prosecuting attorney of a county, or the village solicitor or city director of law of a municipal corporation, where a violation of this chapter allegedly occurs, shall take charge of and conduct the prosecution.

(D) The appropriate section may employ investigators who Investigators employed by the board pursuant to section 4744.14 of the Revised Code shall investigate complaints, conduct inspections, and make inquiries as in the judgment of the section board are appropriate to enforce sections 3123.41 to 3123.50 of the Revised Code or this chapter. These investigators have the right to review, obtain copies, and audit the patient records and personnel files of licensees and limited permit holders at the place of business of the licensees or limited permit holders or any other place where such documents may be and shall be given access to such documents during normal business hours.

(E)(1) Subject to division (E)(2) of this section, information and records received or generated by the board pursuant to an investigation are confidential, are not public records as defined in section 149.43 of the Revised Code, and are not subject to discovery in any civil or administrative action.

(2) For good cause, the board may disclose information gathered pursuant to an investigation to any federal, state, or local law enforcement, prosecutorial, or regulatory agency or its officers or agents engaging in an investigation the board believes
is within the agency's jurisdiction. An agency that receives confidential information shall comply with the same requirements regarding confidentiality as those with which the board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency that applies when the agency is dealing with other information in its possession. The information may be admitted into evidence in a criminal trial in accordance with the Rules of Evidence, or in an administrative hearing conducted by an agency, but the court or agency shall require that appropriate measures be taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients, complainants, or others whose confidentiality was protected by the board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court or agency include sealing its records or redacting specific information from its records.

(F) The board shall conduct hearings, keep records and minutes, and enforce the relevant sections of this chapter.

(G) Each section of the The board shall publish and make available, upon request and for a fee not to exceed the actual cost of printing and mailing, the licensure standards prescribed by the relevant sections of this chapter and the Administrative Code.

(H) The board shall submit to the governor and to the general assembly each year a report of all its official actions during the preceding year, together with any recommendations and findings with regard to the status of the professions of physical therapy, occupational therapy, and athletic training.

Sec. 4755.03. Except as provided in section 4755.99 of the
Revised Code, all fees and fines collected and assessed under this chapter by the appropriate section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board, shall be deposited into the state treasury to the credit of the occupational licensing and regulatory fund created in section 4743.05 of the Revised Code.

**Sec. 4755.031.** A person sanctioned under section 4755.11, 4755.47, 4755.482, or 4755.64 of the Revised Code shall pay a fee in the amount of the actual cost of the administrative hearing, including the cost of the court reporter, the hearing officer, transcripts, and any witness fees for lodging and travel, as determined by the appropriate section of the state physical health services board. The fee shall be collected by the appropriate section board.

**Sec. 4755.06.** The occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board may make reasonable rules in accordance with Chapter 119. of the Revised Code relating to, but not limited to, the following:

(A) The form and manner for filing applications for licensure under sections 4755.04 to 4755.13 of the Revised Code;

(B) The issuance, suspension, and revocation of the licenses and the conducting of investigations and hearings;

(C) Standards for approval of courses of study relative to the practice of occupational therapy;

(D) The time and form of examination for the licensure;

(E) Standards of ethical conduct in the practice of occupational therapy;

(F) The form and manner for filing applications for renewal;
and a schedule of deadlines for renewal;  

(F) The conditions under which a license of a licensee who files a late application for renewal will be reinstated;  

(G) Placing an existing license in escrow;  

(H) The amount, scope, and nature of continuing education activities required for license renewal, including waivers of the continuing education requirements;  

(I) Guidelines for limited permits;  

(J) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;  

(K) Subject to section 4755.061 of the Revised Code, the amount for each fee specified in section 4755.12 of the Revised Code that the section charges;  

(L) The amount and content of corrective action courses required by the board under section 4755.11 of the Revised Code.  

The section board may hear testimony in matters relating to the duties imposed upon it, and the chairperson president and secretary of the section board may administer oaths. The section board may require proof, beyond the evidence found in the application, of the honesty, truthfulness, and good reputation of any person named in an application for licensure, before admitting the applicant to an examination or issuing a license.  

Sec. 4755.061. If the occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board adopts rules pursuant to section 4755.06 of the Revised Code relating to the amounts of the fees that the section board may charge for the late renewal of licenses and the review of continuing education activities, as provided in divisions (A)(5) and (A)(6) of section 4755.12 of the Revised Code, the section board shall not establish fee amounts
for those services that exceed the actual costs the section board incurs in providing the services to a licensee.

Sec. 4755.07. No person shall qualify for licensure as an occupational therapist or as an occupational therapy assistant unless the person has shown to the satisfaction of the occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board that the person:

(A) Is of good moral character;

(B) Has successfully completed the academic requirements of an educational program recognized by the section board, including a concentration of instruction in basic human sciences, the human development process, occupational tasks and activities, the health-illness-health continuum, and occupational therapy theory and practice;

(C) Has successfully completed a period of supervised field work experience at a recognized educational institution or a training program approved by the educational institution where the person met the academic requirements. For an occupational therapist, a minimum of six months of supervised field work experience is required. For an occupational therapy assistant, a minimum of two months of supervised field work experience is required.

(D) Has successfully passed a written examination testing the person's knowledge of the basic and clinical sciences relating to occupational therapy, and occupational therapy theory and practice, including the applicant's professional skills and judgment in the utilization of occupational therapy techniques and methods, and such other subjects as the section board may consider useful to determine the applicant's fitness to practice. The
section board may require separate examinations of applicants for licensure as occupational therapy assistants and applicants for licensure as occupational therapists.

Applicants for licensure shall be examined at a time and place and under such supervision as the section board determines.

Sec. 4755.08. The occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board shall issue a license to every applicant who has passed the appropriate examination designated by the section board and who otherwise complies with the licensure requirements of sections 4755.04 to 4755.13 of the Revised Code. The license entitles the holder to practice occupational therapy or to assist in the practice of occupational therapy. The licensee shall display the license in a conspicuous place at the licensee's principal place of business.

The section board may issue a limited permit to persons who have satisfied the requirements of divisions (A) to (C) of section 4755.07 of the Revised Code. This permit allows the person to practice as an occupational therapist or occupational therapy assistant under the supervision of a licensed occupational therapist and is valid until the date on which the results of the examination are made public. This limited permit shall not be renewed if the applicant has failed the examination.

Sec. 4755.09. The occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board may waive the examination requirement under section 4755.07 of the Revised Code for any applicant for licensure as an occupational therapist or occupational therapy assistant who either has met educational, training, and job experience requirements established by the
section board, or presents proof of current certification or licensure in another state that requires standards for licensure at least equal to those for licensure in this state.

The section board may waive the educational requirements under section 4755.07 of the Revised Code for any applicant who has met job experience requirements established by the section board.

Sec. 4755.10. Each license issued under section 4755.08 of the Revised Code is valid without further recommendation or examination until revoked or suspended or until the license expires for failure to file an application for renewal as provided for in this section.

Licenses shall be renewed biennially in accordance with the schedule established in rules adopted by the occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board under section 4755.06 of the Revised Code. Applicants for renewal shall file the fee for renewal as provided in section 4755.12 of the Revised Code, an application for renewal on a form prescribed by the occupational therapy section board, and proof of completion of continuing education requirements as provided in rules adopted by the section board under section 4755.06 of the Revised Code. An application for renewal shall be mailed by the section board to the licensee in accordance with the schedule established in rules adopted by the section board under section 4755.06 of the Revised Code. In all other respects the renewal process is as provided in section 4745.02 of the Revised Code.

The license of any licensee who fails to file an application for renewal on or before the deadline established in rules adopted by the section board under section 4755.06 of the Revised Code shall expire automatically, unless the section board, for good
cause shown, determines that the application for renewal could not have been filed by such day.

Except as provided in sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code, the section board may renew a license while the license is suspended, but the renewal shall not affect the suspension. The section board shall not renew a license that has been revoked. If a revoked license is reinstated under section 4755.11 of the Revised Code after it has expired, the licensee, as a condition of reinstatement, shall pay a reinstatement fee equal to the renewal fee in effect on the last preceding regular renewal date before the reinstatement date, plus any delinquent fees accrued from the time of the revocation, if such fees are prescribed by the section board by rule.

Sec. 4755.11. (A) In accordance with Chapter 119. of the Revised Code, the occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board may suspend, revoke, or refuse to issue or renew an occupational therapist license, occupational therapy assistant license, occupational therapist limited permit, occupational therapy assistant limited permit, or reprimand, fine, place a license or limited permit holder on probation, or require the license or limited permit holder to take corrective action courses, for any of the following:

(1) Conviction of an offense involving moral turpitude or a felony, regardless of the state or country in which the conviction occurred;

(2) Violation of any provision of sections 4755.04 to 4755.13 of the Revised Code;

(3) Violation of any lawful order or rule of the occupational therapy section board;
(4) Obtaining or attempting to obtain a license or limited
permit issued by the occupational therapy section board by fraud
or deception, including the making of a false, fraudulent,
deceptive, or misleading statements in relation to these activities;

(5) Negligence, unprofessional conduct, or gross misconduct
in the practice of the profession of occupational therapy;

(6) Accepting commissions or rebates or other forms of
remuneration for referring persons to other professionals;

(7) Communicating, without authorization, information
received in professional confidence;

(8) Using controlled substances, habit forming drugs, or
alcohol to an extent that it impairs the ability to perform the
work of an occupational therapist, occupational therapy assistant,
occupational therapist limited permit holder, or occupational
therapy assistant limited permit holder;

(9) Practicing in an area of occupational therapy for which
the individual is untrained or incompetent;

(10) Failing the licensing or Ohio jurisprudence examination;

(11) Aiding, abetting, directing, or supervising the
unlicensed practice of occupational therapy;

(12) Denial, revocation, suspension, or restriction of
authority to practice a health care occupation, including
occupational therapy, for any reason other than a failure to
renew, in Ohio or another state or jurisdiction;

(13) Except as provided in division (B) of this section:

(a) Waiving the payment of all or any part of a deductible or
copayment that a patient, pursuant to a health insurance or health
care policy, contract, or plan that covers occupational therapy,
would otherwise be required to pay if the waiver is used as an
enticement to a patient or group of patients to receive health care services from that provider;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay.

(14) Working or representing oneself as an occupational therapist, occupational therapy assistant, occupational therapist limited permit holder, or occupational therapy assistant limited permit holder without a current and valid license or limited permit issued by the occupational therapy section board;

(15) Engaging in a deceptive trade practice, as defined in section 4165.02 of the Revised Code;

(16) Violation of the standards of ethical conduct in the practice of occupational therapy as identified by the occupational therapy section pursuant to section 4744.50 of the Revised Code;

(17) A departure from, or the failure to conform to, minimal standards of care required of licensees or limited permit holders, whether or not actual injury to a patient is established;

(18) An adjudication by a court that the applicant, licensee, or limited permit holder is incompetent for the purpose of holding a license or limited permit and has not thereafter been restored to legal capacity for that purpose;

(19)(a) Except as provided in division (A)(19)(b) of this section, failure to cooperate with an investigation conducted by the occupational therapy section board, including failure to comply with a subpoena or orders issued by the section board or failure to answer truthfully a question presented by the section board at a deposition or in written interrogatories.
(b) Failure to cooperate with an investigation does not constitute grounds for discipline under this section if a court of competent jurisdiction issues an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence at issue.

(20) Conviction of a misdemeanor reasonably related to the practice of occupational therapy, regardless of the state or country in which the conviction occurred;

(21) Inability to practice according to acceptable and prevailing standards of care because of mental or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills;

(22) Violation of conditions, limitations, or agreements placed by the occupational therapy section board on a license or limited permit to practice;

(23) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients in relation to the practice of occupational therapy;

(24) Failure to complete continuing education requirements as prescribed in rules adopted by the occupational therapy section board under section 4755.06 of the Revised Code.

(B) Sanctions shall not be imposed under division (A)(13) of this section against any individual who waives deductibles and copayments as follows:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the section board upon request.
(2) For professional services rendered to any other person licensed pursuant to sections 4755.04 to 4755.13 of the Revised Code to the extent allowed by those sections and the rules of the occupational therapy section board.

(C) Except as provided in division (D) of this section, the suspension or revocation of a license or limited permit under this section is not effective until either the order for suspension or revocation has been affirmed following an adjudication hearing, or the time for requesting a hearing has elapsed.

When a license or limited permit is revoked under this section, application for reinstatement may not be made sooner than one year after the date of revocation. The occupational therapy section board may accept or refuse an application for reinstatement and may require that the applicant pass an examination as a condition of reinstatement.

When a license or limited permit holder is placed on probation under this section, the occupational therapy section's board's probation order shall be accompanied by a statement of the conditions under which the individual may be removed from probation and restored to unrestricted practice.

(D) On receipt of a complaint that a person who holds a license or limited permit issued by the occupational therapy section board has committed any of the prohibited actions listed in division (A) of this section, the section board may immediately suspend the license or limited permit prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that the licensee or limited permit holder poses an immediate threat to the public. The section board may review the allegations and vote on the suspension by telephone conference call. If the section board votes to suspend a license or limited permit under this division, the section board shall issue a written order of summary suspension to the licensee.
or limited permit holder in accordance with section 119.07 of the Revised Code. If the individual whose license or limited permit is suspended fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the section board shall enter a final order permanently revoking the individual's license or limited permit. Notwithstanding section 119.12 of the Revised Code, a court of common pleas shall not grant a suspension of the section's board's order of summary suspension pending the determination of an appeal filed under that section. Any order of summary suspension issued under this division shall remain in effect, unless reversed on appeal, until a final adjudication order issued by the section board pursuant to division (A) of this section becomes effective. The section board shall issue its final adjudication order regarding an order of summary suspension issued under this division not later than ninety days after completion of its hearing. Failure to issue the order within ninety days shall result in immediate dissolution of the suspension order, but shall not invalidate any subsequent, final adjudication order.

(E) If any person other than a person who holds a license or limited permit issued under section 4755.08 of the Revised Code has engaged in any practice that is prohibited under sections 4755.04 to 4755.13 of the Revised Code or the rules of the occupational therapy section board, the section board may apply to the court of common pleas of the county in which the violation occurred, for an injunction or other appropriate order restraining this conduct, and the court shall issue this order.

Sec. 4755.111. (A) An individual whom the occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board licenses, certificates, or otherwise legally authorizes to engage in the practice of occupational therapy may render the professional services of an occupational therapist within this
state through a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, a partnership, or a professional association formed under Chapter 1785. of the Revised Code. This division does not preclude an individual of that nature from rendering professional services as an occupational therapist through another form of business entity, including, but not limited to, a nonprofit corporation or foundation, or in another manner that is authorized by or in accordance with sections 4755.04 to 4755.13 of the Revised Code, another chapter of the Revised Code, or rules of the state physical health services board adopted pursuant to sections 4755.04 to 4755.13 of the Revised Code.

(B) A corporation, limited liability company, partnership, or professional association described in division (A) of this section may be formed for the purpose of providing a combination of the professional services of the following individuals who are licensed, certificated, or otherwise legally authorized to practice their respective professions:

1. Optometrists who are authorized to practice optometry under Chapter 4725. of the Revised Code;
2. Chiropractors who are authorized to practice chiropractic or acupuncture under Chapter 4734. of the Revised Code;
3. Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;
4. Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. of the Revised Code;
5. Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;
(6) Physical therapists who are authorized to practice
physical therapy under sections 4755.40 to 4755.56 of the Revised
Code;

(7) Occupational therapists who are authorized to practice
occupational therapy under sections 4755.04 to 4755.13 of the
Revised Code;

(8) Mechanotherapists who are authorized to practice
mechanotherapy under section 4731.151 of the Revised Code;

(9) Doctors of medicine and surgery, osteopathic medicine and
surgery, or podiatric medicine and surgery who are authorized for
their respective practices under Chapter 4731. of the Revised
Code;

(10) Licensed professional clinical counselors, licensed
professional counselors, independent social workers, social
workers, independent marriage and family therapists, or marriage
and family therapists who are authorized for their respective
practices under Chapter 4757. of the Revised Code.

This division shall apply notwithstanding a provision of a
code of ethics applicable to an occupational therapist that
prohibits an occupational therapist from engaging in the practice
of occupational therapy in combination with a person who is
licensed, certificated, or otherwise legally authorized to
practice optometry, chiropractic, acupuncture through the state
chiropractic board, psychology, nursing, pharmacy, physical
therapy, mechanotherapy, medicine and surgery, osteopathic
medicine and surgery, podiatric medicine and surgery, professional
counseling, social work, or marriage and family therapy but who is
not also licensed, certificated, or otherwise legally authorized
to engage in the practice of occupational therapy.
Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board may charge any or all of the following fees:

(1) A nonrefundable examination fee, which is to be paid at the time of application for licensure;

(2) An application fee for an initial license;

(3) An initial licensure fee;

(4) A fee for biennial renewal of a license;

(5) A fee for late renewal of a license;

(6) A fee for the review of continuing education activities;

(7) A fee for a limited permit;

(8) A fee for verification of a license.

(B) Any person who is qualified to practice occupational therapy as certified by the section board, but who is not in the active practice, as defined by section board rule, may register with the section board as a nonactive licensee at a biennial fee.

(C) The section board may, by rule, provide for the waiver of all or part of a fee when the license is issued less than one hundred days before the date on which it will expire.

(D) Except when all or part of a fee is waived under division (C) of this section, the amount charged by the occupational therapy section board for each of its fees shall be the applicable amount established in rules adopted under section 4755.06 of the Revised Code.

Sec. 4755.41. (A) The physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board shall license persons desiring to practice physical therapy or to practice as physical therapist assistants in this state.
(B) An investigation, inquiry, or hearing which the section board is authorized to undertake or hold may be undertaken or held in accordance with section 4755.02 of the Revised Code. Any finding or order shall be confirmed or approved by the section board.

(C) The physical therapy section board shall do both of the following:

1. Keep a record of its proceedings;
2. Keep a register of applicants showing the name and location of the institution granting the applicant's degree or certificate in physical therapy and whether or not a license was issued;
3. Maintain a register of every physical therapist and physical therapist assistant in this state, including the licensee's last known place of business, the licensee's last known residence, and the date and number of the licensee's license;
4. Deposit all fees collected by the section board in accordance with section 4755.03 of the Revised Code;
5. On receipt of an application for a license to practice as a physical therapist or physical therapist assistant, provide to the applicant the section's board's address, dates of upcoming section board meetings, and a list of names of the section board members.

Sec. 4755.411. The physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board shall adopt rules in accordance with Chapter 119. of the Revised Code pertaining to the following:

(A) Fees for the verification of a license and license reinstatement, and other fees established by the section board;
(B) Provisions for the section's board's government and control of its actions and business affairs;

(C) Minimum curricula for physical therapy education programs that prepare graduates to be licensed in this state as physical therapists and physical therapist assistants;

(D) Eligibility criteria to take the examinations required under sections 4755.43 and 4755.431 of the Revised Code;

(E) The form and manner for filing applications for licensure with the section board;

(F) For purposes of section 4755.46 of the Revised Code, all of the following:

   (1) A schedule regarding when licenses to practice as a physical therapist and physical therapist assistant expire during a biennium;

   (2) An additional fee, not to exceed thirty-five dollars, that may be imposed if a licensee files a late application for renewal;

   (3) The conditions under which the license of a person who files a late application for renewal will be reinstated.

(G) The issuance, renewal, suspension, and permanent revocation of a license and the conduct of hearings;

(H) Appropriate ethical conduct in the practice of physical therapy;

   (I) Requirements, including continuing education requirements, for restoring licenses that are inactive or have lapsed through failure to renew;

   (II) Conditions that may be imposed for reinstatement of a license following suspension pursuant to section 4755.47 of the Revised Code;
(J) For purposes of section 4755.45 of the Revised Code, both of the following:

1. Identification of the credentialing organizations from which the section board will accept equivalency evaluations for foreign physical therapist education. The physical therapy section board shall identify only those credentialing organizations that use a course evaluation tool or form approved by the physical therapy section board.

2. Evidence, other than the evaluations described in division (K)(J)(1) of this section, that the section board will consider for purposes of evaluating whether an applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state as a physical therapist on the date of the applicant's initial licensure or registration in another state or country.

(L) Standards of conduct for physical therapists and physical therapist assistants, including requirements for supervision, delegation, and practicing with or without referral or prescription;

(L) Appropriate display of a license;

(M) Procedures for a licensee to follow in notifying the section board within thirty days of a change in name or address, or both;

(N) The amount and content of corrective action courses required by the board under section 4755.47 of the Revised Code.

Sec. 4755.412. The physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board, subject to the approval of the controlling board, may establish fees in excess of the amounts provided by sections 4755.42, 4755.421, 4755.45, 4755.451, and
4755.46 of the Revised Code, provided that such fees do not exceed
those amounts by more than fifty per cent.

Sec. 4755.42. (A) Each person who desires to practice
physical therapy shall file with the secretary of the physical
therapy section of the Ohio occupational therapy, physical
therapy, and athletic trainers state physical health services
board a notarized application that includes the following:

(1) Name;
(2) Current address;
(3) Physical description and photograph;
(4) Proof of completion of a master's or doctorate program of
physical therapy education that is accredited by a national
physical therapy accreditation agency recognized by the United
States department of education and that includes:
   (a) A minimum of one hundred twenty academic semester credits
or its equivalent, including courses in the biological and other
physical sciences;
   (b) A course in physical therapy education that has provided
instruction in basic sciences, clinical sciences, and physical
therapy theory and procedures.

(B) On making application under division (A) of this section,
the applicant shall pay a fee of not more than one hundred
twenty-five dollars for the license.

(C) The physical therapy section board shall approve an
application to sit for the examination required under division (A)
of section 4755.43 of the Revised Code not later than one hundred
twenty days after receiving an application that the section board
considers complete unless the board has done either of the
following:
(1) Requested documents relevant to the section's board's evaluation of the application;

(2) Notified the applicant in writing of the section's board's intent to deny a license and the applicant's right to request a hearing in accordance with Chapter 119. of the Revised Code to appeal the section's board's intent to deny a license.

(D) If the section board fails to comply with division (C) of this section, the section board shall refund one-half of the application fee to the applicant.

Sec. 4755.421. (A) Each applicant seeking licensure as a physical therapist assistant shall file with the secretary of the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board a notarized application that includes the following:

(1) Name;

(2) Current address;

(3) Physical description and photograph;

(4) Proof of completion of a two-year program of education that is accredited by a national physical therapy accreditation agency recognized by the United States department of education.

(B) On making application under division (A) of this section, the applicant shall pay a fee of not more than one hundred twenty-five dollars for the license.

(C)(1) The physical therapy section board shall approve an applicant to sit for the examination required under division (A) of section 4755.431 of the Revised Code not later than one hundred twenty days after receiving an application that the section board considers complete unless the board has done either of the following:
(a) Requested documents relevant to the section's board's evaluation of the application;

(b) Notified the applicant in writing of the section's board's intent to deny a license and the applicant's right to request a hearing in accordance with Chapter 119. of the Revised Code to appeal the section's board's intent to deny a license.

(2) If the section board fails to comply with division (C)(1) of this section, the section board shall refund half of the application fee to the applicant.

Sec. 4755.43. Except as provided in section 4755.45 of the Revised Code, to be eligible to receive a license to practice as a physical therapist, an applicant must pass both of the following:

(A) A national physical therapy examination for physical therapists approved by the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board that tests the applicant's knowledge of the basic and applied sciences as they relate to physical therapy and physical therapy theory and procedures.

(B) A jurisprudence examination on Ohio's laws and rules governing the practice of physical therapy that is approved by the physical therapy section board.

Sec. 4755.431. Except as provided in section 4755.451 of the Revised Code, to be eligible to receive a license to practice as a physical therapist assistant, an applicant must pass both of the following:

(A) A national physical therapy examination for physical therapist assistants approved by the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board.
(B) A jurisprudence examination approved by the physical therapy section board on Ohio's laws and rules governing the practice of physical therapy.

Sec. 4755.44. If an applicant passes the examination or examinations required under section 4755.43 of the Revised Code and pays the fee required by division (B) of section 4755.42 of the Revised Code, the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board shall issue a license, attested by the seal of the board, to the applicant to practice as a physical therapist.

Sec. 4755.441. If an applicant passes the examination or examinations required under section 4755.431 of the Revised Code and pays the fee required by division (B) of section 4755.421 of the Revised Code, the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board shall issue a license, attested by the seal of the board, to the applicant to practice as physical therapist assistant.

Sec. 4755.45. (A) The physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board shall issue to an applicant a license to practice as a physical therapist without requiring the applicant to have passed the national examination for physical therapists described in division (A) of section 4755.43 of the Revised Code within one year of filing an application described in section 4755.42 of the Revised Code if all of the following are true:

(1) The applicant presents evidence satisfactory to the physical therapy section board that the applicant received a score
on the national physical therapy examination described in division (A) of section 4755.43 of the Revised Code that would have been a passing score according to the board in the year the applicant sat for the examination;

(2) The applicant presents evidence satisfactory to the physical therapy section board that the applicant passed the jurisprudence examination described in division (B) of section 4755.43 of the Revised Code;

(3) The applicant holds a current and valid license or registration to practice physical therapy in another state or country;

(4) Subject to division (B) of this section, the applicant can demonstrate that the applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state on the date of the applicant's initial licensure or registration in the other state or country;

(5) The applicant pays the fee described in division (B) of section 4755.42 of the Revised Code;

(6) The applicant is not in violation of any section of this chapter or rule adopted under it.

(B) For purposes of division (A)(4) of this section, if, after receiving the results of an equivalency evaluation from a credentialing organization identified by the section board pursuant to rules adopted under section 4755.411 of the Revised Code, the section board determines that regardless of the results of the evaluation the applicant's education is not reasonably equivalent to the educational requirements that were in force for licensure in this state on the date of the applicant's initial licensure or registration in another state or foreign country, the section board shall send a written notice to the applicant stating that the section board is denying the applicant's application and
stating the specific reason why the section board is denying the applicant's application. The section board shall send the notice to the applicant through certified mail within thirty days after the section board makes that determination.

Sec. 4755.451. The physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board shall issue to an applicant a license as a physical therapist assistant without requiring the applicant to have passed the national examination for physical therapist assistants described in division (A) of section 4755.431 of the Revised Code within one year of filing an application described in section 4755.421 of the Revised Code if all of the following are true:

(A) The applicant presents evidence satisfactory to the physical therapy section board that the applicant received a score on the national physical therapy examination described in division (A) of section 4755.431 of the Revised Code that would have been a passing score according to the board in the year the applicant sat for the examination;

(B) The applicant presents evidence satisfactory to the physical therapy section board that the applicant passed the jurisprudence examination described in division (B) of section 4755.431 of the Revised Code;

(C) The applicant holds a current and valid license or registration to practice as a physical therapist assistant in another state;

(D) The applicant can demonstrate that the applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state on the date of the applicant's initial licensure or registration in the other state;
(E) The applicant pays the fee described in division (B) of section 4755.421 of the Revised Code;

(F) The applicant is not in violation of any section of this chapter or rule adopted under it.

Sec. 4755.46. (A) Every license to practice as a physical therapist or physical therapist assistant expires biennially in accordance with the schedule established in rules adopted by the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board under section 4755.411 of the Revised Code.

Each individual holding a valid and current license may apply to the physical therapy section board to renew the license in accordance with rules adopted by the board under section 4755.411 of the Revised Code. Each application for license renewal shall be accompanied by a biennial renewal fee of not more than one hundred twenty-five dollars and, if applicable, the applicant's signed statement that the applicant completed the continuing education required under section 4755.51 or 4755.551 of the Revised Code within the time frame established in rules adopted by the physical therapy section board under section 4755.411 of the Revised Code.

A license that is not renewed by the last day for renewal established in rules shall automatically expire on that date.

(B) Each licensee shall report to the section board in writing a change in name, business address, or home address not later than thirty days after the date of the change.

Sec. 4755.47. (A) In accordance with Chapter 119. of the Revised Code, the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board may refuse to grant a license to an applicant for an initial or renewed license as a physical
therapist or physical therapist assistant or, by an affirmative vote of not less than five members, may limit, suspend, or revoke the license of a physical therapist or physical therapist assistant or reprimand, fine, place a license holder on probation, or require the license holder to take corrective action courses, on any of the following grounds:

(1) Habitual indulgence in the use of controlled substances, other habit-forming drugs, or alcohol to an extent that affects the individual's professional competency;

(2) Conviction of a felony or a crime involving moral turpitude, regardless of the state or country in which the conviction occurred;

(3) Obtaining or attempting to obtain a license issued by the physical therapy section board by fraud or deception, including the making of a false, fraudulent, deceptive, or misleading statement;

(4) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the applicant or licensee is incompetent for the purpose of holding the license and has not thereafter been restored to legal capacity for that purpose;

(5) Subject to section 4755.471 of the Revised Code, violation of the code of ethics adopted by the physical therapy section under section 4744.50 of the Revised Code;

(6) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate sections 4755.40 to 4755.56 of the Revised Code or any order issued or rule adopted under those sections;

(7) Failure of one or both of the examinations required under section 4755.43 or 4755.431 of the Revised Code;

(8) Permitting the use of one's name or license by a person,
group, or corporation when the one permitting the use is not directing the treatment given;

(9) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including physical therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;

(10) Failure to maintain minimal standards of practice in the administration or handling of drugs, as defined in section 4729.01 of the Revised Code, or failure to employ acceptable scientific methods in the selection of drugs, as defined in section 4729.01 of the Revised Code, or other modalities for treatment;

(11) Willful betrayal of a professional confidence;

(12) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients in relation to the practice of physical therapy;

(13) A departure from, or the failure to conform to, minimal standards of care required of licensees when under the same or similar circumstances, whether or not actual injury to a patient is established;

(14) Obtaining, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(15) Violation of the conditions of limitation or agreements placed by the physical therapy section board on a license to practice;

(16) Failure to renew a license in accordance with section 4755.46 of the Revised Code;

(17) Except as provided in section 4755.471 of the Revised Code, engaging in the division of fees for referral of patients or receiving anything of value in return for a specific referral of a patient to utilize a particular service or business;
(18) Inability to practice according to acceptable and prevailing standards of care because of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills;

(19) The revocation, suspension, restriction, or termination of clinical privileges by the United States department of defense or department of veterans affairs;

(20) Termination or suspension from participation in the medicare or medicaid program established under Title XVIII and Title XIX, respectively, of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, for an act or acts that constitute a violation of sections 4755.40 to 4755.56 of the Revised Code;

(21) Failure of a physical therapist to maintain supervision of a student, physical therapist assistant, unlicensed support personnel, other assistant personnel, or a license applicant in accordance with the requirements of sections 4755.40 to 4755.56 of the Revised Code and rules adopted under those sections;

(22) Failure to complete continuing education requirements as prescribed in section 4755.51 or 4755.511 of the Revised Code or to satisfy any rules applicable to continuing education requirements that are adopted by the physical therapy section board;

(23) Conviction of a misdemeanor when the act that constitutes the misdemeanor occurs during the practice of physical therapy;

(24)(a) Except as provided in division (A)(24)(b) of this section, failure to cooperate with an investigation conducted by the physical therapy section board, including failure to comply with a subpoena or orders issued by the section board or failure to answer truthfully a question presented by the section board at
a deposition or in written interrogatories.

(b) Failure to cooperate with an investigation does not constitute grounds for discipline under this section if a court of competent jurisdiction issues an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence at issue.

(25) Regardless of whether the contact or verbal behavior is consensual, engaging with a patient other than the spouse of the physical therapist or physical therapist assistant, in any of the following:

(a) Sexual contact, as defined in section 2907.01 of the Revised Code;

(b) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.

(26) Failure to notify the physical therapy section board of a change in name, business address, or home address within thirty days after the date of change;

(27) Except as provided in division (B) of this section:

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers physical therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers physical therapy, would otherwise be required to pay.
(28) Violation of any section of this chapter or rule adopted under it.

(B) Sanctions shall not be imposed under division (A)(27) of this section against any individual who waives deductibles and copayments as follows:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the physical therapy section board upon request.

(2) For professional services rendered to any other person licensed pursuant to sections 4755.40 to 4755.56 of the Revised Code to the extent allowed by those sections and the rules of the physical therapy section board.

(C) When a license is revoked under this section, application for reinstatement may not be made sooner than one year after the date of revocation. The physical therapy section board may accept or refuse an application for reinstatement and may require that the applicant pass an examination as a condition for reinstatement.

When a license holder is placed on probation under this section, the physical therapy section's order for placement on probation shall be accompanied by a statement of the conditions under which the individual may be removed from probation and restored to unrestricted practice.

(D) When an application for an initial or renewed license is refused under this section, the physical therapy section board shall notify the applicant in writing of the section's board's decision to refuse issuance of a license and the reason for its decision.
(E) On receipt of a complaint that a person licensed by the physical therapy section board has committed any of the actions listed in division (A) of this section, the physical therapy section board may immediately suspend the license of the physical therapist or physical therapist assistant prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that the person poses an immediate threat to the public. The physical therapy section board may review the allegations and vote on the suspension by telephone conference call. If the physical therapy section board votes to suspend a license under this division, the physical therapy section board shall issue a written order of summary suspension to the person in accordance with section 119.07 of the Revised Code. If the person fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the physical therapy section board shall enter a final order permanently revoking the person's license. Notwithstanding section 119.12 of the Revised Code, a court of common pleas shall not grant a suspension of the physical therapy section's board's order of summary suspension pending the determination of an appeal filed under that section. Any order of summary suspension issued under this division shall remain in effect, unless reversed on appeal, until a final adjudication order issued by the physical therapy section board pursuant to division (A) of this section becomes effective. The physical therapy section board shall issue its final adjudication order regarding an order of summary suspension issued under this division not later than ninety days after completion of its hearing. Failure to issue the order within ninety days shall result in immediate dissolution of the suspension order, but shall not invalidate any subsequent, final adjudication order.

Sec. 4755.471. (A) An individual whom the physical therapy section of the Ohio occupational therapy, physical therapy, and
athletic trainers state physical health services board licenses, certificates, or otherwise legally authorizes to engage in the practice of physical therapy may render the professional services of a physical therapist within this state through a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, a partnership, or a professional association formed under Chapter 1785. of the Revised Code. This division does not preclude an individual of that nature from rendering professional services as a physical therapist through another form of business entity, including, but not limited to, a nonprofit corporation or foundation, or in another manner that is authorized by or in accordance with sections 4755.40 to 4755.53 of the Revised Code, another chapter of the Revised Code, or rules of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board adopted pursuant to sections 4755.40 to 4755.53 of the Revised Code.

(B) A corporation, limited liability company, partnership, or professional association described in division (A) of this section may be formed for the purpose of providing a combination of the professional services of the following individuals who are licensed, certificated, or otherwise legally authorized to practice their respective professions:

(1) Optometrists who are authorized to practice optometry under Chapter 4725. of the Revised Code;

(2) Chiropractors who are authorized to practice chiropractic or acupuncture under Chapter 4734. of the Revised Code;

(3) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;

(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed
practical nurses under Chapter 4723. of the Revised Code; 63257
(5) Pharmacists who are authorized to practice pharmacy under 63258
Chapter 4729. of the Revised Code; 63259
(6) Physical therapists who are authorized to practice 63260
physical therapy under sections 4755.40 to 4755.56 of the Revised 63261
Code; 63262
(7) Occupational therapists who are authorized to practice 63263
occupational therapy under sections 4755.04 to 4755.13 of the 63264
Revised Code; 63265
(8) Mechatherapists who are authorized to practice 63266
mechanotherapy under section 4731.151 of the Revised Code; 63267
(9) Doctors of medicine and surgery, osteopathic medicine and 63268
surgery, or podiatric medicine and surgery who are authorized for 63269
their respective practices under Chapter 4731. of the Revised 63270
Code; 63271
(10) Licensed professional clinical counselors, licensed 63272
professional counselors, independent social workers, social 63273
workers, independent marriage and family therapists, or marriage 63274
and family therapists who are authorized for their respective 63275
practices under Chapter 4757. of the Revised Code. 63276
This division shall apply notwithstanding a provision of a 63277
code of ethics applicable to a physical therapist that prohibits a 63278
physical therapist from engaging in the practice of physical 63279
therapy in combination with a person who is licensed, 63280
certificated, or otherwise legally authorized to practice 63281
optometry, chiropractic, acupuncture through the state 63282
chiropractic board, psychology, nursing, pharmacy, occupational 63283
therapy, mechatherapy, medicine and surgery, osteopathic 63284
medicine and surgery, podiatric medicine and surgery, professional 63285
counseling, social work, or marriage and family therapy, but who 63286
is not also licensed, certificated, or otherwise legally 63287
authorized to engage in the practice of physical therapy.

Sec. 4755.482. (A) Except as otherwise provided in divisions (B) and (C) of this section, a person shall not teach a physical therapy theory and procedures course in physical therapy education without obtaining a license as a physical therapist from the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board.

(B) A person who is registered or licensed as a physical therapist under the laws of another state shall not teach a physical therapy theory and procedures course in physical therapy education for more than one year without obtaining a license as a physical therapist from the physical therapy section board.

(C) A person who is registered or licensed as a physical therapist under the laws of a foreign country and is not registered or licensed as a physical therapist in any state who wishes to teach a physical therapy theory and procedures course in physical therapy education in this state, or an institution that wishes the person to teach such a course at the institution, may apply to the physical therapy section board to request authorization for the person to teach such a course for a period of not more than one year. Any member of the physical therapy section board may approve the person's or institution's application. No person described in this division shall teach such a course for longer than one year without obtaining a license from the physical therapy section board.

(D) The physical therapy section board may investigate any person who allegedly has violated this section. The physical therapy section board has the same powers to investigate an alleged violation of this section as those powers specified in section 4755.02 of the Revised Code. If, after investigation, the
physical therapy section board determines that reasonable evidence exists that a person has violated this section, within seven days after that determination, the physical therapy section board shall send a written notice to that person in the same manner as prescribed in section 119.07 of the Revised Code for licensees, except that the notice shall specify that a hearing will be held and specify the date, time, and place of the hearing.

The physical therapy section board shall hold a hearing regarding the alleged violation in the same manner prescribed for an adjudication hearing under section 119.09 of the Revised Code. If the physical therapy section board, after the hearing, determines a violation has occurred, the physical therapy section board may discipline the person in the same manner as the physical therapy section board disciplines licensees under section 4755.47 of the Revised Code. The physical therapy section's board's determination is an order that the person may appeal in accordance with section 119.12 of the Revised Code.

If a person who allegedly committed a violation of this section fails to appear for a hearing, the physical therapy section board may request the court of common pleas of the county where the alleged violation occurred to compel the person to appear before the physical therapy section board for a hearing. If the physical therapy section board assesses a person a civil penalty for a violation of this section and the person fails to pay that civil penalty within the time period prescribed by the physical therapy section board, the physical therapy section board shall forward to the attorney general the name of the person and the amount of the civil penalty for the purpose of collecting that civil penalty. In addition to the civil penalty assessed pursuant to this section, the person also shall pay any fee assessed by the attorney general for collection of the civil penalty.
Sec. 4755.51. Except in the case of a first license renewal, a physical therapist is eligible for renewal of the physical therapist's license only if the physical therapist has completed twenty-four units of continuing education in one or more courses, activities, or programs approved by the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board.

On request of the physical therapy section board, an applicant for license renewal shall submit evidence satisfactory to the section board of completion of the required continuing physical therapy education.

Sec. 4755.511. Except in the case of a first license renewal, a physical therapist assistant is eligible for renewal of the physical therapist assistant's license only if the physical therapist assistant has completed twelve units of continuing education in one or more courses, activities, or programs approved by the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board.

On request of the physical therapy section board, an applicant for license renewal shall submit evidence satisfactory to the section board of completion of the required continuing physical therapist assistant education.

Sec. 4755.52. (A) In accordance with Chapter 119. of the Revised Code, the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board shall adopt rules specifying standards, in addition to the standards specified by division (B) of this section, for approval of continuing education courses, programs, and activities for physical therapists and physical
therapist assistants.

(B) To be eligible for approval by the physical therapy section board, a continuing education course, program, or activity shall meet all of the following requirements:

1. Include significant intellectual or practical content, the primary objective of which is to improve the professional competence of the participant;

2. Be an organized program of learning dealing with matters directly related to the practice of physical therapy, professional responsibility, ethical obligations, or similar subjects that the section board determines maintain and improve the quality of physical therapy services in this state;

3. Consist of in-person instruction or other methods of instruction, including the use of self-study materials prepared and conducted by an individual or a group qualified by practical or academic experience as determined by the section board;

4. Be presented in a setting physically suited to the educational activity of the course, program, or activity;

5. Include thorough, high-quality written material;

6. Meet any other standards established by rule of the section board adopted under division (A) of this section.

(C) The physical therapy section board shall review physical therapy continuing education programs, courses, and activities and grant approval to those that meet the standards established under divisions (A) and (B) of this section. If the section board denies approval of a course, program, or activity, it shall give a written explanation of the reason for denial to the person requesting approval.

The physical therapy section board may approve continuing education courses, programs, and activities that have been
approved by an agency in another state that governs the licensure of physical therapists and physical therapist assistants if the section board determines that the standards for continuing education courses established by the agency are comparable to those established pursuant to this section.

The physical therapy section may contract with the Ohio chapter of the American physical therapy association for assistance in performance of the section's duties under this section.

Sec. 4755.53. (A) Subject to division (B) of this section, the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board shall grant continuing education units to a licensed physical therapist or physical therapist assistant as follows:

(1) For completing an approved continuing education course, program, or activity, one unit for each hour of instruction received;

(2) For teaching as a faculty member of an institution of higher education a course that is part of the curriculum of the institution, one-half unit for each semester hour of the course, or an equivalent portion of a unit, as determined by the section board, for each quarter or trimester hour of the course;

(3) For teaching an approved course that is part of the curriculum of an institution of higher education other than as a faculty member, one unit for each hour of teaching the course;

(4) For teaching an approved course, program, or activity, other than a course that is part of the curriculum of an institution of higher education, three units for each hour of teaching the course, program, or activity the first time and
one-half unit for each hour of teaching the course, program, or activity any time after the first time;

(5) For authoring a published article or book, up to ten units as determined by the physical therapy section board.

(B) The physical therapy section board shall grant no more than twelve units of continuing education for teaching during a biennial renewal period.

(C) The physical therapy section may contract with the Ohio chapter of the American physical therapy association for assistance in performance of the section's duties under this section.

Sec. 4755.61. (A) The athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board shall:

(1) Adopt rules, not inconsistent with this chapter, for the licensure of athletic trainers, including rules that specify the application form and educational course work and clinical experience requirements for licensure and rules that prescribe requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;

(2) Establish and deposit fees in accordance with division (B) of this section and section 4755.03 of the Revised Code;

(3) Conduct hearings, keep records of its proceedings, and do all things necessary and proper to administer and enforce sections 4755.60 to 4755.65 of the Revised Code;

(4) Publish and make available, upon request and for a fee not to exceed the actual cost of printing and mailing, the requirements for the issuance of an athletic trainers license under this chapter and the rules adopted under it;

(5) Maintain a register of every person licensed to practice
athletic training in this state, including the addresses of the licensee's last known place of business and residence, and the effective date and identification number of the person's license. The section shall make this list available to any person upon request and payment of a fee not to exceed the actual cost of printing and mailing.

(6) Publish and make available, upon request and for a fee not to exceed the actual cost of printing and mailing, a list of persons who passed the examination required under section 4755.62 of the Revised Code;

(7) Investigate complaints concerning alleged violations of section 4755.62 of the Revised Code or other grounds for the suspension, revocation, or refusal to issue a license under section 3123.47 or 4755.64 of the Revised Code. In connection with its investigations, the athletic trainers section board may subpoena witnesses, issue subpoenas, examine witnesses, administer oaths, and, under the direction of the executive director of the board, investigate complaints and make inspections and other inquiries as in the judgment of the section are appropriate to enforce sections 3123.41 to 3123.50 and this chapter of the Revised Code. The section board may review and audit the records of any licensee during normal business hours at the licensee's place of business or at any other place where the licensee's records are kept. Notwithstanding section 149.43 of the Revised Code, the athletic trainers section board and its employees, except pursuant to a court order, shall maintain in confidence all information obtained.

(8) Adopt rules governing the nature and scope of the examination required under section 4755.62 of the Revised Code and the reexamination required under section 4755.63 of the Revised Code and the minimum examination score for licensure or renewal thereof. The rules for the examination required under
4755.62 of the Revised Code shall ensure the testing of the applicant's knowledge of the basic and clinical sciences relating to athletic training theory and practice, including professional skills and judgment in the utilization of athletic training techniques and such other subjects as the athletic trainers section board considers useful in determining competency to practice athletic training.

(9) Conduct the examination required under section 4755.62 of the Revised Code at least twice a year at a time and place and under such supervision as the athletic trainers section board determines;

(10) Adopt rules to determine which states' standards for licensure are equal to or greater than this state's for the purpose of waiving requirements under division (D) of section 4755.62 of the Revised Code;

(11) Adopt rules to determine which examinations meet the requirements of division (E) of section 4755.62 of the Revised Code;

(12) Adopt rules establishing the standards of ethical conduct for licensed athletic trainers under this chapter;

(13) Adopt rules specifying the scope and nature of the continuing education courses that are acceptable to the athletic trainers section board and the number of courses that must be completed to comply with the requirement for renewal of a license under section 4755.63 of the Revised Code.

(14) Adopt rules establishing the schedule when licenses to practice as an athletic trainer expire during a biennium for purposes of section 4755.63 of the Revised Code.

(B) The fees adopted by the athletic trainers section board pursuant to division (A)(2) of this section shall be established and adjusted as required to provide sufficient revenues to meet
the expenses of the section in administering sections 4755.60 to 4755.66 of the Revised Code. The fees shall include the following:

(1) A nonrefundable examination fee, not to exceed the amount necessary to cover the expense of administering the examination;

(2) An initial license fee;

(3) A biennial license renewal fee;

(4) A late renewal penalty, not to exceed fifty per cent of the renewal fee.

The athletic trainers section board may, by rule, provide for the waiver of all or part of a license fee if the license is issued less than one hundred days before its expiration date.

(C) All rules under sections 4755.60 to 4755.65 of the Revised Code shall be adopted by the athletic trainers section board in accordance with Chapter 119. of the Revised Code.

Sec. 4755.62. (A) No person shall claim to the public to be an athletic trainer or imply by words, actions, or letters that the person is an athletic trainer, or otherwise engage in the practice of athletic training, unless the person is licensed as an athletic trainer pursuant to this chapter.

(B) Except as otherwise provided in division (B) of section 4755.65 of the Revised Code, no educational institution, partnership, association, or corporation shall advertise or otherwise offer to provide or convey the impression that it is providing athletic training unless an individual licensed as an athletic trainer pursuant to this chapter is employed by, or under contract to, the educational institution, partnership, association, or corporation and will be performing the athletic training services to which reference is made.

(C) To qualify for an athletic trainers license, a person shall:
(1) Have satisfactorily completed an application for
licensure in accordance with rules adopted by the athletic
trainers section of the Ohio occupational therapy, physical
therapy, and athletic trainers state physical health services
board under section 4755.61 of the Revised Code;

(2) Have paid the examination fee required under this
section;

(3) Be of good moral character;

(4) Have shown, to the satisfaction of the athletic trainers
section board, that the applicant has received a baccalaureate or
higher degree from an institution of higher education, approved by
the athletic trainers section board of the board and the federal
regional accreditation agency and recognized by the council on
postsecondary accreditation, and has satisfactorily completed the
educational course work requirements established by rule of the
athletic trainers section board under section 4755.61 of the
Revised Code.

(5) In addition to educational course work requirements, have
obtained supervised clinical experience that meets the
requirements established in rules adopted by the athletic trainers
section board under section 4755.61 of the Revised Code;

(6) Have passed an examination adopted by the athletic
trainers section board under division (A)(4)(7) of section 4755.61
of the Revised Code. Each applicant for licensure shall pay, at
the time of application, the nonrefundable examination fee set by
the athletic trainers section board.

(D) The section board may waive the requirements of division
(C) of this section for any applicant who presents proof of
current licensure in another state whose standards for licensure,
as determined by the section board, are equal to or greater than
those in effect in this state on the date of application.
(E) The section board shall issue a license to every applicant who complies with the requirements of division (C) of this section, files the required application form, and pays the fees required by section 4755.61 of the Revised Code. A license issued under this section entitles the holder to engage in the practice of athletic training, claim to the public to be an athletic trainer, or to imply by words or letters that the licensee is an athletic trainer. Each licensee shall display the licensee's license in a conspicuous place at the licensee's principal place of employment.

Sec. 4755.63. Each license issued under section 4755.62 of the Revised Code expires biennially in accordance with the schedule established in rules adopted by the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board under section 4755.61 of the Revised Code, but each person holding a valid, unexpired license may apply to the athletic trainers section board, on forms approved by the section board, for license renewal. The section board shall renew a license upon the payment of the license renewal fee prescribed by section 4755.61 of the Revised Code, submission of the renewal application, and submission to the section board of proof of satisfactory completion of the required number of continuing education courses, as specified in rules adopted by the section board under section 4755.61 of the Revised Code.

Sec. 4755.64. (A) In accordance with Chapter 119. of the Revised Code, the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board may suspend, revoke, or refuse to issue or renew an athletic trainers license, or reprimand, fine, or place a licensee on probation, for any of the
following:

(1) Conviction of a felony or offense involving moral turpitude, regardless of the state or country in which the conviction occurred;

(2) Violation of sections 4755.61 to 4755.65 of the Revised Code or any order issued or rule adopted thereunder;

(3) Obtaining a license through fraud, false or misleading representation, or concealment of material facts;

(4) Negligence or gross misconduct in the practice of athletic training;

(5) Violating the standards of ethical conduct in the practice of athletic training as adopted by the athletic trainers section under section 4755.61 4744.50 of the Revised Code;

(6) Using any controlled substance or alcohol to the extent that the ability to practice athletic training at a level of competency is impaired;

(7) Practicing in an area of athletic training for which the individual is untrained, incompetent, or practicing without the referral of a practitioner licensed under Chapter 4731. of the Revised Code, a dentist licensed under Chapter 4715. of the Revised Code, a chiropractor licensed under Chapter 4734. of the Revised Code, or a physical therapist licensed under this chapter;

(8) Employing, directing, or supervising a person in the performance of athletic training procedures who is not authorized to practice as a licensed athletic trainer under this chapter;

(9) Misrepresenting educational attainments or the functions the individual is authorized to perform for the purpose of obtaining some benefit related to the individual's athletic training practice;

(10) Failing the licensing examination;
(11) Aiding or abetting the unlicensed practice of athletic training;

(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including athletic training, for any reason other than a failure to renew, in Ohio or another state or jurisdiction.

(B) If the athletic trainers section board places a licensee on probation under division (A) of this section, the section's board's order for placement on probation shall be accompanied by a written statement of the conditions under which the person may be removed from probation and restored to unrestricted practice.

(C) A licensee whose license has been revoked under division (A) of this section may apply to the athletic trainers section board for reinstatement of the license one year following the date of revocation. The athletic trainers section board may accept or deny the application for reinstatement and may require that the applicant pass an examination as a condition for reinstatement.

(D) On receipt of a complaint that a person licensed by the athletic trainers section board has committed any of the prohibited actions listed in division (A) of this section, the section board may immediately suspend the license of a licensed athletic trainer prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that the licensee poses an immediate threat to the public. The section board may review the allegations and vote on the suspension by telephone conference call. If the section board votes to suspend a license under this division, the section board shall issue a written order of summary suspension to the licensed athletic trainer in accordance with section 119.07 of the Revised Code. If the individual whose license is suspended fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the section board shall enter a final order.
permanently revoking the individual's license. Notwithstanding
section 119.12 of the Revised Code, a court of common pleas shall
not grant a suspension of the section's board's order of summary
suspension pending the determination of an appeal filed under that
section. Any order of summary suspension issued under this
division shall remain in effect, unless reversed on appeal, until
a final adjudication order issued by the section board pursuant to
division (A) of this section becomes effective. The section board
shall issue its final adjudication order regarding an order of
summary suspension issued under this division not later than
ninety days after completion of its hearing. Failure to issue the
order within ninety days shall result in immediate dissolution of
the suspension order, but shall not invalidate any subsequent,
final adjudication order.

Sec. 4755.65. (A) Nothing in sections 4755.61 to 4755.64 of
the Revised Code shall be construed to prevent or restrict the
practice, services, or activities of any person who:

(1) Is an individual authorized under Chapter 4731. of the
Revised Code to practice medicine and surgery, osteopathic
medicine and surgery, or podiatry, a dentist licensed under
Chapter 4715. of the Revised Code, a chiropractor licensed under
Chapter 4734. of the Revised Code, a dietitian licensed under
Chapter 4759. of the Revised Code, a physical therapist licensed
under this chapter, or a qualified member of any other occupation
or profession practicing within the scope of the person's license
or profession and who does not claim to the public to be an
athletic trainer;

(2) Is employed as an athletic trainer by an agency of the
United States government and provides athletic training solely
under the direction or control of the agency by which the person
is employed;
(3) Is a student in an athletic training education program approved by the athletic trainers section state physical health services board leading to a baccalaureate or higher degree from an accredited college or university and is performing duties that are a part of a supervised course of study;

(4) Is not an individual licensed as an athletic trainer in this state who practices or offers to practice athletic training while traveling with a visiting team or organization from outside the state or an event approved by the section board for the purpose of providing athletic training to the visiting team, organization, or event;

(5) Provides athletic training only to relatives or in medical emergencies;

(6) Provides gratuitous care to friends or members of the person's family;

(7) Provides only self-care.

(B) Nothing in this chapter shall be construed to prevent any person licensed under Chapter 4723. of the Revised Code and whose license is in good standing, any person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery and whose certificate to practice is in good standing, any person authorized under Chapter 4731. of the Revised Code to practice podiatry and whose certificate to practice is in good standing, any person licensed under Chapter 4734. of the Revised Code to practice chiropractic and whose license is in good standing, any person licensed as a dietitian under Chapter 4759. of the Revised Code to practice dietetics and whose license is in good standing, any person licensed as a physical therapist under this chapter to practice physical therapy and whose license is in good standing, or any association, corporation, or partnership from advertising, describing, or
offering to provide athletic training, or billing for athletic training if the athletic training services are provided by a person licensed under this chapter and practicing within the scope of the person's license, by a person licensed under Chapter 4723 of the Revised Code and practicing within the scope of the person's license, by a person authorized under Chapter 4731 of the Revised Code to practice podiatry, by a person authorized under Chapter 4731 of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, by a person licensed under Chapter 4734 of the Revised Code to practice chiropractic, or by a person licensed under Chapter 4759 of the Revised Code to practice dietetics.

(C) Nothing in this chapter shall be construed as authorizing a licensed athletic trainer to practice medicine and surgery, osteopathic medicine and surgery, podiatry, or chiropractic.

Sec. 4755.66. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the appropriate section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued pursuant to this chapter.

Sec. 4755.70. (A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code, except that "license" as used in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter.

(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The
occupational therapy section, the physical therapy section, and
the athletic trainers section of the Ohio occupational therapy,
physical therapy, and athletic trainers state physical health
services board shall not grant a license to an applicant for an
initial license unless the applicant complies with sections
4776.01 to 4776.04 of the Revised Code and the board, in its
discretion, decides that the results of the criminal records check
do not make the applicant ineligible for a license issued pursuant
to section 4755.07, 4755.09, 4755.44, 4755.441, 4755.45, 4755.451,
or 4755.62 of the Revised Code.

Sec. 4755.71. The Ohio occupational therapy, physical
therapy, and athletic trainers state physical health services
board shall comply with section 4776.20 of the Revised Code.

Sec. 4755.99. (A) Whoever violates sections 4755.05 or
4755.62 or divisions (A), (B), (C), (D), or (H) of
section 4755.48 of the Revised Code is guilty of a minor
misdemeanor. If the offender has previously been convicted of an
offense under that section, the offender is guilty of a
misdemeanor of the third degree on a first offense and a
misdemeanor of the first degree on each subsequent offense.

(B) One-half of all fines collected for violation of
sections 4755.05, 4755.48, and 4755.62 of the Revised Code
shall be distributed to the occupational therapy section of the
Ohio occupational therapy, physical therapy, and athletic trainers
state physical health services board and then paid into the state
treasury to the credit of the occupational licensing and
regulatory fund created in section 4743.05 of the Revised Code,
and one-half to the treasury of the municipal corporation in which
the offense was committed, or if the offense was committed outside
the limits of a municipal corporation, to the treasury of the
county.
(2) One-half of all fines collected for violation of section 4755.48 of the Revised Code shall be distributed to the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board and then paid into the state treasury to the credit of the occupational licensing and regulatory fund, and one-half to the treasury of the municipal corporation in which the offense was committed, or if the offense was committed outside the limits of a municipal corporation, to the treasury of the county.

(3) One-half of all fines collected for violation of section 4755.62 of the Revised Code shall be distributed to the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board and then paid into the state treasury to the credit of the occupational licensing and regulatory fund, and one-half to the treasury of the municipal corporation in which the offense was committed, or if the offense was committed outside the limits of a municipal corporation, to the treasury of the county.

Sec. 4757.10. The counselor, social worker, and marriage and family therapist state behavioral health and social work board may adopt any rules necessary to carry out this chapter.

The board shall adopt rules that do all of the following:

(A) Concern intervention for and treatment of any impaired person holding a license or certificate of registration issued under this chapter;

(B) Establish standards for training and experience of supervisors described in division (C) of section 4757.30 of the Revised Code;

(C) Define the requirement that an applicant be of good moral character in order to be licensed or registered under this
chapter;

(D) Establish requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;

(E) Establish a graduated system of fines based on the scope and severity of violations and the history of compliance, not to exceed five hundred dollars per incident, that any professional standards committee of the board may charge for a disciplinary violation described in section 4757.36 of the Revised Code;

(F) Establish the amount and content of corrective action courses required by the board under section 4755.36 4757.36 of the Revised Code;

(G) Provide for voluntary registration of all of the following:

(1) Master's level counselor trainees enrolled in practice and internships;

(2) Master's level social worker trainees enrolled in fieldwork, practice, and internships;

(3) Master's level marriage and family therapist trainees enrolled in practice and internships.

Rules adopted under division (G) of this section shall not require a trainee to register with the board, and if a trainee has not registered, shall prohibit any adverse effect with respect to a trainee's application for licensure by the board.

All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. When it adopts rules under this section or any other section of this chapter, the board may consider standards established by any national association or other organization representing the interests of those involved in professional counseling, social work, or marriage and family therapy.
Sec. 4757.101. (A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code, except that "license" as used in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter.

(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The counselor, social worker, and marriage and family therapist behavioral health and social work board shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4757.22, 4757.23, 4757.27, 4757.28, 4757.29, 4757.30, or 4757.301 of the Revised Code.

Sec. 4757.13. (A) Each individual who engages in the practice of professional counseling, social work, or marriage and family therapy shall prominently display, in a conspicuous place in the office or place where a major portion of the individual's practice is conducted, and in such a manner as to be easily seen and read, the license granted to the individual by the state counselor, social worker, and marriage and family therapist behavioral health and social work board.

(B) A license holder engaged in a private individual practice, partnership, or group practice shall prominently display the license holder's fee schedule in the office or place where a major portion of the license holder's practice is conducted. The bottom of the first page of the fee schedule shall include the following statement, which shall be followed by the name, address, and telephone number of the board:
"This information is required by the Counselor, Social Worker, and Marriage and Family Therapist State Behavioral Health and Social Work Board, which regulates the practices of professional counseling, social work, and marriage and family therapy in this state."

Sec. 4757.15. The counselor, social worker, and marriage and family therapist shall prepare, cause to be prepared, or procure the use of, and grade, have graded, or procure the grading of, examinations to determine the competence of applicants for licensure under this chapter. The board may administer separate examinations to reflect differences in educational degrees earned by applicants. The board may develop the examinations or use examinations prepared by state or national organizations that represent the interests of those involved in professional counseling, social work, or marriage and family therapy. The board shall conduct examinations at least twice each year and shall determine the level of competence necessary for a passing score.

Sec. 4757.16. (A) A person seeking to be licensed or registered under this chapter as a licensed professional clinical counselor or licensed professional counselor, social worker, independent social worker, social worker assistant, independent marriage and family therapist, or marriage and family therapist shall file with the counselor’s professional standards committee of the counselor, social worker, and marriage and family therapist state behavioral health and social work board a written application on a form prescribed by the board. A person seeking to be licensed under this chapter as an independent social worker or social worker or registered under this chapter as a social worker assistant shall file with the social worker’s professional standards committee of the board a written application on a form.
prescribed by the board. A person seeking to be licensed under this chapter as an independent marriage and family therapist or a marriage and family therapist shall file with the marriage and family therapist professional standards committee of the board a written application on a form prescribed by the board.

Each form prescribed by the board shall contain a statement informing the applicant that a person who knowingly makes a false statement on the form is guilty of falsification under section 2921.13 of the Revised Code, a misdemeanor of the first degree.

(B) The professional standards committee board shall adopt rules under Chapter 119. of the Revised Code concerning the process for review of each application received to determine whether the applicant meets the requirements to receive the license or certificate of registration for which application has been made.

Sec. 4757.17. The professional standards committees of the counselor, social worker, and marriage and family therapist state behavioral health and social work board shall review the applications of applicants for licensure or registration under this chapter who have received a post-secondary degree from an educational institution outside the United States. The committee reviewing the application board shall determine whether the applicant's experience, command of the English language, and completed academic program meet the standards of an academic program of an accredited educational institution. If they do, the applicant shall be considered to have received the education from an accredited educational institution as required by this chapter and rules adopted under it.

Sec. 4757.18. The counselor, social worker, and marriage and family therapist state behavioral health and social work board may
enter into a reciprocal agreement with any state that regulates
individuals practicing in the same capacities as those regulated
under this chapter if the board finds that the state has
requirements substantially equivalent to the requirements this
state has for receipt of a license or certificate of registration
under this chapter. In a reciprocal agreement, the board agrees to
issue the appropriate license or certificate of registration to
any resident of the other state whose practice is currently
authorized by that state if that state's regulatory body agrees to
authorize the appropriate practice of any resident of this state
who holds a valid license or certificate of registration issued
under this chapter.

The professional standards committees of the board may, by
endorsement, issue the appropriate license or certificate of
registration to a resident of a state with which the board does
not have a reciprocal agreement, if the person submits proof
satisfactory to the committee board of currently being licensed,
certified, registered, or otherwise authorized to practice by that
state.

Sec. 4757.19. On receipt of a notice pursuant to section
3123.43 of the Revised Code, the counselor, social worker, and
marriage and family therapist state behavioral health and social
work board shall comply with sections 3123.41 to 3123.50 of the
Revised Code and any applicable rules adopted under section
3123.63 of the Revised Code with respect to a license issued
pursuant to this chapter.

Sec. 4757.22. (A) The counselor professional standards
committee of the counselor, social worker, and marriage and family
therapist state behavioral health and social work board shall
issue a license to practice as a licensed professional clinical
counselor to each applicant who submits a properly completed application, pays the fee established under section 4757.31 of the Revised Code, and meets the requirements specified in division (B) of this section.

(B)(1) To be eligible for a licensed professional clinical counselor license, an individual must meet the following requirements:

(a) The individual must be of good moral character.

(b) The individual must hold from an accredited educational institution a graduate degree in counseling.

(c) The individual must complete a minimum of ninety quarter hours or sixty semester hours of graduate credit in counselor training acceptable to the board, including instruction in the following areas:

(i) Clinical psychopathology, personality, and abnormal behavior;

(ii) Evaluation of mental and emotional disorders;

(iii) Diagnosis of mental and emotional disorders;

(iv) Methods of prevention, intervention, and treatment of mental and emotional disorders.

(d) The individual must complete, in either a private or clinical counseling setting, supervised experience in counseling that is of a type approved by the board, is supervised by a licensed professional clinical counselor or other qualified professional approved by the board, and is in the following amounts:

(i) In the case of an individual holding only a master's degree, not less than two years of experience, which must be completed after the award of the master's degree;
(ii) In the case of an individual holding a doctorate, not less than one year of experience, which must be completed after the award of the doctorate.

(e) The individual must pass a field evaluation that meets the following requirements:

(i) Has been completed by the applicant's instructors, employers, supervisors, or other persons determined by the committee board to be competent to evaluate an individual's professional competence;

(ii) Includes documented evidence of the quality, scope, and nature of the applicant's experience and competence in diagnosing and treating mental and emotional disorders.

(f) The individual must pass an examination administered by the board for the purpose of determining ability to practice as a licensed professional clinical counselor.

(2) To meet the requirement of division (B)(1)(b) of this section, a graduate degree in counseling obtained from a mental health counseling program in this state after January 1, 2018, must be from a clinical mental health counseling program, a clinical rehabilitation counseling program, or an addiction counseling program accredited by the council for accreditation of counseling and related educational programs.

(3) All of the following meet the educational requirements of division (B)(1)(c) of this section:

(a) A clinical mental health counseling program accredited by the council for accreditation of counseling and related educational programs;

(b) Until January 1, 2018, a mental health counseling program accredited by the council for accreditation of counseling and related educational programs;
(c) A graduate degree in counseling issued by another state from a clinical mental health counseling program, a clinical rehabilitation counseling program, or an addiction counseling program that is accredited by the council for accreditation of counseling and related educational programs;

(d) Any other accredited counseling programs accepted by the board in accordance with rules adopted under division (F)(3) of this section.

(C) To be accepted by the committee board for purposes of division (B) of this section, counselor training must include at least the following:

(1) Instruction in human growth and development; counseling theory; counseling techniques; group dynamics, processing, and counseling; appraisal of individuals; research and evaluation; professional, legal, and ethical responsibilities; social and cultural foundations; and lifestyle and career development;

(2) Participation in a supervised practicum and internship in counseling.

(D) The committee board may issue a temporary license to an applicant who meets all of the requirements to be licensed under this section, pending the receipt of transcripts or action by the committee board to issue a license to practice as a licensed professional clinical counselor.

(E) An individual may not sit for the licensing examination unless the individual meets the educational requirements to be licensed under this section. An individual who is denied admission to the licensing examination may appeal the denial in accordance with Chapter 119. of the Revised Code.

(F) The board shall adopt any rules necessary for the committee to implement this section. The rules shall do all of the following:
(1) Establish criteria for the committee board to use in determining whether an applicant's training should be accepted and supervised experience approved;

(2) Establish course content requirements for qualifying counseling degrees issued by institutions in other states from clinical mental health counseling programs, clinical rehabilitation counseling programs, and addiction counseling programs that are not accredited by the council for accreditation of counseling and related educational programs and for graduate degrees from other accredited counseling programs approved by the board in accordance with rules adopted under division (F)(3) of this section;

(3) For purposes of divisions (B)(2)(b) and (3) of this section, establish requirements for acceptance by the committee board of accredited counseling programs.

Rules adopted under this division shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 4757.23. (A) The counselors professional standards committee of the counselor, social worker, and marriage and family therapist state behavioral health and social work board shall issue a license as a licensed professional counselor to each applicant who submits a properly completed application, pays the fee established under section 4757.31 of the Revised Code, and meets the requirements established under division (B) of this section.

(B)(1) To be eligible for a license as a licensed professional counselor, an individual must meet the following requirements:

(a) The individual must be of good moral character.

(b) The individual must hold from an accredited educational
institution a graduate degree in counseling.

(c) The individual must complete a minimum of ninety quarter hours or sixty semester hours of graduate credit in counselor training acceptable to the committee board, which the individual may complete while working toward receiving a graduate degree in counseling, or subsequent to receiving the degree, and which shall include training in the following areas:

(i) Clinical psychopathology, personality, and abnormal behavior;

(ii) Evaluation of mental and emotional disorders;

(iii) Diagnosis of mental and emotional disorders;

(iv) Methods of prevention, intervention, and treatment of mental and emotional disorders.

(d) The individual must pass an examination administered by the board for the purpose of determining ability to practice as a licensed professional counselor.

(2) To meet the requirement of division (B)(1)(b) of this section, a graduate degree in counseling obtained from a mental health counseling program in this state after January 1, 2018, must be from a clinical mental health counseling program, clinical rehabilitation counseling program, or addiction counseling program accredited by the council for accreditation of counseling and related educational programs.

(3) All of the following meet the educational requirements of division (B)(1)(c) of this section:

(a) A clinical mental health counseling program accredited by the council for accreditation of counseling and related educational programs;

(b) Until January 1, 2018, a mental health counseling program accredited by the council for accreditation of counseling and
related educational programs;

(c) A graduate degree in counseling issued by an institution in another state from a clinical mental health counseling program, a clinical rehabilitation counseling program, or an addiction counseling program that is accredited by the council for accreditation of counseling and related educational programs;

(d) Any other accredited counseling programs accepted by the board in accordance with rules adopted under division (F)(3) of this section.

(C) To be accepted by the committee board for purposes of division (B) of this section, counselor training must include at least the following:

(1) Instruction in human growth and development; counseling theory; counseling techniques; group dynamics, processing, and counseling; appraisal of individuals; research and evaluation; professional, legal, and ethical responsibilities; social and cultural foundations; and lifestyle and career development;

(2) Participation in a supervised practicum and internship in counseling.

(D) The committee board may issue a temporary license to practice as a licensed professional counselor to an applicant who meets all of the requirements to be licensed under this section as follows:

(1) Pending the receipt of transcripts or action by the committee board to issue a license as a licensed professional counselor;

(2) For a period not to exceed ninety days, to an applicant who provides the board with a statement from the applicant's academic institution indicating that the applicant has met the academic requirements for the applicant's degree and the projected
date the applicant will receive the applicant's transcript showing
a conferred degree.

On application to the committee board, a temporary license
issued under division (D)(2) of this section may be renewed for
good cause shown.

(E) An individual may not sit for the licensing examination
unless the individual meets the educational requirements to be
licensed under this section. An individual who is denied admission
to the licensing examination may appeal the denial in accordance
with Chapter 119. of the Revised Code.

(F) The board shall adopt any rules necessary for the
committee to implement this section. The rules shall do all of the
following:

(1) Establish criteria for the committee board to use in
determining whether an applicant's training should be accepted and
supervised experience approved;

(2) Establish course content requirements for qualifying
counseling degrees issued by institutions in other states from
clinical mental health counseling programs, clinical
rehabilitation counseling programs, and addiction counseling
programs that are not accredited by the council for accreditation
of counseling and related educational programs and for graduate
degrees from other accredited counseling programs accepted by the
board in accordance with rules adopted under division (F)(3) of
this section;

(3) For purposes of divisions (B)(2)(b) and (3) of this
section, establish requirements for acceptance by the committee
board of accredited counseling programs.

Rules adopted under this division shall be adopted in
accordance with Chapter 119. of the Revised Code.
Sec. 4757.27. (A) The social workers professional standards committee of the counselor, social worker, and marriage and family therapist state behavioral health and social work board shall issue a license as an independent social worker to each applicant who submits a properly completed application, pays the fee established under section 4757.31 of the Revised Code, and meets the requirements specified in division (B) of this section. An independent social worker license shall clearly indicate each academic degree earned by the person to whom it has been issued.

(B) To be eligible for a license as an independent social worker, an individual must meet the following requirements:

(1) The individual must be of good moral character.

(2) The individual must hold a master's degree in social work from an educational institution accredited by the council on social work education or an educational institution in candidacy for accreditation by the council.

(3) The individual must complete at least two years of post-master's degree social work experience supervised by an independent social worker.

(4) The individual must pass an examination administered by the board for the purpose of determining ability to practice as an independent social worker.

(C) The committee board may issue a temporary license to an applicant who meets all of the requirements to be licensed under this section, pending the receipt of transcripts or action by the committee board to issue a license as an independent social worker.

(D) The board shall adopt any rules necessary for the committee to implement this section, including criteria for the committee to use in determining whether an applicant's training
should be accepted and supervised experience approved. Rules adopted under this division shall be adopted in accordance with Chapter 119. of the Revised Code.

**Sec. 4757.28.** (A) The social workers professional standards committee of the counselor, social worker, and marriage and family therapist state behavioral health and social work board shall issue a license as a social worker to each applicant who submits a properly completed application, pays the fee established under section 4757.31 of the Revised Code, and meets the requirements specified in division (B) of this section. A social worker license shall clearly indicate each academic degree earned by the person to whom it is issued.

(B) To be eligible for a license as a social worker, an individual must meet the following requirements:

1. The individual must be of good moral character.
2. The individual must hold from an accredited educational institution one of the following:
   a. A baccalaureate degree in social work;
   b. A master's degree in social work;
   c. A doctorate in social work.
3. The individual must pass an examination administered by the board for the purpose of determining ability to practice as a social worker.

(C) The committee board may issue a temporary license to practice as a social worker as follows:

1. To an applicant who meets all of the requirements to be licensed under this section, pending the receipt of transcripts or action by the committee board to issue a license as a social worker;
(2) For a period not to exceed ninety days, to an applicant who provides the board with a statement from the applicant's academic institution indicating that the applicant has met the academic requirements for the applicant's degree, and the projected date the applicant will receive the applicant's transcript showing a conferred degree.

On application to the board, a temporary license issued under division (C)(2) of this section may be renewed for good cause shown.

(D) The board shall adopt any rules necessary for the committee to implement this section, including criteria for the committee to use in determining whether an applicant's training should be accepted and supervised experience approved. Rules adopted under this division shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 4757.29. The social workers professional standards committee of the counselor, social worker, and marriage and family therapist state behavioral health and social work board shall issue a certificate of registration as a social work assistant to each applicant who submits a properly completed application, pays the fee established under section 4757.31 of the Revised Code, is of good moral character, and holds from an accredited educational institution an associate degree in social service technology or a bachelor's degree that is equivalent to an associate degree in social service technology or a related bachelor's or higher degree that is approved by the board.

Sec. 4757.30. (A) The marriage and family therapist professional standards committee of the counselor, social worker, and marriage and family therapist state behavioral health and social work board shall issue a license to practice as a marriage
and family therapist to a person who has done all of the following:

(1) Properly completed an application for the license;

(2) Paid the required fee established by the board under section 4757.31 of the Revised Code;

(3) Achieved one of the following:

(a) Received from an educational institution accredited at the time the degree was granted by a regional accrediting organization recognized by the board a master's degree or a doctorate in marriage and family therapy;

(b) Completed a graduate degree that includes a minimum of ninety quarter hours of graduate level course work in marriage and family therapy training that is acceptable to the board;

(4) Passed an examination administered by the board for the purpose of determining the person's ability to be a marriage and family therapist;

(5) Completed a practicum that includes at least three hundred hours of client contact.

(B) To be accepted by the board for purposes of division (A)(3)(b) of this section, marriage and family therapist training must include instruction in at least the following:

(1) Research and evaluation;

(2) Professional, legal, and ethical responsibilities;

(3) Marriage and family studies;

(4) Marriage and family therapy, including therapeutic theory and techniques for individuals, groups, and families;

(5) Human development;

(6) Appraisal of individuals and families;
(7) Diagnosis of mental and emotional disorders;
(8) Systems theory.

(C) The marriage and family therapist professional standards board shall issue a license to practice as an independent marriage and family therapist to a person who does both of the following:

(1) Meets all of the requirements of division (A) of this section;

(2) After meeting the requirements of division (A)(3) of this section, completes at least two calendar years of supervised training while engaged in the practice of marriage and family therapy.

The two years of supervised training must include two hundred hours of face-to-face supervision while completing a minimum of one thousand hours of documented client contact in marriage and family therapy. Of the required two hundred hours, a minimum of one hundred hours must be individual supervision. Supervision shall be performed by a supervisor whose training and experience meets standards established by the board in rules adopted under section 4757.10 of the Revised Code.

(D) An independent marriage and family therapist or a marriage and family therapist may engage in the private practice of marriage and family therapy as an individual practitioner or as a member of a partnership or group practice.

(E) A marriage and family therapist may diagnose and treat mental and emotional disorders only under the supervision of a psychologist, psychiatrist, licensed professional clinical counselor, independent social worker, or independent marriage and family therapist. An independent marriage and family therapist may diagnose and treat mental and emotional disorders without supervision.
(F) Nothing in this chapter or rules adopted under it authorizes an independent marriage and family therapist or a marriage and family therapist to admit a patient to a hospital or requires a hospital to allow a marriage and family therapist to admit a patient.

(G) An independent marriage and family therapist or a marriage and family therapist may not diagnose, treat, or advise on conditions outside the recognized boundaries of the marriage and family therapist's competency. An independent marriage and family therapist or a marriage and family therapist shall make appropriate and timely referrals when a client's needs exceed the marriage and family therapist's competence level.

**Sec. 4757.301.** On receipt of an application for a license as a marriage and family therapist, the counselor, social worker, and marriage and family therapist state behavioral health and social work board may issue a temporary license to an individual who qualifies under division (A) of section 4757.30 of the Revised Code for licensure as a marriage and family therapist or divisions (A) and (C) of section 4757.30 of the Revised Code for licensure as an independent marriage and family therapist, except that the individual is awaiting the next opportunity to take an examination required by the board under that division. The temporary license allows the holder to engage in the practice of independent marriage and family therapy or marriage and family therapy as appropriate and is valid from the date of issuance until the earlier of one year from that date, the date the applicant withdraws from taking the examination, the date the applicant is notified that the applicant failed the examination, or the date the applicant's license is issued under section 4757.30 of the Revised Code. A temporary license may not be renewed.

**Sec. 4757.31.** (A) Subject to division (B) of this section,
the counselor, social worker, and marriage and family therapist state behavioral health and social work board shall establish, and may from time to time adjust, fees to be charged for the following:

1. Examination for licensure as a licensed professional clinical counselor, licensed professional counselor, marriage and family therapist, independent marriage and family therapist, social worker, or independent social worker;

2. Initial licenses of licensed professional clinical counselors, licensed professional counselors, marriage and family therapists, independent marriage and family therapists, social workers, and independent social workers, except that the board shall charge only one fee to a person who fulfills all requirements for more than one of the following initial licenses: an initial license as a social worker or independent social worker, an initial license as a licensed professional counselor or licensed professional clinical counselor, and an initial license as a marriage and family therapist or independent marriage and family therapist;

3. Initial certificates of registration of social work assistants;

4. Renewal and late renewal of licenses of licensed professional clinical counselors, licensed professional counselors, marriage and family therapists, independent marriage and family therapists, social workers, and independent social workers and renewal and late renewal of certificates of registration of social work assistants;

5. Verification, to another jurisdiction, of a license or registration issued by the board;

6. Continuing education programs offered by the board to
licensees or registrants;

(7) Approval of continuing education programs;

(8) Approval of continuing education providers to be authorized to offer continuing education programs without prior approval from the board for each program offered;

(9) Issuance of a replacement copy of any wall certificate issued by the board;

(10) Late completion of continuing counselor, social worker, or marriage and family therapy education required under section 4757.33 of the Revised Code and the rules adopted under it.

(B) The fees charged under division (A)(1) of this section shall be established in amounts sufficient to cover the direct expenses incurred in examining applicants for licensure. The fees charged under divisions (A)(2) to (9) of this section shall be nonrefundable and shall be established in amounts sufficient to cover the necessary expenses in administering this chapter and rules adopted under it that are not covered by fees charged under division (A)(1) or (C) of this section. The renewal fee for a license or certificate of registration shall not be less than the initial fee for that license or certificate. The fees charged for licensure and registration and the renewal of licensure and registration may differ for the various types of licensure and registration, but shall not exceed one hundred twenty-five dollars each, unless the board determines that amounts in excess of one hundred twenty-five dollars are needed to cover its necessary expenses in administering this chapter and rules adopted under it and the amounts in excess of one hundred twenty-five dollars are approved by the controlling board.

(C) All receipts of the board shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund created in section 4743.05 of the Revised Code.
All vouchers of the board shall be approved by the chairperson or executive director of the board, or both, as authorized by the board.

Sec. 4757.32. A license or certificate of registration issued under this chapter expires two years after it is issued and may be renewed in accordance with the standard renewal procedure established under Chapter 4745. of the Revised Code.

Subject to section 4757.36 of the Revised Code, the staff of the appropriate professional standards committee of the counselor, social worker, and marriage and family therapist state behavioral health and social work board shall, on behalf of each committee the board, issue a renewed license or certificate of registration to each applicant who has paid the renewal fee established by the board under section 4757.31 of the Revised Code and satisfied the continuing education requirements established by the board under section 4757.33 of the Revised Code.

A license or certificate of registration that is not renewed lapses on its expiration date. A license or certificate of registration that has lapsed may be restored if the individual, not later than two years after the license or certificate expired, applies for restoration of the license or certificate. The staff of the appropriate professional standards committee board shall issue a restored license or certificate of registration to the applicant if the applicant pays the renewal fee established under section 4757.31 of the Revised Code and satisfies the continuing education requirements established under section 4757.33 of the Revised Code for restoring the license or certificate of registration. The board and its professional standards committees shall not require a person to take an examination as a condition of having a lapsed license or certificate of registration restored.
Sec. 4757.321. (A) A person licensed or registered under this chapter may apply to the counselor, social worker, and marriage and family therapist state behavioral health and social work board to have the person's license or registration classified as inactive. If a fee is charged under division (B) of this section, the person shall include the fee with the application. If the person's license or registration is in good standing and the person meets any other requirements established by the board in rules adopted under this section, the board shall classify the license or registration as inactive. The inactive classification shall become effective on the date immediately following the date that the person's license or registration is scheduled to expire.

(B) The board may charge a fee for classifying a license or registration as inactive.

(C) During the period that a license or registration is classified as inactive, the person may not engage in the practice of professional counseling, social work, or marriage and family therapy, as applicable, in this state or make any representation to the public indicating that the person is actively licensed or registered under this chapter.

(D) A person whose license or registration has been classified as inactive may apply to the board to have the license or registration reactivated. The board shall reactivate the license or registration if the person meets the requirements established by the board in rules adopted under this section.

(E) The board's jurisdiction to take disciplinary action under this chapter is not removed or limited when a license or registration is classified as inactive under this section.

(F) The board shall adopt rules as necessary for classifying a license or registration as inactive and reactivating an inactive license or registration. The rules shall be adopted in accordance
with Chapter 119. of the Revised Code.

(G) This section does not apply to registration of master's
level counselor trainees, social worker trainees, marriage and
family therapist trainees, or continuing education providers.

Sec. 4757.33. (A) Except as provided in division (B) of this section, each person who holds a license or certificate of registration issued under this chapter shall complete during the period that the license or certificate is in effect not less than thirty clock hours of continuing professional education as a condition of receiving a renewed license or certificate. To have a lapsed license or certificate of registration restored, a person shall complete the number of hours of continuing education specified by the counselor, social worker, and marriage and family therapist state behavioral health and social work board in rules it shall adopt in accordance with Chapter 119. of the Revised Code.

The professional standards committees of the counselor, social worker, and marriage and family therapist board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures to be followed by the committees in for conducting the continuing education approval process, which shall include registering individuals and entities to provide continuing education programs approved by the board.

(B) The board may waive the continuing education requirements established under this section for persons who are unable to fulfill them because of military service, illness, residence abroad, or any other reason the committee board considers acceptable.

Sec. 4757.34. The counselor, social worker, and marriage and family therapist state behavioral health and social work board
shall approve one or more continuing education courses of study that assist social workers, independent social workers, social work assistants, independent marriage and family therapists, marriage and family therapists, licensed professional clinical counselors, and licensed professional counselors in recognizing the signs of domestic violence and its relationship to child abuse. Social workers, independent social workers, social work assistants, independent marriage and family therapists, marriage and family therapists, licensed professional clinical counselors, and licensed professional counselors are not required to take the courses.

Sec. 4757.36. (A) The appropriate professional standards committee of the counselor, social worker, and marriage and family therapist state behavioral health and social work board may, in accordance with Chapter 119. of the Revised Code, take any action specified in division (B) of this section for any reason described in division (C) of this section against an individual who has applied for or holds a license issued under this chapter; a master's level counselor trainee, social worker trainee, or marriage and family therapist trainee; or an individual or entity that is registered, or has applied for registration, in accordance with rules adopted under section 4757.33 of the Revised Code to provide continuing education programs approved by the board.

(B) In its imposition of sanctions against an individual or entity specified in division (A) of this section, the board may do any of the following:

(1) Refuse to issue or refuse to renew a license or certificate of registration;

(2) Suspend, revoke, or otherwise restrict a license or certificate of registration;
(3) Reprimand an individual holding a license or certificate of registration;

(4) Impose a fine in accordance with the graduated system of fines established by the board in rules adopted under section 4757.10 of the Revised Code;

(5) Require an individual holding a license or certificate of registration to take corrective action courses.

(C) The appropriate professional standards committee of the board may take an action specified in division (B) of this section for any of the following reasons:

(1) Commission of an act that violates any provision of this chapter or rules adopted under it;

(2) Knowingly making a false statement on an application for licensure or registration, or for renewal of a license or certificate of registration;

(3) Accepting a commission or rebate for referring persons to any professionals licensed, certified, or registered by any court or board, commission, department, division, or other agency of the state, including, but not limited to, individuals practicing counseling, social work, or marriage and family therapy or practicing in fields related to counseling, social work, or marriage and family therapy;

(4) A failure to comply with section 4757.13 of the Revised Code;

(5) A conviction in this or any other state of a crime that is a felony in this state;

(6) A failure to perform properly as a licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist, marriage and family therapist, social work assistant, social worker, or independent social worker.
due to the use of alcohol or other drugs or any other physical or mental condition;

(7) A conviction in this state or in any other state of a misdemeanor committed in the course of practice as a licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist, marriage and family therapist, social work assistant, social worker, or independent social worker;

(8) Practicing outside the scope of practice applicable to that person;

(9) Practicing in violation of the supervision requirements specified under sections 4757.21 and 4757.26, and division (E) of section 4757.30, of the Revised Code;

(10) A violation of the person's code of ethical practice adopted by rule of the board pursuant to section 4757.11 of the Revised Code;

(11) Revocation or suspension of a license or certificate of registration, other disciplinary action against a license holder or registration, or the voluntary surrender of a license or certificate of registration in another state or jurisdiction for an offense that would be a violation of this chapter.

(D) A disciplinary action under division (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the appropriate professional standards committee board may enter into a consent agreement with an individual or entity specified in division (A) of this section to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by the appropriate professional standards committee board, constitutes the findings and order of the board with respect to the matter addressed in the agreement. If a
the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement are of no force or effect.

(E) In any instance in which a professional standards committee of the board is required by Chapter 119. of the Revised Code to give notice of the opportunity for a hearing and the individual or entity subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the committee board may adopt a final order that contains the board's findings. In that final order, the committee board may order any of the sanctions identified in division (B) of this section.

(F) One year or more after the date of suspension or revocation of a license or certificate of registration under this section, application may be made to the appropriate professional standards committee board for reinstatement. The committee board may approve or deny an application for reinstatement. If a license has been suspended or revoked, the committee board may require an examination for reinstatement.

(G) On request of the board, the attorney general shall bring and prosecute to judgment a civil action to collect any fine imposed under division (B)(4) of this section that remains unpaid.

(H) All fines collected under division (B)(4) of this section shall be deposited into the state treasury to the credit of the occupational licensing and regulatory fund created in section 4743.05 of the Revised Code.

Sec. 4757.361. (A) As used in this section, with regard to offenses committed in Ohio, "aggravated murder," "murder," "voluntary manslaughter," "felonious assault," "kidnapping," "rape," "sexual battery," "gross sexual imposition," "aggravated arson," "aggravated robbery," and "aggravated burglary" mean such
offenses as defined in Title XXIX of the Revised Code; with regard to offenses committed in other jurisdictions, the terms mean offenses comparable to offenses defined in Title XXIX of the Revised Code.

(B) When there is clear and convincing evidence that continued practice by an individual licensed under this chapter presents a danger of immediate and serious harm to the public, as determined on consideration of the evidence by the professional standards committees of the counselor, social worker, and marriage and family therapist state behavioral health and social work board, the appropriate committee board shall impose on the individual a summary suspension without a hearing.

Immediately following the decision to impose a summary suspension, the appropriate committee board shall issue a written order of suspension and cause it to be delivered by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during the pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the suspension requests an adjudication, the date set for the adjudication shall be within fifteen days but not earlier than seven days after the individual makes the request, unless another date is agreed to by both the individual and the committee imposing the suspension board. The summary suspension shall remain in effect, unless reversed by the committee board, until a final adjudication order issued by the committee board pursuant to this section and Chapter 119. of the Revised Code becomes effective.

The committee board shall issue its final adjudication order within ninety days after completion of the adjudication. If the committee board does not issue a final order within the ninety-day period, the summary suspension shall be void, but any final
adjudication order issued subsequent to the ninety-day period shall not be affected.

(C) The license issued to an individual under this chapter is automatically suspended on that individual's conviction of, plea of guilty to, or judicial finding with regard to any of the following: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. The suspension shall remain in effect from the date of the conviction, plea, or finding until an adjudication is held under Chapter 119. of the Revised Code. If the appropriate committee board has knowledge that an automatic suspension has occurred, it shall notify the individual subject to the suspension. If the individual is notified and either fails to request an adjudication within the time periods established by Chapter 119. of the Revised Code or fails to participate in the adjudication, the committee board shall enter a final order permanently revoking the person's license or certificate.

Sec. 4757.37. (A) An individual whom the counselor, social worker, and marriage and family therapist state behavioral health and social work board licenses, certificates, or otherwise legally authorizes to engage in the practice of professional counseling, social work, or marriage and family therapy may render the professional services of a licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist within this state through a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, a partnership, or a professional association formed under Chapter 1785. of the Revised Code. This division does not preclude such an individual from rendering
professional services as a licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist through another form of business entity, including, but not limited to, a nonprofit corporation or foundation, or in another manner that is authorized by or in accordance with this chapter, another chapter of the Revised Code, or rules of the counselor, social worker, and marriage and family therapist state behavioral health and social work board adopted pursuant to this chapter.

(B) A corporation, limited liability company, partnership, or professional association described in division (A) of this section may be formed for the purpose of providing a combination of the professional services of the following individuals who are licensed, certificated, or otherwise legally authorized to practice their respective professions:

(1) Optometrists who are authorized to practice optometry under Chapter 4725. of the Revised Code;

(2) Chiropractors who are authorized to practice chiropractic or acupuncture under Chapter 4734. of the Revised Code;

(3) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;

(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. of the Revised Code;

(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;

(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;

(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;

(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;

(10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under this chapter.

This division applies notwithstanding a provision of a code of ethics applicable to an individual who is a licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist that prohibits the individual from engaging in the individual's practice in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, physical therapy, occupational therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of professional counseling, social work, or marriage and family therapy.

Sec. 4757.38. (A) The counselor, social worker, and marriage and family therapist state behavioral health and social work board...
shall investigate alleged violations of this chapter or the rules adopted under it and alleged irregularities in the delivery of services related to professional counseling, social work, or marriage and family therapy by persons licensed or registered under this chapter. As part of its conduct of an investigation, the board may issue subpoenas, examine witnesses, and administer oaths.

(B) All of the following apply under this chapter with respect to the confidentiality of information:

(1) Information received by the board pursuant to a complaint or an investigation is confidential and not subject to discovery in any civil action, except that the board may disclose information to law enforcement officers and government entities for purposes of an investigation of either an individual who holds a license or certificate of registration issued under this chapter or an individual or entity that may have engaged in the unauthorized practice of professional counseling, social work, or marriage and family therapy. No law enforcement officer or government entity with knowledge of any information disclosed by the board pursuant to this division shall divulge the information to any other person or government entity except for the purpose of a government investigation, a prosecution, or an adjudication by a court or government entity.

(2) If an investigation requires a review of patient records, the investigation and proceeding shall be conducted in such a manner as to protect patient confidentiality.

(3) All adjudications and investigations of the board are civil actions for the purposes of section 2305.252 of the Revised Code.

(4) Any board activity that involves continued monitoring of an individual as part of or following any disciplinary action
taken under section 4755.36 of the Revised Code shall be conducted in a manner that maintains the individual's confidentiality.

Information received or maintained by the board with respect to the board's monitoring activities is not subject to discovery in any civil action and is confidential, except that the board may disclose information to law enforcement officers and government entities for purposes of an investigation of an individual holding a license or certificate of registration issued under this chapter.

(C) The board may receive any information necessary to conduct an investigation under this section. If the board is investigating the provision of services to a couple or group, it is not necessary for both members of the couple or all members of the group to consent to the release of information relevant to the investigation.

(D) The board shall ensure that all records it holds pertaining to an investigation remain confidential. The board shall adopt rules establishing procedures to be followed in maintaining the confidentiality of its investigative records. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 4757.39. For any hearing it is authorized to conduct under this chapter, the state behavioral health and social work board may appoint one of its members to act on behalf of the board. The board shall make such appointments in writing. It is not necessary for a member to be an attorney to be appointed. A finding or order of a member appointed to act on behalf of the board is a finding or order of the board when confirmed by the board.

Sec. 4757.40. In addition to any other remedies provided by
law, the counselor and social worker state behavioral health and social work board may apply to an appropriate court for an order enjoining the violation of any provision of this chapter, and on a showing that any person has violated or is about to violate any provision of this chapter, the court shall grant an order enjoining the violation.

Sec. 4757.41. (A) This chapter shall not apply to the following:

(1) A person certified by the state board of education under Chapter 3319. of the Revised Code while performing any services within the person's scope of employment by a board of education or by a private school meeting the standards prescribed by the state board of education under division (D) of section 3301.07 of the Revised Code or in a program operated under Chapter 5126. of the Revised Code for training individuals with developmental disabilities;

(2) Psychologists or school psychologists licensed under Chapter 4732. of the Revised Code;

(3) Members of other professions licensed, certified, or registered by this state while performing services within the recognized scope, standards, and ethics of their respective professions;

(4) Rabbis, priests, Christian science practitioners, clergy, or members of religious orders and other individuals participating with them in pastoral counseling when the counseling activities are within the scope of the performance of their regular or specialized ministerial duties and are performed under the auspices or sponsorship of an established and legally cognizable church, denomination, or sect or an integrated auxiliary of a church as defined in federal tax regulations, paragraph (g)(5) of 26 C.F.R. 1.6033-2 (1995), and when the individual rendering the
service remains accountable to the established authority of that church, denomination, sect, or integrated auxiliary;

(5) Any person who is not licensed under this chapter as a licensed professional clinical counselor, licensed professional counselor, independent social worker, or social worker and is employed in the civil service as defined in section 124.01 of the Revised Code while engaging in professional counseling or social work as a civil service employee, if on July 10, 2014, the person has at least two years of service in that capacity;

(6) A student in an accredited educational institution while carrying out activities that are part of the student's prescribed course of study if the activities are supervised as required by the educational institution and if the student does not hold herself or himself out as a person licensed or registered under this chapter;

(7) An individual who holds a license or certificate under Chapter 4758. of the Revised Code who is acting within the scope of the individual's license or certificate as a member of the profession of chemical dependency counseling or prevention services;

(8) Any person employed by the American red cross while engaging in activities relating to services for military families and veterans and disaster relief, as described in the "American National Red Cross Act," 33 Stat. 599 (1905), 36 U.S.C.A. 1, as amended;

(9) Members of labor organizations who hold union counselor certificates while performing services in their official capacity as union counselors;

(10) Any person employed in a hospital as defined in section 3727.01 of the Revised Code or in a nursing home as defined in section 3721.01 of the Revised Code while providing as a hospital
employee or nursing home employee, respectively, social services other than counseling and the use of psychosocial interventions and social psychotherapy;

(11) A vocational rehabilitation professional who is providing rehabilitation services to individuals under section 3304.17 of the Revised Code, or holds certification by the commission on rehabilitation counselor certification and is providing rehabilitation counseling services consistent with the commission's standards;

(12) A caseworker not licensed under this chapter as an independent social worker or social worker who is employed by a public children services agency under section 5153.112 of the Revised Code.

(B) Divisions (A)(5) and (10) of this section do not prevent a person described in those divisions from obtaining a license or certificate of registration under this chapter.

(C) Except as provided in divisions (A) and (D) of this section, no employee in the service of the state, including public employees as defined by Chapter 4117. of the Revised Code, shall engage in the practice of professional counseling, social work, or marriage and family therapy without the appropriate license issued by the state behavioral health and social work board. Failure to comply with this division constitutes nonfeasance under section 124.34 of the Revised Code or just cause under a collective bargaining agreement. Nothing in this division restricts the director of administrative services from developing new classifications related to this division or from reassigning affected employees to appropriate classifications based on the employee's duties and qualifications.

(D) Except as provided in division (A) of this section, an employee who was engaged in the practice of professional
counseling, social work, or marriage and family therapy in the service of the state prior to July 10, 2014, including public employees as defined by Chapter 4117. of the Revised Code, shall comply with division (C) of this section within two years after July 10, 2014. Any such employee who fails to comply shall be removed from employment.

(E) Nothing in this chapter prevents a public children services agency from employing as a caseworker a person not licensed under this chapter as an independent social worker or social worker who has the qualifications specified in section 5153.112 of the Revised Code.

Sec. 4757.44. For the purposes of section 2305.51 of the Revised Code, a person who holds a license issued under this chapter is a mental health professional.

A license holder is not liable in damages in a civil action, and shall not be subject to disciplinary action by the counselor, social worker, and marriage and family therapist state behavioral health and social work board, for disclosing any confidential information about a client that is disclosed for the purposes of section 2305.51 of the Revised Code.

Sec. 4757.45. The counselor, social worker, and marriage and family therapist state behavioral health and social work board shall comply with section 4776.20 of the Revised Code.

Sec. 4758.20. (A) The chemical dependency professionals state behavioral health and social work board shall adopt rules to establish, specify, or provide for all of the following:

(1) Fees for the purposes authorized by section 4758.21 of the Revised Code;

(2) If the board, pursuant to section 4758.221 of the Revised
Code, elects to administer examinations for individuals seeking to act as substance abuse professionals in a U.S. department of transportation drug and alcohol testing program, the board's administration of the examinations;

(3) For the purpose of section 4758.23 of the Revised Code, codes of ethical practice and professional conduct for individuals who hold a license, certificate, or endorsement issued under this chapter;

(4) For the purpose of section 4758.24 of the Revised Code, all of the following:

(a) Good moral character requirements for an individual who seeks or holds a license, certificate, or endorsement issued under this chapter;

(b) The documents that an individual seeking such a license, certificate, or endorsement must submit to the board;

(c) Requirements to obtain the license, certificate, or endorsement that are in addition to the requirements established under sections 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 4758.46, 4758.47, and 4758.48 of the Revised Code. The additional requirements may include preceptorships.

(d) The period of time that an individual whose registered applicant certificate has expired must wait before applying for a new registered applicant certificate.

(5) For the purpose of section 4758.28 of the Revised Code, requirements for approval of continuing education courses of study for individuals who hold a license, certificate, or endorsement issued under this chapter;

(6) For the purpose of section 4758.30 of the Revised Code, the intervention for and treatment of an individual holding a license, certificate, or endorsement issued under this chapter
whose abilities to practice are impaired due to abuse of or  
dependency on alcohol or other drugs or other physical or mental  
condition;

(7) Requirements governing reinstatement of a suspended or  
revoked license, certificate, or endorsement under division (B) of  
section 4758.30 of the Revised Code, including requirements for  
determining the amount of time an individual must wait to apply  
for reinstatement;

(8) For the purpose of section 4758.31 of the Revised  
Code, methods of ensuring that all records the board holds  
pertaining to an investigation remain confidential during the  
investigation;

(9) Criteria for employees of the board to follow when  
performing their duties under division (B) of section 4758.35 of  
the Revised Code;

(10) For the purpose of division (A)(1) of section 4758.39  
and division (A)(1) of section 4758.40 of the Revised Code, course  
requirements for a degree in a behavioral science or nursing that  
shall, at a minimum, include at least forty semester hours in all  
of the following courses:

(a) Theories of counseling and psychotherapy;

(b) Counseling procedures;

(c) Group process and techniques;

(d) Relationship therapy;

(e) Research methods and statistics;

(f) Fundamentals of assessment and diagnosis, including  
measurement and appraisal;

(g) Psychopathology;

(h) Human development;
(i) Cultural competence in counseling;

(j) Ethics.

(10) For the purpose of division (A)(2) of section 4758.39 of the Revised Code, the number of hours of compensated work or supervised internship experience that an individual must have and the number of those hours that must be in clinical supervisory experience;

(11) For the purpose of division (A)(3) of section 4758.39, division (A)(3) of section 4758.40, division (A)(3) of section 4758.41, and division (A)(3) of section 4758.42 of the Revised Code, both of the following:

(a) The number of hours of training in chemical dependency an individual must have;

(b) Training requirements for chemical dependency that shall, at a minimum, include qualifications for the individuals who provide the training and the content areas covered in the training.

(12) For the purpose of division (A)(2) of section 4758.40, division (A)(2) of section 4758.41, and division (A)(2) of section 4758.42 of the Revised Code, the number of hours of compensated work or supervised internship experience that an individual must have;

(13) For the purpose of division (B)(2)(b) of section 4758.40 and division (B)(2) of section 4758.41 of the Revised Code, requirements for the forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training, including the number of the clock hours that must be on substance-related disorders, the number of the clock hours that must be on chemical dependency conditions, and the number of the clock hours that must be on awareness of other mental and emotional disorders;
For the purpose of division (A)(1) of section 4758.41 of the Revised Code, course requirements for a degree in a behavioral science or nursing;

For the purpose of division (A) of section 4758.43 of the Revised Code, both of the following:

(a) The number of hours of training in chemical dependency counseling that an individual must have;

(b) Training requirements for chemical dependency counseling that shall, at a minimum, include qualifications for the individuals who provide the training and the content areas covered in the training.

For the purpose of division (A)(1) of section 4758.44 of the Revised Code, the number of hours of compensated work experience in prevention services that an individual must have and the number of those hours that must be in administering or supervising the services;

For the purpose of division (A)(2) of section 4758.44 of the Revised Code, the field of study in which an individual must obtain at least a bachelor's degree;

For the purpose of division (A)(3) of section 4758.44, division (A)(3) of section 4758.45, and division (D) of section 4758.46 of the Revised Code, both of the following:

(a) The number of hours of prevention-related education that an individual must have;

(b) Requirements for prevention-related education.

For the purpose of division (A)(4) of section 4758.44 of the Revised Code, the number of hours of administrative or supervisory education that an individual must have;

For the purpose of division (A)(1) of section 4758.45 of the Revised Code, the number of hours of compensated or
volunteer work, field placement, intern, or practicum experience in prevention services that an individual must have and the number of those hours that must be in planning or delivering the services;

(21) For the purpose of division (A)(2) of section 4758.45 of the Revised Code, the field of study in which an individual must obtain at least an associate's degree;

(22) For the purpose of division (C) of section 4758.46 of the Revised Code, the number of hours of compensated or volunteer work, field placement, intern, or practicum experience in prevention services that an individual must have;

(23) Standards for the one hundred hours of compensated work or supervised internship in gambling disorder direct clinical experience required by division (B)(2) of section 4758.48 of the Revised Code;

(24) For the purpose of section 4758.51 of the Revised Code, continuing education requirements for individuals who hold a license, certificate, or endorsement issued under this chapter;

(25) For the purpose of section 4758.51 of the Revised Code, the number of hours of continuing education that an individual must complete to have an expired license, certificate, or endorsement restored under section 4758.26 of the Revised Code;

(26) For the purpose of divisions (A) and (B) of section 4758.52 of the Revised Code, training requirements for chemical dependency counseling;

(27) The duties, which may differ, of all of the following:

(a) An independent chemical dependency counselor-clinical supervisor licensed under this chapter who supervises a chemical dependency counselor III under section 4758.56 of the Revised Code;
Code;

(b) An independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III licensed under this chapter who supervises a chemical dependency counselor assistant under section 4758.59 of the Revised Code;

(c) A prevention consultant or prevention specialist certified under this chapter or independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III licensed under this chapter who supervises a prevention specialist assistant or registered applicant under section 4758.61 of the Revised Code.

(29) The duties of an independent chemical dependency counselor licensed under this chapter who holds the gambling disorder endorsement who supervises a chemical dependency counselor III with the gambling disorder endorsement under section 4758.62 of the Revised Code.

(30) Anything else necessary to administer this chapter.

(B) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code and any applicable federal laws and regulations.

(C) When it adopts rules under this section, the board may consider standards established by any national association or other organization representing the interests of those involved in chemical dependency counseling or prevention services.

Sec. 4758.21. (A) In accordance with rules adopted under section 4758.20 of the Revised Code and subject to division (B) of this section, the chemical dependency professionals state behavioral health and social work board shall establish, and may from time to time adjust, fees to be charged for the following:
(1) Admitting an individual to an examination administered pursuant to section 4758.22 of the Revised Code;

(2) Issuing an initial independent chemical dependency counselor-clinical supervisor license, independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, chemical dependency counselor assistant certificate, prevention consultant certificate, prevention specialist certificate, prevention specialist assistant certificate, or registered applicant certificate;

(3) Issuing an initial gambling disorder endorsement;

(4) Renewing an independent chemical dependency counselor-clinical supervisor license, independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, chemical dependency counselor assistant certificate, prevention consultant certificate, prevention specialist certificate, prevention specialist assistant certificate, or prevention specialist assistant certificate;

(5) Renewing a gambling disorder endorsement;

(6) Approving continuing education courses under section 4758.28 of the Revised Code;

(7) Doing anything else the board determines necessary to administer this chapter.

(B) The fees established under division (A) of this section are nonrefundable. They shall be in amounts sufficient to cover the necessary expenses of the board in administering this chapter and rules adopted under it. The fees for a license, certificate, or endorsement and the renewal of a license, certificate, or endorsement may differ for the various types of licenses, certificates, or endorsements, but shall not exceed one hundred seventy-five dollars each, unless the board determines that
amounts in excess of one hundred seventy-five dollars are needed to cover its necessary expenses in administering this chapter and rules adopted under it and the amounts in excess of one hundred seventy-five dollars are approved by the controlling board.

(C) All vouchers of the board shall be approved by the chairperson or executive director of the board, or both, as authorized by the board.

Sec. 4758.22. The chemical dependency professionals state behavioral health and social work board shall prepare, cause to be prepared, or procure the use of, and grade, cause to be graded, or procure the grading of, examinations to determine the competence of individuals seeking an independent chemical dependency counselor-clinical supervisor license, independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, prevention consultant certificate, or prevention specialist certificate. The board may develop the examinations or use examinations prepared by state or national organizations that represent the interests of those involved in chemical dependency counseling or prevention services. The board shall conduct examinations at least twice each year and shall determine the level of competence necessary for a passing score.

An individual may not sit for an examination administered pursuant to this section unless the individual meets the requirements to obtain the license or certificate the individual seeks, other than the requirement to have passed the examination, and pays the fee established under section 4758.21 of the Revised Code. An individual who is denied admission to the examination may appeal the denial in accordance with Chapter 119. of the Revised Code.
Sec. 4758.221. In accordance with rules adopted under section 4758.20 of the Revised Code, the chemical dependency professionals state behavioral health and social work board may administer examinations for individuals seeking to act as substance abuse professionals in a U.S. department of transportation drug and alcohol testing program. If it elects to administer the examinations, the board shall use examinations that comprehensively cover all the elements of substance abuse professional qualification training listed in 49 C.F.R. 40.281(c)(1) and are prepared by a nationally recognized professional or training organization that represents the interests of those involved in chemical dependency counseling services.

Sec. 4758.24. (A) The chemical dependency professionals state behavioral health and social work board shall issue a license, certificate, or endorsement under this chapter to an individual who meets all of the following requirements:

(1) Is of good moral character as determined in accordance with rules adopted under section 4758.20 of the Revised Code;

(2) Except as provided in section 4758.241 of the Revised Code, submits a properly completed application and all other documentation specified in rules adopted under section 4758.20 of the Revised Code;

(3) Except as provided in section 4758.241 of the Revised Code, pays the fee established under section 4758.21 of the Revised Code for the license, certificate, or endorsement that the individual seeks;

(4) Meets the requirements to obtain the license, certificate, or endorsement that the individual seeks as specified in section 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44,
4758.45, 4758.46, 4758.47, or 4758.48 of the Revised Code; 65234

(5) Meets any additional requirements specified in rules 65235
adopted under section 4758.20 of the Revised Code to obtain the 65236
license, certificate, or endorsement that the individual seeks. 65237

(B) The board shall not do either of the following: 65238

(1) Issue a certificate to practice as a chemical dependency 65239
counselor I; 65240

(2) Issue a new registered applicant certificate to an 65241
individual whose previous registered applicant certificate has 65242
been expired for less than the period of time specified in rules 65243
adopted under section 4758.20 of the Revised Code. 65244

Sec. 4758.241. The chemical dependency professionals state 65245
behavioral health and social work board shall issue an independent 65246
chemical dependency counselor-clinical supervisor license under 65247
section 4758.24 of the Revised Code to each individual who, on the 65248
effective date of this section March 22, 2013, holds a valid 65249
independent chemical dependency counselor license without 65250
requiring the individual to comply with divisions (A)(2) and (3) 65251
of that section. 65252

Sec. 4758.242. (A) As used in this section, "license" and 65253
"applicant for an initial license" have the same meanings as in 65254
section 4776.01 of the Revised Code, except that "license" as used 65255
in both of those terms refers to the types of authorizations 65256
otherwise issued or conferred under this chapter. 65257

(B) In addition to any other eligibility requirement set 65258
forth in this chapter, each applicant for an initial license shall 65259
comply with sections 4776.01 to 4776.04 of the Revised Code. The 65260
state behavioral health and social work board shall not grant a 65261
license to an applicant for an initial license unless the 65262
applicant complies with sections 4776.01 to 4776.04 of the Revised 65263
Code and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to this chapter.

Sec. 4758.25. (A) The chemical dependency professionals state behavioral health and social work board may enter into a reciprocal agreement with any state that regulates individuals practicing in the same capacities as those regulated under this chapter if the board finds that the state has requirements substantially equivalent to the requirements of this state to receive a license or certificate under this chapter.

The board may become a member of a national reciprocity organization that requires its members to have requirements substantially equivalent to the requirements of this state to receive a license or certificate to practice in the same capacities as those regulated under this chapter. If the board becomes a member of such an organization, the board shall consider itself to have a reciprocal agreement with the other states that are also members of the organization.

(B) The board may, by endorsement, issue the appropriate license or certificate to a resident of a state with which the board does not have a reciprocal agreement if both of the following apply:

(1) The board finds that the state has requirements substantially equivalent to the requirements of this state for receipt of a license or certificate under this chapter.

(2) The individual submits proof satisfactory to the board of being currently authorized to practice by that state.

(C) A license or certificate obtained by reciprocity or endorsement under this section may be renewed or restored under section 4758.26 of the Revised Code if the individual holding the
license or certificate satisfies the renewal or restoration requirements established by that section. An individual holding a license or certificate obtained by reciprocity or endorsement under this section may obtain, under section 4758.24 of the Revised Code, a different license or certificate available under this chapter if the individual meets all of the requirements as specified in that section for the license or certificate the individual seeks.

**Sec. 4758.26.** (A) Subject to section 4758.30 of the Revised Code, a license, certificate, or endorsement issued under this chapter expires the following period of time after it is issued:

1. In the case of an initial chemical dependency counselor assistant certificate, thirteen months;
2. In the case of any other license, certificate, or endorsement, two years.

(B) Subject to section 4758.30 of the Revised Code and except as provided in section 4758.27 of the Revised Code, the chemical dependency professionals state behavioral health and social work board shall renew a license, certificate, or endorsement issued under this chapter in accordance with the standard renewal procedure established under Chapter 4745. of the Revised Code if the individual seeking the renewal pays the renewal fee established under section 4758.21 of the Revised Code and does the following:

1. In the case of an individual seeking renewal of an initial chemical dependency counselor assistant certificate, satisfies the additional training requirement established under section 4758.52 of the Revised Code;
2. In the case of any other individual, satisfies the continuing education requirements established under section
(C) Subject to section 4758.30 of the Revised Code and except as provided in section 4758.27 of the Revised Code, a license, certificate, or endorsement issued under this chapter that has expired may be restored if the individual seeking the restoration, not later than two years after the license, certificate, or endorsement expires, applies for restoration of the license, certificate, or endorsement. The board shall issue a restored license, certificate, or endorsement to the individual if the individual pays the renewal fee established under section 4758.21 of the Revised Code and does the following:

(1) In the case of an individual whose initial chemical dependency counselor assistant certificate expired, satisfies the additional training requirement established under section 4758.52 of the Revised Code;

(2) In the case of any other individual, satisfies the continuing education requirements established under section 4758.51 of the Revised Code for restoring the license, certificate, or endorsement.

The board shall not require an individual to take an examination as a condition of having an expired license, certificate, or endorsement restored under this section.

Sec. 4758.27. The chemical dependency professionals state behavioral health and social work board shall not renew or restore under section 4758.26 of the Revised Code either of the following:

(A) A certificate to practice as a chemical dependency counselor I;

(B) A registered applicant certificate.

Sec. 4758.28. The chemical dependency professionals state...
behavioral health and social work board shall approve, in accordance with rules adopted under section 4758.20 of the Revised Code and subject to payment of the fee established under section 4758.21 of the Revised Code, continuing education courses of study for individuals who hold a license, certificate, or endorsement issued under this chapter.

Sec. 4758.29. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the chemical dependency professionals state behavioral health and social work board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license, certificate, or endorsement issued pursuant to this chapter.

Sec. 4758.30. (A) The chemical dependency professionals state behavioral health and social work board, in accordance with Chapter 119. of the Revised Code, may refuse to issue a license, certificate, or endorsement applied for under this chapter; refuse to renew or restore a license, certificate, or endorsement issued under this chapter; suspend, revoke, or otherwise restrict a license, certificate, or endorsement issued under this chapter; or reprimand an individual holding a license, certificate, or endorsement issued under this chapter. These actions may be taken by the board regarding the applicant for a license, certificate, or endorsement or the individual holding a license, certificate, or endorsement for one or more of the following reasons:

(1) Violation of any provision of this chapter or rules adopted under it;

(2) Knowingly making a false statement on an application for a license, certificate, or endorsement or for renewal, restoration, or reinstatement of a license, certificate, or
endorsement;

(3) Acceptance of a commission or rebate for referring an individual to a person who holds a license or certificate issued by, or who is registered with, an entity of state government, including persons practicing chemical dependency counseling, prevention services, gambling disorder counseling, or fields related to chemical dependency counseling, prevention services, or gambling disorder counseling;

(4) Conviction in this or any other state of any crime that is a felony in this state;

(5) Conviction in this or any other state of a misdemeanor committed in the course of practice as an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, chemical dependency counselor III, chemical dependency counselor II, chemical dependency counselor assistant, prevention consultant, gambling disorder endorsee, prevention specialist, prevention specialist assistant, or registered applicant;

(6) Inability to practice as an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, chemical dependency counselor III, chemical dependency counselor II, chemical dependency counselor assistant, gambling disorder endorsee, prevention consultant, prevention specialist, prevention specialist assistant, or registered applicant due to abuse of or dependency on alcohol or other drugs or other physical or mental condition;

(7) Practicing outside the individual's scope of practice;

(8) Practicing without complying with the supervision requirements specified under section 4758.56, 4758.59, 4758.61, or 4758.62 of the Revised Code;

(9) Violation of the code of ethical practice and
professional conduct for chemical dependency counseling, prevention services, or gambling disorder counseling adopted by the board pursuant to section 4758.23 4744.50 of the Revised Code;

(10) Revocation of a license, certificate, or endorsement or voluntary surrender of a license, certificate, or endorsement in another state or jurisdiction for an offense that would be a violation of this chapter.

(B) An individual whose license, certificate, or endorsement has been suspended or revoked under this section may apply to the board for reinstatement after an amount of time the board shall determine in accordance with rules adopted under section 4758.20 of the Revised Code. The board may accept or refuse an application for reinstatement. The board may require an examination for reinstatement of a license, certificate, or endorsement that has been suspended or revoked.

**Sec. 4758.31.** The chemical dependency professionals state behavioral health and social work board shall investigate alleged violations of this chapter or the rules adopted under it and alleged irregularities in the delivery of chemical dependency counseling services, prevention services, or gambling disorder counseling services by individuals who hold a license, certificate, or endorsement issued under this chapter. As part of an investigation, the board may issue subpoenas, examine witnesses, and administer oaths.

The board may receive any information necessary to conduct an investigation under this section that has been obtained in accordance with federal laws and regulations. If the board is investigating the provision of chemical dependency counseling services or gambling disorder counseling services to a couple or group, it is not necessary for both members of the couple or all members of the group to consent to the release of information.
relevant to the investigation.

The board shall ensure, in accordance with rules adopted under section 4758.20 of the Revised Code, that all records it holds pertaining to an investigation remain confidential during the investigation. After the investigation, the records are public records except as otherwise provided by federal or state law.

Sec. 4758.32. For any hearing it conducts under this chapter, the chemical dependency professionals state behavioral health and social work board may appoint one of its voting members to act on behalf of the board. It is not necessary that the member be an attorney to be appointed. The board shall make the appointment in writing.

A finding or order of a member appointed to act on behalf of the board is a finding or order of the board when confirmed by the board.

Sec. 4758.35. (A) An individual seeking a license, certificate, or endorsement issued under this chapter shall file with the chemical dependency professionals state behavioral health and social work board a written application on a form prescribed by the board. Each form shall state that a false statement made on the form is the crime of falsification under section 2921.13 of the Revised Code.

(B) The board shall require an individual or individuals employed by the board under section 4758.15 of the Revised Code to do both of the following in accordance with criteria established by rules adopted under section 4758.20 of the Revised Code:

1. Receive and review all applications submitted to the board;

2. Submit to the board all applications the individual or individuals recommend the board review based on the criteria
established in the rules.

(C) The board shall review all applications submitted to the board pursuant to division (B)(2) of this section.

Sec. 4758.36. As part of the review process under division (C) of section 4758.35 of the Revised Code of an application submitted by an applicant whose education or experience in chemical dependency counseling, prevention services, or gambling disorder counseling was obtained outside the United States, or whose education and experience both were obtained outside the United States, the chemical dependency professionals state behavioral health and social work board shall determine whether the applicant's command of the English language and education or experience meet the standards required by this chapter and rules adopted under it.

Sec. 4758.47. An individual seeking a registered applicant certificate shall meet all of the following requirements:

(A) Be at least eighteen years of age;

(B) Have at least a high school diploma or a certificate of high school equivalence;

(C) Submit to the chemical dependency professionals state behavioral health and social work board a professional development plan that is acceptable to the board.

Sec. 4758.51. (A) Except as provided in division (C) of this section and in accordance with rules adopted under section 4758.20 of the Revised Code, each individual who holds a license, certificate, or endorsement issued under this chapter, other than an initial chemical dependency counselor assistant certificate, shall complete during the period that the license, certificate, or endorsement is in effect not less than the following number of
clock hours of continuing education as a condition of receiving a renewed license, certificate, or endorsement:

(1) In the case of an individual holding a prevention specialist assistant certificate, twenty;

(2) In the case of an individual holding a gambling disorder endorsement, six;

(3) In the case of any other individual, forty.

(B) Except as provided in division (C) of this section, an individual whose license, certificate, or endorsement issued under this chapter, other than an initial chemical dependency counselor assistant certificate, has expired shall complete the number of hours of continuing education specified in rules adopted under section 4758.20 of the Revised Code as a condition of receiving a restored license, certificate, or endorsement.

(C) The chemical dependency professionals state behavioral health and social work board may waive the continuing education requirements established under this section for individuals who are unable to fulfill them because of military service, illness, residence outside the United States, or any other reason the board considers acceptable.

Sec. 4758.52. (A) Except as provided in division (C) of this section, each individual who holds an initial chemical dependency counselor assistant certificate shall complete, during the first twelve months that the initial certificate is in effect, at least thirty additional hours of training in chemical dependency counseling that meets the requirements specified in rules adopted under section 4758.20 of the Revised Code as a condition of having the initial certificate renewed.

(B) Except as provided in division (C) of this section, an individual whose initial chemical dependency counselor assistant
certificate has expired shall complete at least thirty additional 65534
hours of training in chemical dependency counseling that meets the 65535
requirements specified in rules adopted under section 4758.20 of 65536
the Revised Code as a condition of receiving a restored chemical 65537
dependency counselor assistant certificate.

(C) The chemical dependency professionals state behavioral 65538
health and social work board may waive the additional training 65539
requirement established under this section for individuals who are 65540
unable to fulfill the requirement because of military service, 65541
illness, residence outside the United States, or any other reason 65542
the board considers acceptable.

Sec. 4758.72. The chemical dependency professionals state 65543
behavioral health and social work board shall comply with section 4776.20 of the Revised Code.

Sec. 4759.011. Whenever the term "Ohio board of dietetics" is 65548
used in any statute, rule, contract, or other document, the use 65549
shall be construed to mean the "state medical board," with respect 65550
to implementing Chapter 4761. of the Revised Code.

Whenever the executive secretary of the Ohio board of 65551
dietetics is used in any statute, rule, contract, or other 65552
document, the use shall be construed to mean the executive 65553
director of the state medical board, with respect to implementing 65554
Chapter 4761. of the Revised Code.

Sec. 4759.02. (A) Except as otherwise provided in this 65557
section or in section 4759.10 of the Revised Code, no person shall 65558
practice, offer to practice, or hold himself self forth to 65559
practice dietetics unless the person has been licensed under 65560
section 4759.06 of the Revised Code.

(B) Except for a licensed dietitian holding an inactive 65562
license who does not practice or offer to practice dietetics, or a person licensed under section 4759.06 of the Revised Code, or as otherwise provided in this section or in section 4759.10 of the Revised Code:

(1) No person shall use the title "dietitian"; and

(2) No person except for a person licensed under Chapters 4701. to 4755. of the Revised Code, when acting within the scope of their practice, shall use any other title, designation, words, letters, abbreviation, or insignia or combination of any title, designation, words, letters, abbreviation, or insignia tending to indicate that the person is practicing dietetics.

(C) Notwithstanding division (B) of this section, a person who is a dietitian registered by the commission on dietetic registration and who does not violate division (A) of this section may use the designation "registered dietitian" and the abbreviation "R.D."

(D) Division (A) of this section does not apply to:

(1) A student enrolled in an academic program that is in compliance with division (A)(5) of section 4759.06 of the Revised Code who is engaging in the practice of dietetics under the supervision of a dietitian licensed under section 4759.06 of the Revised Code or a dietitian registered by the commission on dietetic registration, as part of the academic program;

(2) A person participating in the pre-professional experience required by division (A)(6) of section 4759.06 of the Revised Code;

(3) A person holding a limited permit under division (F) of section 4759.06 of the Revised Code.

(E) Divisions (A) and (B) of this section do not apply to a person who performs no more than fifteen days of dietetic practice
in the state and who meets at least one of the following requirements:

1. The Ohio state medical board of dietetics determines that the person is licensed in another state with licensure requirements equivalent to or more stringent than those set forth in this chapter;

2. The person is a dietitian registered by the commission on dietetic registration and resides in another state that either has no dietitian licensure requirements or has licensure requirements less stringent than those set forth in this chapter.

Sec. 4759.05. The Ohio state medical board of dietetics shall:

(A) Adopt, amend, or rescind rules pursuant to Chapter 119. of the Revised Code to carry out the provisions of this chapter, including rules governing the following:

1. Selection and approval of a dietitian licensure examination offered by the commission on dietetic registration or any other examination;

2. The examination of applicants for licensure as a dietitian, to be held at least twice annually, as required under division (A) of section 4759.06 of the Revised Code;

3. Requirements for pre-professional dietetic experience of applicants for licensure as a dietitian that are at least equivalent to the requirements adopted by the commission on dietetic registration;

4. Requirements for a person holding a limited permit under division (F) of section 4759.06 of the Revised Code, including the duration of validity of a limited permit;

5. Requirements for a licensed dietitian who places a license in inactive status under division (G) of section 4759.06.
of the Revised Code, including a procedure for changing inactive
status to active status;

(6) Continuing education requirements for renewal of a
license, except that the board may adopt rules to waive the
requirements for a person who is unable to meet the requirements
due to illness or other reasons. Rules adopted under this division
shall be consistent with the continuing education requirements
adopted by the commission on dietetic registration.

(7) Any additional education requirements the board considers
necessary, for applicants who have not practiced dietetics within
five years of the initial date of application for licensure;

(8) Standards of professional responsibility and practice for
persons licensed under this chapter that are consistent with those
standards of professional responsibility and practice adopted by
the academy of nutrition and dietetics;

(9) Formulation of a written application form for
licensure or license renewal that includes the statement that any
applicant who knowingly makes a false statement on the application
is guilty of a misdemeanor of the first degree under section
2921.13 of the Revised Code;

(10) Procedures for license renewal;

(11) Establishing a time period after the notification of a
violation of section 4759.02 of the Revised Code, by which the
person notified must request a hearing by the board under section
4759.09 of the Revised Code;

(12) Requirements for criminal records checks of applicants
under section 4776.03 of the Revised Code.

(B) Investigate alleged violations of sections 4759.02 to
4759.10 of the Revised Code. In making its investigations, the
board may issue subpoenas, examine witnesses, and administer
oaths.

(C) Adopt a seal;

(D) Conduct meetings and keep records as are necessary to carry out the provisions of this chapter;

(E) (D) Publish, and make available to the public, upon request and for a fee not to exceed the actual cost of printing and mailing, the board's rules and requirements for licensure adopted under division (A) of this section and a record of all persons licensed under section 4759.06 of the Revised Code.

Sec. 4759.051. The state medical board shall appoint a dietetics advisory council for the purpose of advising the board on issues relating to the practice of dietetics. The advisory council shall consist of not more than seven individuals knowledgeable in the area of dietetics.

Not later than ninety days after the effective date of this section, the board shall make initial appointments to the council. Members shall serve three-year staggered terms of office in accordance with rules adopted by the board.

With approval from the director of administrative services, members may receive an amount fixed under division (J) of section 124.15 of the Revised Code for each day the member is performing the member's official duties and be reimbursed for actual and necessary expenses incurred in performing those duties.

Sec. 4759.06. (A) The Ohio state medical board of dietetics shall issue or renew a license to practice dietetics to an applicant who:

(1) Has satisfactorily completed an application for licensure in accordance with division (A) of section 4759.05 of the Revised Code;
(2) Has paid the fee required under division (A) of section 4759.08 of the Revised Code;

(3) Is a resident of the state or performs or plans to perform dietetic services within the state;

(4) Is of good moral character;

(5) Has received a baccalaureate or higher degree from an institution of higher education that is approved by the board or a regional accreditation agency that is recognized by the council on postsecondary accreditation, and has completed a program consistent with the academic standards for dietitians established by the academy of nutrition and dietetics;

(6) Has successfully completed a pre-professional dietetic experience approved by the academy of nutrition and dietetics, or experience approved by the board under division (A)(3) of section 4759.05 of the Revised Code;

(7) Has passed the examination approved by the board under division (A)(1) of section 4759.05 of the Revised Code;

(8) Is an applicant for renewal of a license, and has fulfilled the continuing education requirements adopted under division (A)(6) of section 4759.05 of the Revised Code.

(B) The board shall waive the requirements of divisions (A)(5), (6), and (7) of this section and any rules adopted under division (A)(7) of section 4759.05 of the Revised Code if the applicant presents satisfactory evidence to the board of current registration as a registered dietitian with the commission on dietetic registration.

(C) The board shall waive the requirements of division (A)(7) of this section if the application for renewal is made within two years after the date of license expiration.

(D) The board may waive the requirements of division (A)(5),
(6), or (7) of this section or any rules adopted under division (A)(7) of section 4759.05 of the Revised Code, if the applicant presents satisfactory evidence of education, experience, or passing an examination in another state or a foreign country, that the board considers the equivalent of the requirements stated in those divisions or rules.

(E) The board shall issue an initial license to practice dietetics to an applicant who meets the requirements of division (A) of this section. An initial license shall be valid from the date of issuance through the thirtieth day of June following issuance of the license. Each subsequent license shall be valid from the first day of July through the thirtieth day of June. The board shall renew the license of an applicant who is licensed to practice dietetics and who meets the continuing education requirements of division (A)(6) of section 4759.05 of the Revised Code. The renewal shall be pursuant to the standard renewal procedure of sections 4745.01 to 4745.03 of the Revised Code.

(F) The board may grant a limited permit to a person who has completed the education and pre-professional requirements of divisions (A)(5) and (6) of this section and who presents evidence to the board of having applied to take the examination approved by the board under division (A)(1) of section 4759.05 of the Revised Code. A person holding a limited permit who has failed the examination shall practice only under the direct supervision of a licensed dietitian.

(G) A licensed dietitian may place the license in inactive status.

Sec. 4759.061. (A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code, except that "license" as used in both of those terms refers to the types of authorizations.
otherwise issued or conferred under this chapter.

(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The Ohio state medical board of dietetics shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4759.06 of the Revised Code.

Sec. 4759.07. (A) The Ohio state medical board of dietetics may, in accordance with Chapter 119. of the Revised Code, refuse to issue, review, or renew, or may suspend, revoke, or impose probationary conditions upon any license or permit to practice dietetics, if the applicant has:

(1) Violated sections 4759.02 to 4759.10 of the Revised Code or rules adopted under those sections;

(2) Knowingly made a false statement in his an application for licensure or license renewal;

(3) Been convicted of any crime constituting a felony in this or any other state;

(4) Been impaired in his ability to perform as a licensed dietitian due to the use of a controlled substance or alcoholic beverage;

(5) Been convicted of a misdemeanor committed in the course of his work as a dietitian in this or any other state;

(6) A record of incompetent or negligent conduct in his the practice of dietetics.

(B) For purposes of this division, any individual who holds a license or permit issued under this chapter, or applies for a
license or permit to practice dietetics, is deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

For purposes of division (A)(4) of this section, if the board has reason to believe that any individual who holds a license or permit issued under this chapter or any applicant for a license or permit suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both.

The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician qualified to conduct such examination and chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or permit or deny the individual's application and shall require the individual, as a condition for initial, continued, reinstated, or renewed licensure, to submit to treatment.

Before being eligible to apply for reinstatement of a license or permit suspended under this division, the dietician shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care. The demonstration shall include the following:

(1) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has
successfully completed any required inpatient treatment;  

(2) Evidence of continuing full compliance with an aftercare contract or consent agreement;  

(3) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination.  

The board may reinstate a license or permit suspended under this division after such demonstration and after the individual has entered into a written consent agreement.  

When the impaired dietician resumes practice, the board shall require continued monitoring of the dietician. The monitoring shall include compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the dietician has maintained sobriety.  

(C) One year or more after the date of suspension or revocation of a license or permit under division (A)(1), (2), (3), (5), or (6) of this section, an application for reinstatement of the license or permit may be made to the board. The board shall grant or deny reinstatement with a hearing, at the request of the applicant, in accordance with Chapter 119. of the Revised Code and may impose conditions upon the reinstatement, including the requirement of passing an examination approved by the board.
shall charge and collect fees as described in this section for issuing the following:

(1) An application for an initial dietitian license, or an application for reactivation of an inactive license, one hundred twenty-five dollars, and for reinstatement of a lapsed, revoked, or suspended license, one hundred eighty dollars;

(2) License renewal, ninety-five dollars;

(3) A limited permit, and renewal of the permit, sixty-five dollars;

(4) A duplicate license or permit, twenty dollars;

(5) For processing a late application for renewal of any license or permit, an additional fee equal to fifty per cent of the fee for the renewal.

(B) The board shall not require a licensed dietitian holding an inactive license to pay the renewal fee.

(C) Subject to the approval of the controlling board, the Ohio state medical board of dietetics may establish fees in excess of the amounts provided in division (A) of this section, provided that the fees do not exceed the amounts by greater than fifty per cent.

(D) The board may adopt rules pursuant to Chapter 119. of the Revised Code to waive all or part of the fee for an initial license if the license is issued within one hundred days of the date of expiration of the license.

(E) All receipts of the board shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund. All vouchers of the board shall be approved by the chairperson or secretary of the board, or both, as authorized by the board state medical board operating fund in accordance with section 4731.24 of the Revised Code.
Sec. 4759.09. The Ohio state medical board of dietetics shall notify in writing any person determined by the board to be in violation of section 4759.02 of the Revised Code. The notification shall state that the person may request a hearing by the board within the amount of time specified by the board pursuant to division (A) of section 4759.05 of the Revised Code. If the person fails to request the hearing, or if the board determines from the hearing that the person is in violation of section 4759.02 of the Revised Code, the board may apply to the court of common pleas of the county in which the violation is occurring for an injunction or other appropriate restraining order to prohibit the continued violation of section 4759.02 of the Revised Code.

Sec. 4759.10. Sections 4759.01 to 4759.09 of the Revised Code do not apply to any of the following:

(A) A person licensed under Chapters 4701. to 4755. of the Revised Code who is acting within the scope of the person's profession, provided that the person complies with division (B) of section 4759.02 of the Revised Code;

(B) A person who is a graduate of an associate degree program approved by the academy of nutrition and dietetics or the Ohio state medical board of dietetics who is working as a dietetic technician under the supervision of a dietitian licensed under section 4759.06 of the Revised Code or registered by the commission on dietetic registration, except that the person is subject to division (B) of section 4759.02 of the Revised Code if the person uses a title other than "dietetic technician";

(C) A person who practices dietetics related to employment in the armed forces, veteran's administration, or the public health service of the United States;
(D) Persons employed by a nonprofit agency approved by the board or by a federal, state, municipal or county government, or by any other political subdivision, elementary or secondary school, or an institution of higher education approved by the board or by a regional agency recognized by the council on postsecondary accreditation, who performs only nutritional education activities and such other nutritional activities as the state medical board of dietetics, by rule, permits, provided the person does not violate division (B) of section 4759.02 of the Revised Code;

(E) A person who has completed a program meeting the academic standards set for dietitians by the academy of nutrition and dietetics, received a baccalaureate or higher degree from a school, college, or university approved by a regional accreditation agency recognized by the council on postsecondary accreditation, works under the supervision of a licensed dietitian or registered dietitian, and does not violate division (B) of section 4759.02 of the Revised Code;

(F) A person when acting, under the direction and supervision of a person licensed under Chapters 4701. to 4755. of the Revised Code, in the execution of a plan of treatment authorized by the licensed person, provided the person complies with division (B) of section 4759.02 of the Revised Code;

(G) The free dissemination of literature in the state;

(H) Provided that the persons involved in the sale, promotion, or explanation of the sale of food, food materials, or dietary supplements do not violate division (B) of section 4759.02 of the Revised Code, the sale of food, food materials, or dietary supplements and the marketing and distribution of food, food materials, or dietary supplements and the promotion or explanation of the use of food, food materials, or dietary supplements provided that the promotion or explanation does not violate
Chapter 1345. of the Revised Code;

(I) A person who offers dietary supplements for sale and who makes the following statements about the product if the statements are consistent with the dietary supplement's label or labeling:

(1) Claim a benefit related to a classical nutrient deficiency disease and disclose the prevalence of the disease in the United States;

(2) Describe the role of a nutrient or dietary ingredient intended to affect the structure or function of the human body;

(3) Characterize the documented mechanism by which a nutrient or dietary ingredient acts to maintain the structure or function of the human body;

(4) Describe general well-being from the consumption of a nutrient or dietary ingredient.

(J) Provided that the persons involved in presenting a general program of instruction for weight control do not violate division (B) of section 4759.02 of the Revised Code, a general program of instruction for weight control approved in writing by a licensed dietitian, a physician licensed under Chapter 4731. of the Revised Code to practice medicine or surgery or osteopathic medicine or surgery, a person licensed in another state that the board considers to have substantially equivalent licensure requirements as this state, or a registered dietitian;

(K) The continued practice of dietetics at a hospital by a person employed at that same hospital to practice dietetics for the twenty years immediately prior to July 1, 1987, so long as the person works under the supervision of a dietitian licensed under section 4759.06 of the Revised Code and does not violate division (B) of section 4759.02 of the Revised Code. This division does not apply to any person who has held a license issued under this chapter to practice dietetics. As used in this division,
"hospital" has the same meaning as in section 3727.01 of the Revised Code.

Sec. 4759.11. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state medical board of dietetics shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued pursuant to this chapter.

Sec. 4759.12. The Ohio state medical board of dietetics shall comply with section 4776.20 of the Revised Code.

Sec. 4761.01. Whenever the term "Ohio respiratory care board" is used in any statute, rule, contract, or other document, the use shall be construed to mean the "state medical board," with respect to implementing Chapter 4761. of the Revised Code.

Whenever the executive director of the Ohio respiratory care board is used in any statute, rule, contract, or other document, the use shall be construed to mean the executive director of the state medical board, with respect to implementing Chapter 4761. of the Revised Code.

Sec. 4761.03. The Ohio respiratory care board state medical board shall regulate the practice of respiratory care in this state and the persons to whom the board issues licenses and limited permits under this chapter and shall license and register home medical equipment services providers under Chapter 4752. of the Revised Code. Rules adopted under this chapter that deal with the provision of respiratory care in a hospital, other than rules regulating the issuance of licenses or limited permits, shall be consistent with the conditions for participation under medicare, Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42
U.S.C.A. 1395, as amended, and with the respiratory care accreditation standards of the joint commission on accreditation of healthcare organizations or the American osteopathic association.

The board shall:

(A) Adopt, and may rescind or amend, rules in accordance with Chapter 119. of the Revised Code to carry out the purposes of this chapter, including rules prescribing:

(1) The form and manner for filing applications for licensure and renewal, limited permits, and limited permit extensions under sections 4761.05 and 4761.06 of the Revised Code;

(2) The form, scoring, and scheduling of examinations and reexaminations for licensure and license renewal;

(3) Standards for the approval of educational programs required to qualify for licensure and continuing education programs required for license renewal;

(4) Continuing education courses and the number of hour requirements necessary for license renewal, in accordance with section 4761.06 of the Revised Code;

(5) Procedures for the issuance and renewal of licenses and limited permits, including the duties that may be fulfilled by the board's executive director and other board employees;

(6) Procedures for the denial, suspension, permanent revocation, refusal to renew, and reinstatement of licenses and limited permits, the conduct of hearings, and the imposition of fines for engaging in conduct that is grounds for such action and hearings under section 4761.09 of the Revised Code;

(7) Standards of ethical conduct for the practice of respiratory care;

(8) Conditions under which the license renewal fee and
continuing education requirements may be waived at the request of a licensee who is not in active practice;

(9) The respiratory care tasks that may be performed by an individual practicing as a polysomnographic technologist pursuant to division (B)(3) of section 4761.10 of the Revised Code;

(10) Procedures for registering out-of-state respiratory care providers authorized to practice in this state under division (A)(4) of section 4761.11 of the Revised Code;

(11) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;

(12) Procedures for accepting and storing copies of hyperbaric technologist certifications filed with the board pursuant to division (A)(11) of section 4761.11 of the Revised Code.

(B) Determine the sufficiency of an applicant's qualifications for admission to the licensing examination or a reexamination, and for the issuance or renewal of a license or limited permit;

(C) Determine the respiratory care educational programs that are acceptable for fulfilling the requirements of division (A) of section 4761.04 of the Revised Code;

(D) Schedule, administer, and score the licensing examination or any reexamination for license renewal or reinstatement. The board shall administer the licensing examinations at least twice a year and notify applicants of the time and place of the examinations.

(E) Investigate complaints concerning alleged violations of section 4761.10 of the Revised Code or grounds for the suspension, permanent revocation, or refusal to issue licenses or limited permits under section 3123.47 or 4761.09 of the Revised Code. The
board shall employ investigators who shall, under the direction of the executive director of the board, investigate complaints and make inspections and other inquiries as, in the judgment of the board, are appropriate to enforce sections 3123.41 to 3123.50, 4761.09, and 4761.10 of the Revised Code. Pursuant to an investigation and inspection, the investigators may review and audit records during normal business hours at the place of business of a licensee or person who is the subject of a complaint filed with the board or at any place where the records are kept.

Except when required by court order, the board and its employees shall not disclose confidential information obtained during an investigation or identifying information about any person who files a complaint with the board.

The board may hear testimony in matters relating to the duties imposed upon it and issue subpoenas pursuant to an investigation. The president and secretary of the board may administer oaths.

(F) Conduct hearings, keep records of its proceedings, and do other things as are necessary and proper to carry out and enforce the provisions of this chapter;

(G) Maintain, publish, and make available upon request, for a fee not to exceed the actual cost of printing and mailing:

(1) The requirements for the issuance of licenses and limited permits under this chapter and rules adopted by the board;

(2) A current register of every person licensed to practice respiratory care in this state, to include the addresses of the person’s last known place of business and residence, the effective date and identification number of the license, the name and location of the institution that granted the person's degree or certificate of completion of respiratory care educational requirements, and the date the degree or certificate was issued;
A list of the names and locations of the institutions that each year granted degrees or certificates of completion in respiratory care;

After the administration of each examination, a list of persons who passed the examination.

Submit to the governor and to the general assembly each year a report of all of its official actions during the preceding year, together with any findings and recommendations with regard to the improvement of the profession of respiratory care;

Administer and enforce Chapter 4752. of the Revised Code.

Sec. 4761.031. The Ohio respiratory care board state medical board may share any information it receives pursuant to an investigation conducted under division (E) of section 4761.03 of the Revised Code, including patient records and patient record information, with other licensing boards and governmental agencies that are investigating alleged professional misconduct and with law enforcement agencies and other governmental agencies that are investigating or prosecuting alleged criminal offenses. A board or agency that receives the information shall comply with the same requirements regarding confidentiality as those with which the Ohio respiratory care board state medical board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the board or agency that applies when the board or agency is dealing with other information in its possession. The information may be admitted into evidence in a criminal trial in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about persons whose confidentiality was protected by the Ohio respiratory care board state medical board when the information was in the board's possession.
possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

**Sec. 4761.032.** The state medical board shall appoint a respiratory care advisory council for the purpose of advising the board on issues relating to the practice of respiratory care. The advisory council shall consist of not more than seven individuals knowledgeable in the area of respiratory care.

Not later than ninety days after the effective date of this section, the board shall make initial appointments to the council. Members shall serve three-year staggered terms of office in accordance with rules adopted by the board.

With approval from the director of administrative services, members may receive an amount fixed under division (J) of section 124.15 of the Revised Code for each day the member is performing the member's official duties and be reimbursed for actual and necessary expenses incurred in performing those duties.

**Sec. 4761.04.** (A) Except as provided in division (B) of this section, no person is eligible for licensure as a respiratory care professional unless the person has shown, to the satisfaction of the Ohio respiratory care board and the state medical board, all of the following:

1. That the person is of good moral character;
2. That the person has successfully completed the requirements of an educational program approved by the board that includes instruction in the biological and physical sciences, pharmacology, respiratory care theory, procedures, and clinical practice, and cardiopulmonary rehabilitation techniques;
3. That the person has passed an examination administered by the board that tests the applicant's knowledge of the basic and
clinical sciences relating to respiratory care theory and practice, professional skills and judgment in the utilization of respiratory care techniques, and such other subjects as the board considers useful in determining fitness to practice.

(B) The board may waive the requirements of division (A) of this section with respect to any applicant who presents proof of current licensure in another state whose standards for licensure are at least equal to those in effect in this state on the date of application. The board may waive the requirements of divisions (A)(2) and (3) of this section with respect to any applicant who presents proof of having successfully completed any examination recognized by the board as meeting the requirements of division (A)(3) of this section.

Sec. 4761.05. (A) The Ohio respiratory care board shall issue a license to any applicant who complies with the requirements of section 4761.04 of the Revised Code, files the prescribed application form, and pays the fee or fees required under section 4761.07 of the Revised Code. The license entitles the holder to practice respiratory care. The licensee shall display the license in a conspicuous place at the licensee's principal place of business.

(B)(1) The board shall issue a limited permit to any applicant who meets the requirements of division (A)(1) of section 4761.04 of the Revised Code, files the prescribed application form, pays the fee required under section 4761.07 of the Revised Code, and meets either of the following requirements:

(a) Is enrolled in and is in good standing in a respiratory care educational program approved by the board that meets the requirements of division (A)(2) of section 4761.04 of the Revised Code leading to a degree or certificate of completion or is a graduate of the program;
(b) Is employed as a provider of respiratory care in this state and was employed as a provider of respiratory care in this state prior to March 14, 1989.

(2) The limited permit authorizes the holder to provide respiratory care under the supervision of a respiratory care professional. A person issued a limited permit under division (B)(1)(a) of this section may practice respiratory care under the limited permit for not more than the earliest of the following:

(a) Three years after the date the limited permit is issued;

(b) One year following the date of receipt of a certificate of completion from a board-approved respiratory care education program;

(c) Until the holder discontinues participation in the educational program.

The board may extend the term of a limited permit in cases of unusual hardship. The holder seeking an extension shall petition the board in the form and manner prescribed by the board in rules adopted under section 4761.03 of the Revised Code. This division does not require a student enrolled in an educational program leading to a degree or certificate of completion in respiratory care approved by the board to obtain a limited permit to perform any duties that are part of the required course of study.

(3) A person issued a limited permit under division (B)(1)(b) of this section may practice under a limited permit for not more than three years, except that this restriction does not apply to a permit holder who, on March 14, 1989, has been employed as a provider of respiratory care for an average of not less than twenty-five hours per week for a period of not less than five years by a hospital.

(C) All holders of licenses and limited permits issued under this section shall display, in a conspicuous place on their
persons, information that identifies the type of authorization under which they practice.

**Sec. 4761.051.** (A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code, except that "license" as used in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter.

(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The Ohio respiratory care board state medical board shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4761.05 of the Revised Code.

**Sec. 4761.06.** (A) Each license to practice respiratory care shall be renewed biennially. Each limited permit to practice respiratory care shall be renewed annually. Each person holding a license or limited permit to practice respiratory care shall apply to the Ohio respiratory care board state medical board on the form and according to the schedule prescribed by the board for renewal of the license or limited permit. Licenses and limited permits shall be renewed in accordance with the standard renewal procedure of Chapter 4745. of the Revised Code. The board shall renew a license upon the payment of the license renewal fee prescribed under section 4761.07 of the Revised Code and proof of satisfactory completion of the continuing education or reexamination requirements of division (B) of this section. The board shall renew a limited permit upon payment of the limited
permit renewal fee prescribed under section 4761.07 of the Revised Code and submission of one of the following:

(1) If the limited permit was issued on the basis of division (B)(1)(a) of section 4761.05 of the Revised Code, proof acceptable to the board of enrollment and good standing in an educational program that meets the requirements of division (A)(2) of section 4761.04 of the Revised Code or of graduation from such a program;

(2) If the limited permit was issued on the basis of division (B)(1)(b) of section 4761.05 of the Revised Code, proof acceptable to the board of employment as a provider of respiratory care.

(B) On and after March 14, 1991, and every year thereafter, on or before the annual renewal date, the holder of a limited permit issued under division (B)(1)(b) of section 4761.05 of the Revised Code shall submit proof to the board that the holder has satisfactorily completed the number of hours of continuing education required by the board, which shall not be less than three nor more than ten hours of continuing education acceptable to the board.

On or before the biennial renewal date, a license holder shall submit proof to the board that the license holder has satisfactorily completed the number of hours of continuing education required by the board, which shall be not less than six nor more than twenty hours of continuing education acceptable to the board, or has passed a reexamination in accordance with the board's renewal requirements. The board may waive all or part of the continuing education requirement for a license holder who has held the license for less than two years.

Sec. 4761.07. (A) The state medical board shall charge any license applicant or holder who is to take an examination required under division (A)(3) of section 4761.04 or a reexamination required under division (B) of section
4761.06 of the Revised Code for license renewal or under section 4761.09 of the Revised Code for license reinstatement, a nonrefundable examination fee, not to exceed the amount necessary to cover the expense of administering the examination. The license applicant or holder shall pay the fee at the time of application for licensure or renewal.

(B) The board shall establish the following additional nonrefundable fees and penalty:

1. An initial license fee, not to exceed seventy-five dollars;
2. A biennial license renewal fee, not to exceed one hundred dollars;
3. A limited permit fee, not to exceed twenty dollars;
4. A limited permit renewal fee, not to exceed ten dollars;
5. A late renewal penalty, not to exceed fifty per cent of the renewal fee;
6. A fee for accepting and storing hyperbaric technologist certifications filed with the board under division (A)(11) of section 4761.11 of the Revised Code, not to exceed twenty dollars.

(C) Notwithstanding division (B)(4) of this section, after the third renewal of a limited permit that meets the exception in division (B)(3) of section 4761.05 of the Revised Code, the limited permit renewal fee shall be one-half the amount of the biennial license renewal fee established under division (B)(2) of this section and section 4761.08 of the Revised Code.

(D) The board shall adjust the fees biennially and within the limits established by division (B) of this section to provide sufficient revenues to meet its expenses.

(E) The board may, by rule, provide for the waiver of all or part of a license fee when the license is issued less than
eighteen months before its expiration date.

(F) All fees received by the board shall be deposited into the state treasury to the credit of the occupational licensing and regulatory fund state medical board operating fund pursuant to section 4731.24 of the Revised Code.

Sec. 4761.08. The Ohio respiratory care board state medical board, subject to the approval of the controlling board, may establish fees, except fees established at amounts adequate to cover designated expenses, in excess of the amounts provided in this chapter. The fees shall not exceed the amounts specified by more than fifty per cent.

Sec. 4761.09. (A) The Ohio respiratory care board state medical board may refuse to issue or renew a license or a limited permit, may issue a reprimand, may suspend or permanently revoke a license or limited permit, or may place a license or limited permit holder on probation, on any of the following grounds:

(1) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense involving moral turpitude or of a felony, in which case a certified copy of the court record shall be conclusive evidence of the matter;

(2) Violating any provision of this chapter or an order or rule of the board;

(3) Assisting another person in that person's violation of any provision of this chapter or an order or rule of the board;

(4) Obtaining a license or limited permit by means of fraud, false or misleading representation, or concealment of material facts or making any other material misrepresentation to the board;

(5) Being guilty of negligence or gross misconduct in the
practice of respiratory care;

(6) Violating the standards of ethical conduct adopted by the board, in the practice of respiratory care;

(7) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;

(8) Using any dangerous drug, as defined in section 4729.01 of the Revised Code, or alcohol to the extent that the use impairs the ability to practice respiratory care at an acceptable level of competency;

(9) Practicing respiratory care while mentally incompetent;

(10) Accepting commissions, rebates, or other forms of remuneration for patient referrals;

(11) Practicing in an area of respiratory care for which the person is clearly untrained or incompetent or practicing in a manner that conflicts with section 4761.17 of the Revised Code;

(12) Employing, directing, or supervising a person who is not authorized to practice respiratory care under this chapter in the performance of respiratory care procedures;

(13) Misrepresenting educational attainments or authorized functions for the purpose of obtaining some benefit related to the practice of respiratory care;

(14) Assisting suicide as defined in section 3795.01 of the Revised Code.

Before the board may take any action under this section, other than issuance of a summary suspension order under division (C) of this section, the executive director of the board shall prepare and file written charges with the board. Disciplinary actions taken by the board under this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code.
Code, except that in lieu of an adjudication, the board may enter into a consent agreement to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no effect.

(B) If the board orders a license or limited permit holder placed on probation, the order shall be accompanied by a written statement of the conditions under which the person may be restored to practice.

The person may reapply to the board for original issuance of a license after one year following the date the license was denied.

(A) Except as otherwise provided in division (D) of this section, a person may apply to the board for the reinstatement of a license or limited permit after one year following the date of suspension or refusal to renew. The board may accept or refuse the application for reinstatement and may require that the applicant pass a reexamination as a condition of eligibility for reinstatement.

(C) If the president and secretary of the board determine that there is clear and convincing evidence that a license or limited permit holder has committed an act that is grounds for board action under division (A) of this section and that continued practice by the license or permit holder presents a danger of immediate and serious harm to the public, the president and secretary may recommend that the board suspend the license or limited permit without a prior hearing. The president and secretary shall submit in writing to the board the allegations causing them to recommend the suspension.
On review of the allegations, the board, by a vote of not less than seven of its members, may suspend a license or limited permit without a prior hearing. The board may review the allegations and vote on the suspension by a telephone conference call.

If the board votes to suspend a license or limited permit under this division, the board shall issue a written order of summary suspension to the license or limited permit holder in accordance with section 119.07 of the Revised Code. If the license or limited permit holder requests a hearing by the board, the board shall conduct the hearing in accordance with Chapter 119. of the Revised Code. Notwithstanding section 119.12 of the Revised Code, a court of common pleas shall not grant a suspension of the board's order of summary suspension pending determination of an appeal filed under that section.

Any order of summary suspension issued under this division shall remain in effect until a final adjudication order issued by the board pursuant to division (A) of this section becomes effective. The board shall issue its final adjudication order regarding an order of summary suspension issued under this division not later than sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in immediate dissolution of the suspension order, but shall not invalidate any subsequent, final adjudication order.

(D) For purposes of this division, any individual who holds a license or permit issued under this chapter, or applies for a license or permit to practice respiratory care, is deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

For purposes of division (A)(8) of this section, if the board
has reason to believe that any individual who holds a license or permit issued under this chapter or any applicant for a license or permit suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician qualified to conduct such examination and chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or permit or deny the individual's application and shall require the individual, as a condition for initial, continued, reinstated, or renewed licensure, to submit to treatment.

Before being eligible to apply for reinstatement of a license or permit suspended under this division, the respiratory care professional shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care. The demonstration shall include the following:

1. Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;
2. Evidence of continuing full compliance with an aftercare contract or consent agreement;
3. Two written reports indicating that the individual's ability to practice has been assessed and that the individual has
been found capable of practicing according to acceptable and
prevailing standards of care. The reports shall be made by
individuals or providers approved by the board for making such
assessments and shall describe the basis for their determination.
The board may reinstate a license or permit suspended under
this division after such demonstration and after the individual
has entered into a written consent agreement.

When the impaired respiratory care professional resumes
practice, the board shall require continued monitoring of the
respiratory care professional. The monitoring shall include
compliance with the written consent agreement entered into before
reinstatement or with conditions imposed by board order after a
hearing, and, upon termination of the consent agreement,
submission to the board for at least two years of annual written
progress reports made under penalty of falsification stating
whether the respiratory care professional has maintained sobriety.

Sec. 4761.10. (A) No person shall offer or render respiratory
care services, or represent that the person is a respiratory care
professional, respiratory therapist, respiratory technologist,
respiratory care technician, respiratory practitioner, inhalation
therapist, inhalation technologist, or inhalation therapy
technician, or to have any similar title or to provide these
services under a similar description, unless the person holds a
license or limited permit issued under this chapter. No
partnership, association, or corporation shall advertise or
otherwise offer to provide or convey the impression that it is
providing respiratory care unless an individual holding a license
or limited permit issued under this chapter is employed by or
under contract with the partnership, association, or corporation
and will be performing the respiratory care services to which
reference is made.
(B) Notwithstanding the provisions of division (A) of this section, all of the following apply:

(1) In the case of a hospital or nursing facility, some limited aspects of respiratory care services such as measuring blood pressure and taking blood samples may be performed by persons demonstrating current competence in such procedures, as long as the person acts under the direction of a physician or the delegation of a registered nurse and the person does not represent that the person is engaged in the practice of respiratory care. The above limited aspects of respiratory care do not include any of the following: the administration of aerosol medication, the maintenance of patients on mechanical ventilators, aspiration, and the application and maintenance of artificial airways.

(2) In the case of a facility, institution, or other setting that exists for a purpose substantially other than the provision of health care, if nursing tasks are delegated by a registered nurse as provided in Chapter 4723. of the Revised Code and the rules adopted under it, respiratory care tasks may be performed under that delegation by persons demonstrating current competence in performing the tasks, as long as the person does not represent that the person is engaged in the practice of respiratory care.

(3) A polysomnographic technologist credentialed by an organization the Ohio respiratory care board state medical board recognizes, a trainee under the direct supervision of a polysomnographic technologist credentialed by an organization the board recognizes, or a person the board recognizes as being eligible to be credentialed as a polysomnographic technologist may perform the respiratory care tasks specified in rules adopted under section 4761.03 of the Revised Code, as long as both of the following apply:

(a) The tasks are performed in the diagnosis and therapeutic intervention of sleep-related breathing disorders and under the
general supervision of a physician.

(b) The person performing the tasks does not represent that the person is engaged in the practice of respiratory care.

(C) If the [Ohio respiratory care board state medical board] finds that any person, including any partnership, association, or corporation, has engaged or is engaging in any activity or conduct that is prohibited under division (A) of this section or rules of the board, or that is grounds for the denial, suspension, or permanent revocation of a person's license under section 4761.09 of the Revised Code, it may apply to the court of common pleas in the county in which the violation occurred for an order restraining the unlawful activity or conduct, including the continued practice of respiratory care. Upon a showing that the law or rule has been violated, or the person has engaged in conduct constituting such grounds, the court may issue an injunction or other appropriate restraining order.

Sec. 4761.11. (A) Nothing in this chapter shall be construed to prevent or restrict the practice, services, or activities of any person who:

(1) Is a health care professional licensed by this state providing respiratory care services included in the scope of practice established by the license held, as long as the person does not represent that the person is engaged in the practice of respiratory care;

(2) Is employed as a respiratory care professional by an agency of the United States government and provides respiratory care solely under the direction or control of the employing agency;

(3) Is a student enrolled in an Ohio respiratory care board-approved respiratory care education program approved by
the state medical board leading to a certificate of completion in respiratory care and is performing duties that are part of a supervised course of study;

(4) Is a nonresident of this state practicing or offering to practice respiratory care, if the respiratory care services are offered for not more than thirty days in a year, services are provided under the supervision of a respiratory care professional licensed under this chapter, and the nonresident registers with the board in accordance with rules adopted by the board under section 4761.03 of the Revised Code and meets either of the following requirements:

(a) Qualifies for licensure under this chapter, except for passage of the examination required under division (A)(3) of section 4761.04 of the Revised Code;

(b) Holds a valid license issued by a state that has licensure requirements considered by the board to be comparable to those of this state and has not been issued a license in another state that has been revoked or is currently under suspension or on probation.

(5) Provides respiratory care only to relatives or in medical emergencies;

(6) Provides gratuitous care to friends or personal family members;

(7) Provides only self care;

(8) Is employed in the office of a physician and renders medical assistance under the physician's direct supervision without representing that the person is engaged in the practice of respiratory care;

(9) Is employed in a clinical chemistry or arterial blood gas laboratory and is supervised by a physician without representing
that the person is engaged in the practice of respiratory care;

(10) Is engaged in the practice of respiratory care as an employee of a person or governmental entity located in another state and provides respiratory care services for less than seventy-two hours to patients being transported into, out of, or through this state;

(11) Is employed as a certified hyperbaric technologist, has filed with the board a copy of the person's current certification as a hyperbaric technologist in accordance with the rules adopted by the board under section 4761.03 of the Revised Code, has paid the fee established pursuant to section 4761.07 of the Revised Code, and administers hyperbaric oxygen therapy under the direct supervision of a physician, a podiatrist acting in compliance with section 4731.511 of the Revised Code, a physician assistant, or an advanced practice registered nurse and without representing that the person is engaged in the practice of respiratory care.

(B) Nothing in this chapter shall be construed to prevent any person from advertising, describing, or offering to provide respiratory care or billing for respiratory care when the respiratory care services are provided by a health care professional licensed by this state practicing within the scope of practice established by the license held. Nothing in this chapter shall be construed to prevent a hospital or nursing facility from advertising, describing, or offering to provide respiratory care, or billing for respiratory care rendered by a person licensed under this chapter or persons who may provide limited aspects of respiratory care or respiratory care tasks pursuant to division (B) of section 4761.10 of the Revised Code.

(C) Notwithstanding division (A) of section 4761.10 of the Revised Code, in a life-threatening situation, in the absence of licensed personnel, unlicensed persons shall not be prohibited from taking life-saving measures.
(D) Nothing in this chapter shall be construed as authorizing a respiratory care professional to practice medicine and surgery or osteopathic medicine and surgery. This division does not prohibit a respiratory care professional from administering topical or intradermal medications for the purpose of producing localized decreased sensation as part of a procedure or task that is within the scope of practice of a respiratory care professional.

Sec. 4761.12. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the respiratory care board state medical board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license or permit issued pursuant to this chapter.

Sec. 4761.13. (A) As used in this section, "prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(B) The prosecutor in any case against any respiratory care professional or an individual holding a limited permit issued under this chapter shall promptly notify the Ohio respiratory care board state medical board of any of the following:

(1) A plea of guilty to, or a finding of guilt by a jury or court of, a felony, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a felony charge;

(2) A plea of guilty to, or a finding of guilt by a jury or court of, a misdemeanor committed in the course of practice, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor, if the alleged act was committed in the course of practice;

(3) A plea of guilty to, or a finding of guilt by a jury or
court of, a misdemeanor involving moral turpitude, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor involving moral turpitude.

(C) The report shall include the name and address of the respiratory care professional or person holding a limited permit, the nature of the offense for which the action was taken, and the certified court documents recording the action. The board may prescribe and provide forms for prosecutors to make reports under this section. The form may be the same as the form required to be provided under section 2929.42 of the Revised Code.

Sec. 4761.14. An employer that disciplines or terminates the employment of a respiratory care professional or individual holding a limited permit issued under this chapter because of conduct that would be grounds for disciplinary action under section 4761.09 of the Revised Code shall report the action to the Ohio respiratory care board state medical board. The report shall state the name of the respiratory care professional or individual holding the limited permit and the reason the employer took the action. If an employer fails to report to the board, the board may seek an order from a court of competent jurisdiction compelling submission of the report.

Sec. 4761.18. The Ohio respiratory care board state medical board shall comply with section 4776.20 of the Revised Code.

Sec. 4765.01. As used in this chapter:

(A) "First responder" means an individual who holds a current, valid certificate issued under section 4765.30 of the Revised Code to practice as a first responder.

(B) "Emergency medical technician-basic" or "EMT-basic" means
an individual who holds a current, valid certificate issued under section 4765.30 of the Revised Code to practice as an emergency medical technician-basic.

(C) "Emergency medical technician-intermediate" or "EMT-I" means an individual who holds a current, valid certificate issued under section 4765.30 of the Revised Code to practice as an emergency medical technician-intermediate.

(D) "Emergency medical technician-paramedic" or "paramedic" means an individual who holds a current, valid certificate issued under section 4765.30 of the Revised Code to practice as an emergency medical technician-paramedic.

(E) "Ambulance" means any motor vehicle that is used, or is intended to be used, for the purpose of responding to emergency medical situations, transporting emergency patients, and administering emergency medical service to patients before, during, or after transportation.

(F) "Cardiac monitoring" means a procedure used for the purpose of observing and documenting the rate and rhythm of a patient's heart by attaching electrical leads from an electrocardiograph monitor to certain points on the patient's body surface.

(G) "Emergency medical service" means any of the services described in sections 4765.35, 4765.37, 4765.38, and 4765.39 of the Revised Code that are performed by first responders, emergency medical technicians-basic, emergency medical technicians-intermediate, and paramedics. "Emergency medical service" includes such services performed before or during any transport of a patient, including transports between hospitals and transports to and from helicopters.

(H) "Emergency medical service organization" means a public or private organization using first responders, EMTs-basic,
EMTs-I, or paramedics, or a combination of first responders, EMTs-basic, EMTs-I, and paramedics, to provide emergency medical services.

(I) "Physician" means an individual who holds a current, valid certificate license issued under Chapter 4731 of the Revised Code authorizing the practice of medicine and surgery or osteopathic medicine and surgery.

(J) "Registered nurse" means an individual who holds a current, valid license issued under Chapter 4723 of the Revised Code authorizing the practice of nursing as a registered nurse.

(K) "Volunteer" means a person who provides services either for no compensation or for compensation that does not exceed the actual expenses incurred in providing the services or in training to provide the services.

(L) "Emergency medical service personnel" means first responders, emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedic, and persons who provide medical direction to such persons.

(M) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(N) "Trauma" or "traumatic injury" means severe damage to or destruction of tissue that satisfies both of the following conditions:

(1) It creates a significant risk of any of the following:
   (a) Loss of life;
   (b) Loss of a limb;
   (c) Significant, permanent disfigurement;
   (d) Significant, permanent disability.

(2) It is caused by any of the following:
(a) Blunt or penetrating injury;

(b) Exposure to electromagnetic, chemical, or radioactive energy;

(c) Drowning, suffocation, or strangulation;

(d) A deficit or excess of heat.

(O) "Trauma victim" or "trauma patient" means a person who has sustained a traumatic injury.

(P) "Trauma care" means the assessment, diagnosis, transportation, treatment, or rehabilitation of a trauma victim by emergency medical service personnel or by a physician, nurse, physician assistant, respiratory therapist, physical therapist, chiropractor, occupational therapist, speech-language pathologist, audiologist, or psychologist licensed to practice as such in this state or another jurisdiction.

(Q) "Trauma center" means all of the following:

(1) Any hospital that is verified by the American college of surgeons as an adult or pediatric trauma center;

(2) Any hospital that is operating as an adult or pediatric trauma center under provisional status pursuant to section 3727.101 of the Revised Code;

(3) Until December 31, 2004, any hospital in this state that is designated by the director of health as a level II pediatric trauma center under section 3727.081 of the Revised Code;

(4) Any hospital in another state that is licensed or designated under the laws of that state as capable of providing specialized trauma care appropriate to the medical needs of the trauma patient.

(R) "Pediatric" means involving a patient who is less than sixteen years of age.
(S) "Adult" means involving a patient who is not a pediatric patient.

(T) "Geriatric" means involving a patient who is at least seventy years old or exhibits significant anatomical or physiological characteristics associated with advanced aging.

(U) "Air medical organization" means an organization that provides emergency medical services, or transports emergency victims, by means of fixed or rotary wing aircraft.

(V) "Emergency care" and "emergency facility" have the same meanings as in section 3727.01 of the Revised Code.

(W) "Stabilize," except as it is used in division (B) of section 4765.35 of the Revised Code with respect to the manual stabilization of fractures, has the same meaning as in section 1753.28 of the Revised Code.

(X) "Transfer" has the same meaning as in section 1753.28 of the Revised Code.

(Y) "Firefighter" means any member of a fire department as defined in section 742.01 of the Revised Code.

(Z) "Volunteer firefighter" has the same meaning as in section 146.01 of the Revised Code.

(AA) "Part-time paid firefighter" means a person who provides firefighting services on less than a full-time basis, is routinely scheduled to be present on site at a fire station or other designated location for purposes of responding to a fire or other emergency, and receives more than nominal compensation for the provision of firefighting services.

(BB) "Physician assistant" means an individual who holds a valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code.
Sec. 4776.01. As used in this chapter:

(A) "License" means an authorization evidenced by a license, certificate, registration, permit, card, or other authority that is issued or conferred by a licensing agency to a licensee or to an applicant for an initial license by which the licensee or initial license applicant has or claims the privilege to engage in a profession, occupation, or occupational activity, or, except in the case of the state dental board, to have control of and operate certain specific equipment, machinery, or premises, over which the licensing agency has jurisdiction.

(B) Except as provided in section 4776.20 of the Revised Code, "licensee" means the person to whom the license is issued by a licensing agency.

(C) Except as provided in section 4776.20 of the Revised Code, "licensing agency" means any of the following:

(1) The board authorized by Chapters 4701., 4717., 4725., 4729., 4731., 4732., 4734., 4740., 4741., 4755., 4757., 4759., 4760., 4761., 4762., 4779., and 4783. of the Revised Code to issue a license to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specified equipment, machinery, or premises.

(2) The state dental board, relative to its authority to issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code.

(3) The department of commerce or state board of pharmacy, relative to its authority to issue a license to a person or entity pursuant to Chapter 3796. of the Revised Code or any rules adopted under that chapter.

(D) "Applicant for an initial license" includes persons seeking a license for the first time and persons seeking a license
by reciprocity, endorsement, or similar manner of a license issued in another state.

(E) "Applicant for a restored license" includes persons seeking restoration of a certificate under section 4730.14, 4731.281, 4760.06, or 4762.06 of the Revised Code.

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

Sec. 4776.02. (A) An applicant for an initial license or restored license from a licensing agency, a person seeking to satisfy the criteria for being a qualified pharmacy technician that are specified in section 4729.42 of the Revised Code, a person seeking to satisfy the requirements to be an employee of a pain management clinic as specified in section 4729.552 of the Revised Code, or a person seeking employment with an entity holding a license issued under Chapter 3796. of the Revised Code shall submit a request to the bureau of criminal identification and investigation for a criminal records check of the applicant or person. The request shall be accompanied by a completed copy of the form prescribed under division (C)(1) of section 109.572 of the Revised Code, a set of fingerprint impressions obtained as described in division (C)(2) of that section, and the fee prescribed under division (C)(3) of that section. The applicant or person shall ask the superintendent of the bureau of criminal identification and investigation in the request to obtain from the federal bureau of investigation any information it has pertaining to the applicant or person.

An applicant or person requesting a criminal records check shall provide the bureau of criminal identification and investigation with the applicant's or person's name and address and, regarding an applicant, with the licensing agency's name and address. If the person requesting the criminal records check is a
person seeking employment with an entity holding a license under Chapter 3796 of the Revised Code, the person also shall provide the bureau with the name and address of the entity holding the license.

(B) Upon receipt of the completed form, the set of fingerprint impressions, and the fee provided for in division (A) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check of the applicant or person under division (B) of section 109.572 of the Revised Code. Upon completion of the criminal records check, the superintendent shall do whichever of the following is applicable:

(1) If the request was submitted by an applicant for an initial license or restored license, report the results of the criminal records check and any information the federal bureau of investigation provides to the licensing agency identified in the request for a criminal records check;

(2) If the request was submitted by a person seeking to satisfy the criteria for being a qualified pharmacy technician that are specified in section 4729.42 of the Revised Code or a person seeking to satisfy the requirements to be an employee of a pain management clinic as specified in section 4729.552 of the Revised Code, do both of the following:

(a) Report the results of the criminal records check and any information the federal bureau of investigation provides to the person who submitted the request;

(b) Report the results of the portion of the criminal records check performed by the bureau of criminal identification and investigation under division (B)(1) of section 109.572 of the Revised Code to the employer or potential employer specified in the request of the person who submitted the request and send a
letter to that employer or potential employer regarding the information provided by the federal bureau of investigation that states either that based on that information there is no record of any conviction or that based on that information the person who submitted the request may not meet the criteria that are specified in section 4729.42 of the Revised Code, whichever is applicable.

(3) If the request was submitted by a person seeking employment with an entity holding a license issued under Chapter 3796. of the Revised Code, report the results of the criminal records check, including any information the federal bureau of investigation provides as part of the criminal records check, to both of the following:

(a) The person who submitted the request;

(b) The entity holding a license issued under Chapter 3796. of the Revised Code from which the person who submitted the request is seeking employment.

Sec. 4776.04. The results of any criminal records check conducted pursuant to a request made under this chapter and any report containing those results, including any information the federal bureau of investigation provides, are not public records for purposes of section 149.43 of the Revised Code and shall not be made available to any person or for any purpose other than as follows:

(A) If the request for the criminal records check was submitted by an applicant for an initial license or restored license, as follows:

(1) The superintendent of the bureau of criminal identification and investigation shall make the results available to the licensing agency for use in determining, under the agency's authorizing chapter of the Revised Code, whether the applicant who
is the subject of the criminal records check should be granted a license under that chapter.

(2) The licensing agency shall make the results available to the applicant who is the subject of the criminal records check.

(B) If the request for the criminal records check was submitted by a person seeking to satisfy the criteria for being a qualified pharmacy technician that are specified in section 4729.42 of the Revised Code or a person seeking to satisfy the requirements to be an employee of a pain management clinic as specified in section 4729.552 of the Revised Code, the superintendent of the bureau of criminal identification and investigation shall make the results available in accordance with the following:

(1) The superintendent shall make the results of the criminal records check, including any information the federal bureau of investigation provides, available to the person who submitted the request and is the subject of the criminal records check.

(2) The superintendent shall make the results of the portion of the criminal records check performed by the bureau of criminal identification and investigation under division (B)(1) of section 109.572 of the Revised Code available to the employer or potential employer specified in the request of the person who submitted the request and shall send a letter of the type described in division (B)(2) of section 4776.02 of the Revised Code to that employer or potential employer regarding the information provided by the federal bureau of investigation that contains one of the types of statements described in that division.

(C) If the request for the criminal records check was submitted by an applicant for a trainee license under section 4776.021 of the Revised Code, as follows:

(1) The superintendent of the bureau of criminal
identification and investigation shall make the results available to the licensing agency or other agency identified in division (B) of section 4776.021 of the Revised Code for use in determining, under the agency's authorizing chapter of the Revised Code and division (D) of section 4776.021 of the Revised Code, whether the applicant who is the subject of the criminal records check should be granted a trainee license under that chapter and that division.

(2) The licensing agency or other agency identified in division (B) of section 4776.021 of the Revised Code shall make the results available to the applicant who is the subject of the criminal records check.

(D) If the request for the criminal records check was submitted by a person seeking employment with an entity holding a license issued under Chapter 3796. of the Revised Code, the superintendent shall make the results available in accordance with division (B)(3) of section 4776.02 of the Revised Code.

Sec. 4779.02. (A) Except as provided in division (B) of this section, no person shall practice or represent that the person is authorized to practice orthotics, prosthetics, or pedorthics unless the person holds a current, valid license issued or renewed under this chapter.

(B) Division (A) of this section does not apply to any of the following:

(1) An individual who holds a current, valid license, certificate, or registration issued under Chapter 4723., 4729., 4730., 4731., 4734., or 4755. of the Revised Code and is practicing within the individual's scope of practice under statutes and rules regulating the individual's profession;

(2) An individual who practices orthotics, prosthetics, or pedorthics as an employee of the federal government and is engaged
in the performance of duties prescribed by statutes and regulations of the United States;

(3) An individual who provides orthotic, prosthetic, or pedorthic services under the supervision of a licensed orthotist, prosthetist, or pedorthist in accordance with section 4779.04 of the Revised Code;

(4) An individual who provides orthotic, prosthetic, or pedorthic services as part of an educational, certification, or residency program approved by the state physical health services board of orthotics, prosthetics, and pedorthics under sections 4779.25 to 4779.27 of the Revised Code;

(5) An individual who provides orthotic, prosthetic, or pedorthic services under the direct supervision of an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

Sec. 4779.08. (A) The state physical health services board of orthotics, prosthetics, and pedorthics shall adopt rules in accordance with Chapter 119. of the Revised Code to carry out the purposes of this chapter, including rules prescribing all of the following:

(1) The form and manner of filing of applications to be admitted to examinations and for licensure and license renewal;

(2) Standards and procedures for formulating, evaluating, approving, and administering licensing examinations or recognizing other entities that conduct examinations;

(3) The form, scoring, and scheduling of licensing examinations;

(4) Fees for examinations and applications for licensure and license renewal;

(5) Fees for approval of continuing education courses;
(6) Procedures for issuance, renewal, suspension, and revocation of licenses and the conduct of disciplinary hearings;

(7) Standards of ethical and professional conduct in the practice of orthotics, prosthetics, and pedorthics;

(8) Standards for approving national certification organizations in orthotics, prosthetics, and pedorthics;

(9) Fines for violations of this chapter;

(10) Standards for the recognition and approval of educational programs required for licensure, including standards for approving foreign educational credentials;

(11) Standards for continuing education programs required for license renewal;

(12) Provisions for making available the information described in section 4779.22 of the Revised Code;

(13) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code.

(B) The board may adopt any other rules necessary for the administration of this chapter.

(C) The All fees prescribed received by the board under this section shall be paid to the treasurer of the state, who shall deposit the fees in treasury to the credit of the occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.

Sec. 4779.09. An applicant for a license to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics shall apply to the state physical health services board of orthotics, prosthetics, and pedorthics in accordance with rules adopted under section 4779.08 of the Revised Code and pay the application fee specified in the rules. The board shall issue a
license to an applicant who is eighteen years of age or older, of 
good moral character, and meets either the requirements of 
divisions (A) and (B) of this section or the requirements of 
section 4779.16 or 4779.17 of the Revised Code.

(A) The applicant must pass an examination conducted pursuant 
to section 4779.15 of the Revised Code;

(B) The applicant must meet the requirements of one of the 
following:

(1) In the case of an applicant for a license to practice 
orthotics, the requirements of section 4779.10 of the Revised 
Code;

(2) In the case of an applicant for a license to practice 
prosthetics, the requirements of section 4779.11 of the Revised 
Code;

(3) In the case of an applicant for a license to practice 
orthotics and prosthetics, the requirements of section 4779.12 of 
the Revised Code;

(4) In the case of an applicant for a license to practice 
pedorthics, the requirements of section 4779.13 of the Revised 
Code.

Sec. 4779.091. (A) As used in this section, "license" and 
"applicant for an initial license" have the same meanings as in 
section 4776.01 of the Revised Code, except that "license" as used 
in both of those terms refers to the types of authorizations 
otherwise issued or conferred under this chapter.

(B) In addition to any other eligibility requirement set 
forth in this chapter, each applicant for an initial license shall 
comply with sections 4776.01 to 4776.04 of the Revised Code. The 
state physical health services board of orthotics, prosthetics, 
and pedorthics shall not grant a license to an applicant for an
initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4779.09, 4779.16, 4779.17, or 4779.18 of the Revised Code.

Sec. 4779.10. To be eligible for a license to practice orthotics, an applicant must meet the following requirements of division (A) of this section, or, if the application is made on or before January 1, 2008, the requirements of either division (A) or (B) of this section:

(A) The requirements of this division are met if the applicant is in compliance with divisions (A)(1), (2), and (3) of this section.

(1) On the date of application, the applicant has practiced orthotics for not less than eight months under the supervision of an individual licensed under this chapter to practice orthotics.

(2) The applicant has completed an orthotics residency program approved by the state physical health services board under section 4779.27 of the Revised Code.

(C) One of the following is the case:

(a) The applicant holds a bachelor's degree in orthotics and prosthetics from an accredited college or university whose orthotics and prosthetics program is recognized by the state board of orthotics, prosthetics, and pedorthics under section 4779.25 of the Revised Code or an equivalent educational credential from a foreign educational institution recognized by the board.

(b) The applicant holds a bachelor's degree in a subject other than orthotics and prosthetics or an equivalent educational credential from a foreign educational institution recognized by
the board and has completed a certificate program in orthotics recognized by the board under section 4779.26 of the Revised Code.

(B) This division applies to applications made on or before January 1, 2008. The requirements of this division are met if the applicant is in compliance with division (B)(1) or (B)(2)(a) or (b) of this section:

(1) If application is made on or before January 1, 2006, the applicant meets all of the following requirements:

(a) Holds an associate's degree or higher from an accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;

(b) Has completed a certificate program in orthotics recognized by the board under section 4779.26 of the Revised Code;

(c) Has three years of documented, full-time experience practicing or teaching orthotics.

(2) If the application is made on or before January 1, 2008, the applicant meets the requirements of division (B)(2)(a) or (b) of this section:

(a)(i) The applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;

(ii) The applicant holds a valid certificate in orthotics issued by the American board for certification in orthotics and prosthetics, the board for orthotist/prosthetist certification, or an equivalent successor organization recognized by the board;

(iii) The applicant has completed three years of documented, full-time experience practicing or teaching orthotics.

(b)(i) The applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent
credential from a foreign educational institution recognized by the board;

(ii) The applicant has completed a certificate program in orthotics recognized by the board under section 4779.26 of the Revised Code;

(iii) The applicant has completed a residency program in orthotics recognized by the board under section 4779.27 of the Revised Code or has three years of documented, full-time experience practicing or teaching orthotics.

Sec. 4779.11. To be eligible for a license to practice prosthetics, an applicant must meet the following requirements of division (A) of this section, or, if the application is made on or before January 1, 2008, the requirements of either division (A) or (B) of this section:

(A) The requirements of this division are met if the applicant is in compliance with divisions (A)(1), (2), and (3) of this section.

(1) On the date of application, the applicant has practiced prosthetics for not less than eight months under the supervision of an individual licensed under this chapter to practice prosthetics.

(2)(B) The applicant has completed a prosthetics residency program approved by the state physical health services board under section 4779.27 of the Revised Code.

(3)(C) One of the following is the case:

(a)(1) The applicant holds a bachelor's degree in orthotics and prosthetics from an accredited college or university whose orthotics and prosthetics program is recognized by the state board of orthotics, prosthetics, and pedorthics under section 4779.25 of the Revised Code or an equivalent educational credential from a
foreign educational institution recognized by the board.

(2) The applicant holds a bachelor's degree in a subject other than orthotics and prosthetics or an equivalent educational credential from a foreign educational institution recognized by the board and has completed a certificate program in prosthetics recognized by the board under section 4779.26 of the Revised Code.

(B) This division applies to applications made on or before January 1, 2008. The requirements of this division are met if the applicant is in compliance with division (B)(1) or (B)(2)(a) or (b) of this section:

(1) If application is made on or before January 1, 2006, the applicant meets all of the following requirements:

(a) Holds an associate's degree or higher from an accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;

(b) Has completed a certificate program in prosthetics recognized by the board under section 4779.26 of the Revised Code;

(c) Has three years of documented, full-time experience practicing or teaching prosthetics.

(2) If the application is made on or before January 1, 2008, the applicant meets the requirements of division (B)(2)(a) or (b) of this section:

(a)(i) The applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;

(ii) The applicant holds a valid certificate in prosthetics issued by the American board for certification in orthotics and prosthetics, the board for orthotist/prosthetist certification, or an equivalent successor organization recognized by the board;
(iii) The applicant has completed three years of documented, full-time experience practicing or teaching prosthetics.

(b)(i) The applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;

(ii) The applicant has completed a certificate program in prosthetics recognized by the board under section 4779.26 of the Revised Code;

(iii) The applicant has completed a residency program in prosthetics recognized by the board under section 4779.27 of the Revised Code or has three years of documented, full-time experience practicing or teaching prosthetics.

Sec. 4779.12. To be eligible for a license to practice orthotics and prosthetics, an applicant must meet the following requirements of division (A) of this section, or, if the application is made on or before January 1, 2008, the requirements of either division (A) or (B) of this section:

(A) The requirements of this division are met if the applicant is in compliance with divisions (A)(1), (2), and (3) of this section.

(1) On the date of application, the applicant has practiced orthotics and prosthetics for not less than eight months under the supervision of an individual licensed under this chapter to practice orthotics and prosthetics.

(2)(B) The applicant has completed an orthotics and prosthetics residency program approved by the state physical health services board under section 4779.27 of the Revised Code.

(3) (C) One of the following is the case:

(a) (1) The applicant holds a bachelor's degree in orthotics and prosthetics.
and prosthetics from an accredited college or university whose orthotics and prosthetics program is recognized by the state board of orthotics, prosthetics, and pedorthics under section 4779.25 of the Revised Code or an equivalent educational credential from a foreign educational institution recognized by the board.

(b)(2) The applicant holds a bachelor's degree in a subject other than orthotics and prosthetics or an equivalent educational credential from a foreign educational institution recognized by the board and has completed a certificate program in orthotics and prosthetics recognized by the board under section 4779.26 of the Revised Code.

(B) This division applies to applications made on or before January 1, 2008. The requirements of this division are met if the applicant is in compliance with division (B)(1) or (B)(2)(a) or (b) of this section:

(1) If application is made on or before January 1, 2006, the applicant meets all of the following requirements:

(a) Holds an associate's degree or higher from an accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;

(b) Has completed a certificate program in orthotics and prosthetics recognized by the board under section 4779.26 of the Revised Code;

(c) Has six years of documented, full-time experience practicing or teaching orthotics or prosthetics.

(2) If the application is made on or before January 1, 2008, the applicant meets the requirements of division (B)(2)(a) or (b) of this section:

(a)(i) The applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent
credential from a foreign educational institution recognized by the board;

(ii) The applicant holds a valid certificate in orthotics and prosthetics issued by the American board for certification in orthotics and prosthetics, the board for orthotist/prosthetist certification, or an equivalent successor organization recognized by the board;

(iii) The applicant has completed six years of documented, full-time experience practicing or teaching orthotics or prosthetics.

(b)(i) The applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;

(ii) The applicant has completed a certificate program in orthotics and prosthetics recognized by the board under section 4779.26 of the Revised Code;

(iii) The applicant has completed a residency program in orthotics and prosthetics recognized by the board under section 4779.27 of the Revised Code or has six years of documented, full-time experience practicing or teaching orthotics or prosthetics.

Sec. 4779.13. To be eligible for a license to practice pedorthics, an applicant must meet all of the following requirements:

(A) On the date of application, has practiced pedorthics for not less than eight months under the supervision of an individual licensed under this chapter to practice pedorthics;

(B) Holds a high school diploma or certificate of high school equivalence issued by the department of education, or a
primary-secondary education or higher education agency of another state;

(C) Has completed the education, training, and experience required to take the certification examination developed by the state physical health services board for certification in pedorthics or an equivalent successor organization recognized by the board.

Sec. 4779.15. Except as provided in sections 4779.16 and section 4779.17 of the Revised Code, the state physical health services board of orthotics, prosthetics, and pedorthics shall examine or cause to be examined each individual who seeks to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics in this state.

To be eligible to take an examination conducted by the board or an entity recognized by the board for the purpose of this section, an individual must file an application and pay an examination fee as specified in rules adopted by the board under section 4779.08 of the Revised Code and meet all the requirements of section 4779.09 of the Revised Code other than the requirement of having passed the examination.

Examinations shall be conducted at least once a year in accordance with rules adopted by the board under section 4779.08 of the Revised Code. Each applicant shall be examined in such subjects as the board requires.

The board may use as its examination all or part of a standard orthotics, prosthetics, orthotics and prosthetics, or pedorthics licensing examination established for the purpose of determining the competence of individuals to practice orthotics, prosthetics, or pedorthics in the United States. In lieu of conducting examinations, the board may accept the results of examinations conducted by entities recognized by the board.
Sec. 4779.17. The state physical health services board of orthotics, prosthetics, and pedorthics shall issue a license under section 4779.09 of the Revised Code to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics without examination to an applicant who meets all of the following requirements:

(A) Applies to the board in accordance with section 4779.09 of the Revised Code;

(B) Holds a license to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics issued by the appropriate authority of another state;

(C) One of the following applies:

(1) In the case of an applicant for a license to practice orthotics, the applicant meets the requirements in divisions (A)(2), (B) and (C) of section 4779.10 of the Revised Code.

(2) In the case of an applicant for a license to practice prosthetics, the applicant meets the requirements in divisions (A)(2), (B) and (C) of section 4779.11 of the Revised Code.

(3) In the case of an applicant for a license to practice orthotics and prosthetics, the applicant meets the requirements in divisions (A)(2), (B) and (C) of section 4779.12 of the Revised Code.

(4) In the case of an applicant for a license to practice pedorthics, the applicant meets the requirements in divisions (B) and (C) of section 4779.13 of the Revised Code.

(D) The all fees prescribed received by the board under this section shall be paid to the treasurer of the occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.
Sec. 4779.18. (A) The state physical health services board of orthotics, prosthetics, and pedorthics shall issue a temporary license to an individual who meets all of the following requirements:

(1) Applies to the board in accordance with rules adopted under section 4779.08 of the Revised Code and pays the application fee specified in the rules;

(2) Is eighteen years of age or older;

(3) Is of good moral character;

(4) One of the following applies:

(a) In the case of an applicant for a license to practice orthotics, the applicant meets the requirements in divisions (A)(2)(B) and (3)(C) of section 4779.10 of the Revised Code.

(b) In the case of an applicant for a license to practice prosthetics, the applicant meets the requirements in divisions (A)(2)(B) and (3)(C) of section 4779.11 of the Revised Code.

(c) In the case of an applicant for a license to practice orthotics and prosthetics, the applicant meets the requirements in divisions (A)(2)(B) and (3)(C) of section 4779.12 of the Revised Code.

(d) In the case of an applicant for a license to practice pedorthics, the applicant meets the requirements in divisions (B) and (C) of section 4779.13 of the Revised Code.

(B) A temporary license issued under this section is valid for one year and may be renewed once in accordance with rules adopted by the board under section 4779.08 of the Revised Code.

An individual who holds a temporary license may practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics only under the supervision of an individual who holds a license.
Sec. 4779.20. (A) An individual seeking to renew a license issued under section 4779.09 of the Revised Code shall, on or before the day the license expires pursuant to section 4779.19 of the Revised Code, apply for renewal. The state physical health services board of orthotics, prosthetics, and pedorthics shall send renewal notices at least one month prior to the expiration date.

Applications shall be submitted to the board on forms the board prescribes and furnishes. Each application shall be accompanied by a renewal fee specified in rules adopted by the board under section 4779.08 of the Revised Code, except that the board may waive part of the renewal fee for the first renewal of an initial license that expires one hundred days or less after it is issued.

(B) Beginning with the fourth renewal and every third renewal thereafter, a license holder must certify to the board one of the following:

(1) In the case of an individual licensed as an orthotist or prosthetist, the individual has completed within the preceding three years forty-five continuing education units granted by the board under section 4779.24 of the Revised Code;

(2) In the case of an individual licensed as a prosthetist and orthotist, the individual has completed within the preceding
three years seventy-five continuing education units granted by the board under section 4779.24 of the Revised Code;

(3) In the case of an individual licensed as a pedorthist, the individual has completed within the previous three years the continuing education courses required by the board for certification in pedorthics or an equivalent organization recognized by the board.

Sec. 4779.23. (A) To be eligible for approval by the state physical health services board of orthotics, prosthetics, and pedorthics, a continuing education course must satisfy all of the following requirements:

(1) Include significant intellectual or practical content and be designed to improve the professional competence of participants;

(2) Deal with matters directly related to the practice of orthotics, prosthetics, or pedorthics, including professional responsibility, ethical obligations, or similar subjects that the board considers necessary to maintain and improve the quality of orthotic and prosthetic services in this state;

(3) Involve in-person instruction, except that a course may use self-study materials if the materials are prepared and presented by a group with appropriate practical experience;

(4) Be presented in a setting that is physically suited to the course;

(5) Include thorough, high-quality written material;

(6) Meet any other requirements the board considers appropriate.

(B) The board shall, in accordance with the standards in division (A) of this section, review and approve continuing education courses. If the board does not approve a course, it
shall provide a written explanation of the reason for the denial to the person that requested approval. The board may approve continuing education courses approved by boards of other states that regulate orthotics, prosthetics, and pedorthics if the other board's standards for approving continuing education courses are equivalent to the standards established pursuant to division (A) of this section.

**Sec. 4779.24.** The state physical health services board of orthotics, prosthetics, and pedorthics shall grant continuing education units to individuals licensed under this chapter on the following basis:

(A) For completing a continuing education course approved by the board under section 4779.23 of the Revised Code, one unit for each hour of instruction received;

(B) For teaching as a faculty member a course in orthotics, prosthetics, or pedorthics that is part of the curriculum of an institution of higher education, one-half unit for each semester hour of the course, or an equivalent unit for each quarter or trimester hour of the course;

(C) For teaching other than as a faculty member a course that is part of an institution of higher education's orthotics, prosthetics, or pedorthics curriculum, one unit for each hour teaching the course;

(D) For teaching a continuing education course that is approved by the board under section 4779.23 of the Revised Code that is not part of an institution of higher education's orthotics, prosthetics, or pedorthics curriculum, three units for each hour teaching the course for the first time and one-half unit for each hour teaching the course each time thereafter.

**Sec. 4779.25.** The state physical health services board of
orthotics, prosthetics, and pedorthics shall recognize an institution of higher education's bachelor's degree program in orthotics and prosthetics if the program satisfies all of the following requirements:

(A) Provides not less than two semesters or three quarters of instruction in orthotics and two semesters or three quarters of instruction in prosthetics;

(B) Requires as a condition of entry a high school diploma or certificate of high school equivalence;

(C) Includes a written description of the program that includes learning goals, course objectives, and competencies for graduation;

(D) Requires frequent, documented evaluation of students to assess their acquisition of knowledge, problem identification and solving skills, and psychomotor, behavioral, and clinical competencies;

(E) Requires as a condition of entry successful completion of courses in biology, chemistry, physics, psychology, computer science, algebra or higher math, human anatomy with a laboratory section, and physiology with a laboratory section;

(F) Requires formal instruction in biomechanics, gait analysis and pathometrics, kinesiology, pathology, materials science, research methods, and diagnostic imaging techniques;

(G) Requires students as a condition of graduation to demonstrate orthotics skills, including measurement, impression-taking, model rectification, and fitting and alignment of orthoses for the lower limbs, upper limbs, and spines;

(H) Requires students as a condition of graduation to complete training in orthotic systems, including foot orthosis, ankle-foot orthosis, knee orthosis, knee-ankle-foot orthosis,
hip-knee-ankle orthosis, hip orthosis, wrist-hand orthosis, cervical-thoracic-lumbo-sacral orthosis, thoracolumbo-sacral orthosis, lumbo-sacral orthosis, HALO, fracture management, RGO, standing frames, and seating;

(I) Requires students as a condition of graduation to demonstrate prosthetic skills that include measurement, impression-taking, model rectification, diagnostic fitting, definitive fitting, postoperative management, external power, and static and dynamic alignment of sockets related to various amputation levels, including partial foot, Syme's below knee, above knee, below elbow, above elbow, and the various joint disarticulations;

(J) Requires as a condition of graduation students to complete not less than five hundred hours of supervised clinical experience that focus on patient-related activities, including recommendation, measurement, impression-taking, model rectification, fabrication, fitting, and evaluating patients in the use and function of orthotics and prosthetics;

(K) Provides for the evaluation of the program's compliance with the requirements of this section through regular, on-site visits conducted by a team of qualified individuals from a nationally recognized orthotic, prosthetic, or orthotic and prosthetic certifying body;

(L) Meets any other standards adopted by the board under section 4779.08 of the Revised Code.

Sec. 4779.26. The state physical health services board of orthotics, prosthetics, and pedorthics shall recognize a certificate program in orthotics, prosthetics, or orthotics and prosthetics if the program satisfies all of the following requirements:
(A) Meets the requirements in divisions (B), (C), (D), (E), (F), (K), and (L) of section 4779.25 of the Revised Code;

(B) In the case of a certificate program in orthotics, the program does all of the following:

(1) Provides not less than two semesters or three quarters of instruction in orthotics;

(2) Requires students to complete not less than two hundred fifty hours of supervised clinical experience that focuses on patient-related activities, recommendation, measurement, impression-taking, model rectification, fabrication, fitting, and evaluating patients in the use and function of orthotics;

(3) Meets the requirements in divisions (G) and (H) of section 4779.25 of the Revised Code.

(C) In the case of a certificate program in prosthetics, the program does all of the following:

(1) Provides not less than two semesters or three quarters of instruction in prosthetics;

(2) Requires students to complete not less than two hundred fifty hours of supervised clinical experience that focuses on patient-related activities, recommendation, measurement, impression-taking, model rectification, fabrication, fitting, and evaluating patients in the use and function of prosthetics;

(3) Meets the requirements in divisions (F) and (I) of section 4779.25 of the Revised Code.

(D) In the case of a certificate program in orthotics and prosthetics, the program does both of the following:

(1) Provides not less than two semesters or three quarters of instruction in orthotics and two semesters or three quarters of instruction in prosthetics;

(2) Meets the requirements in divisions (H) and (I) of section 4779.25 of the Revised Code.
section 4779.25 of the Revised Code.

Sec. 4779.27. The state physical health services board of orthotics, prosthetics, and pedorthics shall approve a residency program in orthotics, prosthetics, or orthotics and prosthetics if the program does all of the following:

(A) Requires a bachelor's degree as a condition of entry;

(B) Does one of the following:

(1) In the case of a residency program in orthotics, provides two semesters or three quarters of instruction in orthotics;

(2) In the case of a residency program in prosthetics, provides two semesters or three quarters of instruction in prosthetics;

(3) In the case of a residency program in orthotics and prosthetics, provides two semesters or three quarters of instruction in orthotics and two semesters or three quarters of instruction in prosthetics.

(C) Meets the requirements in divisions (K) and (L) of section 4779.25 of the Revised Code;

(D) Provides residents with a sufficient variety and volume of clinical experiences to give them adequate educational experience in the acute, rehabilitative, and chronic aspects of orthotics and prosthetics, including recommendation, measurement, impression-taking, model rectification, fabrication, fitting, and evaluating patients in the use and function of orthotics and prosthetics;

(E) Provides residents with sufficient training in clinical assessment, patient management, technical implementation, practice management, and professional responsibility.

Sec. 4779.30. If the state physical health services board of orthotics, prosthetics, and pedorthics approves a residency program in orthotics, prosthetics, or orthotics and prosthetics, they shall do all of the following:

(A) Require the completion of all coursework as a condition of entry;

(B) Require the completion of all clinical experiences as a condition of entry;

(C) Require the completion of all residency requirements as a condition of completion;

(D) Require the completion of all training requirements as a condition of completion.

(E) Provide residents with a sufficient variety and volume of clinical experiences to give them adequate educational experience in the acute, rehabilitative, and chronic aspects of orthotics and prosthetics, including recommendation, measurement, impression-taking, model rectification, fabrication, fitting, and evaluating patients in the use and function of orthotics and prosthetics;

(F) Provide residents with sufficient training in clinical assessment, patient management, technical implementation, practice management, and professional responsibility.
orthotics, prosthetics, and pedorthics has reason to believe that
a person who holds a license issued under this chapter is mentally
ill or mentally incompetent, it may file in the probate court of
the county in which the person has a legal residence an affidavit
in the form prescribed in section 5122.11 of the Revised Code and
signed by the secretary of the board, whereupon the same
proceeding shall be had as provided in Chapter 5122. of the
Revised Code. The attorney general may represent the board in any
proceeding commenced under this section.

If an individual who has been granted a license under this chapter is adjudicated by a probate court to be mentally ill or
mentally incompetent, the individual's license shall be
automatically suspended until the individual has filed with the
board a certified copy of an adjudication by a probate court of
the individual's subsequent restoration to competency or has
submitted to the board proof, satisfactory to the board, of having
been restored to competency in the manner and form provided in
section 5122.38 of the Revised Code. The judge of the court shall
immediately notify the board of an adjudication of incompetence
and note any suspension of a license in the margin of the court's
record of the certificate. In the absence of fraud or bad faith,
neither the board nor any agent, representative, or employee of
the board shall be held liable in damages by any person by reason
of the filing of the affidavit referred to in this section.

Sec. 4779.32. If any person makes an allegation against an
individual who holds a license issued under this chapter, the
allegation shall be reduced to writing and verified by a person
who is familiar with the facts underlying the allegation. The
person making the allegation shall file three copies of the
allegation with the state physical health services board of
orthotics, prosthetics, and pedorthics. If a person alleges that a
license holder is engaging or has engaged in conduct described in
division (A) of section 4779.28 of the Revised Code, the board may proceed with an adjudication hearing under Chapter 119. of the Revised Code. The board shall retain the information filed under this section in accordance with rules adopted by the board under section 4779.08 of the Revised Code.

**Sec. 4779.33.** The secretary of the state physical health services board of orthotics, prosthetics, and pedorthics shall enforce the laws relating to the practice of orthotics, prosthetics, and pedorthics. If the secretary of the board has knowledge of a violation, the secretary shall investigate the violation and notify the prosecuting attorney of the proper county.

**Sec. 4779.34.** The state physical health services board of orthotics, prosthetics, and pedorthics shall comply with section 4776.20 of the Revised Code.

**Sec. 4781.04.** (A) The manufactured homes commission department of commerce, division of industrial compliance shall adopt rules pursuant to Chapter 119. of the Revised Code to do all of the following:

1. Establish uniform standards that govern the installation of manufactured housing. Not later than one hundred eighty days after the secretary of the United States department of housing and urban development adopts model standards for the installation of manufactured housing or amends those standards, the commission division of industrial compliance shall amend its standards as necessary to be consistent with, and not less stringent than, the model standards for the design and installation of manufactured housing the secretary adopts or any manufacturers' standards that the secretary determines are equal to or not less stringent than the model standards.
(2) Govern the inspection of the installation of manufactured housing. The rules shall specify that the commission division of industrial compliance, any building department or personnel of any department, or any private third party, certified pursuant to section 4781.07 of the Revised Code shall conduct all inspections of the installation of manufactured housing located in manufactured home parks to determine compliance with the uniform installation standards the commission division of industrial compliance establishes pursuant to this section.

(3) Govern the design, construction, installation, approval, and inspection of foundations and the base support systems for manufactured housing. The rules shall specify that the commission division of industrial compliance, any building department or personnel of any department, or any private third party, certified pursuant to section 4781.07 of the Revised Code shall conduct all inspections of the installation, foundations, and base support systems of manufactured housing located in manufactured home parks to determine compliance with the uniform installation standards and foundation and base support system design the commission division of industrial compliance establishes pursuant to this section.

(4) Govern the training, experience, and education requirements for manufactured housing installers, manufactured housing dealers, manufactured housing brokers, and manufactured housing salespersons;

(5) Establish a code of ethics for manufactured housing installers;

(6) Govern the issuance, revocation, and suspension of licenses to manufactured housing installers;

(7) Establish fees for the issuance and renewal of licenses, for conducting inspections to determine an applicant's compliance
with this chapter and the rules adopted pursuant to it, and for the commission's expenses incurred in implementing this chapter;

(8) Establish conditions under which a licensee may enter into contracts to fulfill the licensee's responsibilities;

(9) Govern the investigation of complaints concerning any violation of this chapter or the rules adopted pursuant to it or complaints involving the conduct of any licensed manufactured housing installer or person installing manufactured housing without a license, licensed manufactured housing dealer, licensed manufactured housing broker, or manufactured housing salesperson;

(10) Establish a dispute resolution program for the timely resolution of warranty issues involving new manufactured homes, disputes regarding responsibility for the correction or repair of defects in manufactured housing, and the installation of manufactured housing. The rules shall provide for the timely resolution of disputes between manufacturers, manufactured housing dealers, and installers regarding the correction or repair of defects in manufactured housing that are reported by the purchaser of the home during the one-year period beginning on the date of installation of the home. The rules also shall provide that decisions made regarding the dispute under the program are not binding upon the purchaser of the home or the other parties involved in the dispute unless the purchaser so agrees in a written acknowledgement that the purchaser signs and delivers to the program within ten business days after the decision is issued.

(11) Establish the requirements and procedures for the certification of building departments and building department personnel pursuant to section 4781.07 of the Revised Code;

(12) Establish fees to be charged to building departments and building department personnel applying for certification and
renewal of certification pursuant to section 4781.07 of the Revised Code;

(13) Develop a policy regarding the maintenance of records for any inspection authorized or conducted pursuant to this chapter. Any record maintained under division (A)(13) of this section shall be a public record under section 149.43 of the Revised Code.

(14) Carry out any other provision of this chapter.

(B) The manufactured homes commission division of industrial compliance shall do all of the following:

(1) Prepare and administer a licensure examination to determine an applicant's knowledge of manufactured housing installation and other aspects of installation the commission division determines appropriate;

(2) Select, provide, or procure appropriate examination questions and answers for the licensure examination and establish the criteria for successful completion of the examination;

(3) Prepare and distribute any application form this chapter requires sections 4781.01 to 4781.11 of the Revised Code require;

(4) Receive applications for licenses and renewal of licenses and issue licenses to qualified applicants;

(5) Establish procedures for processing, approving, and disapproving applications for licensure;

(6) Retain records of applications for licensure, including all application materials submitted and a written record of the action taken on each application;

(7) Review the design and plans for manufactured housing installations, foundations, and support systems;

(8) Inspect a sample of homes at a percentage the commission division determines to evaluate the construction and installation
of manufactured housing installations, foundations, and support  
systems to determine compliance with the standards the commission  
division adopts;  

(9) Investigate complaints concerning violations of this  
chapter or the rules adopted pursuant to it, or the conduct of any  
manufactured housing installer, manufactured housing dealer,  
manufactured housing broker, or manufactured housing salesperson;  

(10) Determine appropriate disciplinary actions for  
violations of this chapter;  

(11) Conduct audits and inquiries of manufactured housing  
installers, manufactured housing dealers, and manufactured housing  
brokers as appropriate for the enforcement of this chapter. The  
commission division, or any person the commission division employs  
for the purpose, may review and audit the business records of any  
manufactured housing installer, dealer, or broker during normal  
business hours.  

(12) Approve an installation training course, which may be  
offered by the Ohio manufactured homes association or other  
entity;  

(13) Perform any function or duty necessary to administer  
this chapter and the rules adopted pursuant to it.  

(C) Nothing in this section, or in any rule adopted by the  
manufactured homes commission division, shall be construed to  
limit the authority of a board of health to enforce section  
3701.344 or Chapters 3703., 3718., and 3781. of the Revised Code  
or limit the authority of the department of administrative  
services to lease space for the use of a state agency and to group  
together state offices in any city in the state as provided in  
section 123.01 of the Revised Code.
of industrial compliance may delegate to the executive director the Ohio construction industry licensing board any of its duties set forth in division (B) of section sections 4781.04 to 4781.15 of the Revised Code.

(B) The commission division may enter into a contract with the Ohio manufactured homes association or another entity to administer the dispute resolution program created pursuant to section 4781.04 of the Revised Code. The contract shall specify the terms for the administration of the program.

(C)(1) The commission division may enter into a contract with any private third party, municipal corporation, township, county, state agency, or the Ohio manufactured homes association, or any successor entity, to perform any of the commission's division's functions set forth in division (B) of section sections 4781.04 to 4781.15 of the Revised Code that the commission division has not delegated to the executive director Ohio construction industry licensing board. Each contract shall specify the compensation to be paid to the private third party, municipal corporation, township, county, state agency, or the Ohio manufactured homes association, or successor entity, for the performance of the commission's division's functions.

(2) Except as provided in this division, the commission division shall not enter into any contract with any person or building department to accept and approve plans and specifications or to inspect manufactured housing foundations and the installation of manufactured housing unless that person or building department is certified pursuant to section 4781.07 of the Revised Code. The commission division shall require inspectors the Ohio department of health employs to obtain certification pursuant to section 4781.07 of the Revised Code.

Sec. 4781.07. (A) Pursuant to rules the manufactured homes
commission division of industrial compliance adopts, the commission division may certify municipal, township, and county building departments and the personnel of those departments, or any private third party, to exercise the commission's division's enforcement authority, accept and approve plans and specifications for foundations, support systems and installations, and inspect manufactured housing foundations, support systems, and manufactured housing installations. Any certification is effective for three years.

(B) Following an investigation and finding of facts that support its action, the commission division of industrial compliance may revoke or suspend certification. The commission division may initiate an investigation on its own motion or the petition of a person affected by the enforcement or approval of plans.

Sec. 4781.08. (A) The manufactured homes commission division of industrial compliance shall issue a manufactured housing installer's installer license to any applicant who is at least eighteen years of age and meets all of the following requirements:

(1) Submits an application to the commission division on a form the commission division prescribes and pays the fee the commission division requires;

(2) Completes all training requirements the commission division prescribes;

(3) Meets the experience requirements the commission division prescribes by rule;

(4) Has at least one year of experience installing manufactured housing under the supervision of a licensed manufactured home installer if applying for licensure after January 1, 2006;
(5) Has completed an installation training course the commission division approves, which may be offered by the Ohio manufactured homes association or other entity;

(6) Receives a passing score on the licensure examination the commission division administers;

(7) Provides information the commission division requires to demonstrate compliance with this chapter and the rules the commission division adopts;

(8) Provides the commission division with three references from persons who are retailers, manufacturers, or manufactured home park operators familiar with the person's installation work experience and competency, with at least two of the three references provided after January 1, 2006, being from persons who are licensed manufactured housing installers;

(9) Has liability insurance or a surety bond that is issued by an insurance or surety company authorized to transact business in Ohio, in the amount the commission division specifies, and containing the terms and conditions the commission division requires;

(10) Is in compliance with section 4123.35 of the Revised Code.

(B) The commission division of industrial compliance shall not grant a license to any person who the commission division finds has engaged in actions during the previous two years that constitute a ground for denial, suspension, or revocation of a license or who has had a license revoked or disciplinary action imposed by the licensing or certification board of another state or jurisdiction during the previous two years in connection with the installation of manufactured housing.

(C) Any person who is licensed, certified, or otherwise approved under the laws of another state to perform functions
substantially similar to those of a manufactured housing installer may apply to the commission division for licensure on a form the commission division prescribes. The commission division shall issue a license if the standards for licensure, certification, or approval in the state in which the applicant is licensed, certified, or approved are substantially similar to or exceed the requirements set forth in this chapter and the rules adopted pursuant to it. The commission division may require the applicant to pass the commission's division's licensure examination.

(D) Any license issued pursuant to this section shall bear the licensee's name and post-office address, the issue date, a serial number the commission division designates, and the signature of the commission chairperson or a person the commission division designates pursuant to rules.

(E) A manufactured housing installer's installer license expires two years after it is issued. The commission division of industrial compliance shall renew a license if the applicant does all of the following:

(1) Meets the requirements of division (A) of this section;

(2) Demonstrates compliance with the requirements of this chapter and the rules adopted pursuant to it;

(3) Meets the commission's division's continuing education requirements.

(F) No manufactured housing installer's installer license may be transferred to another person.

Sec. 4781.09. (A) The manufactured homes commission division of industrial compliance may deny, suspend, revoke, or refuse to renew the license of any manufactured home installer for any of the following reasons:

(1) Failure to satisfy the requirements of section 4781.08 or...
4781.10 of the Revised Code;

(2) Violation of this chapter or any rule adopted pursuant to it;

(3) Making a material misstatement in an application for a license;

(4) Installing manufactured housing without a license or without being under the supervision of a licensed manufactured housing installer;

(5) Failure to appear for a hearing before the commission division or to comply with any final adjudication order of the commission division issued pursuant to this chapter;

(6) Conviction of a felony or a crime involving moral turpitude;

(7) Having had a license revoked, suspended, or denied by the commission division during the preceding two years;

(8) Having had a license revoked, suspended, or denied by another state or jurisdiction during the preceding two years;

(9) Engaging in conduct in another state or jurisdiction that would violate this chapter if committed in this state.

(10) Failing to provide written notification of an installation pursuant to division (D) of section 4781.11 of the Revised Code to a county treasurer or county auditor.

(B)(1) Any person whose license or license application is revoked, suspended, denied, or not renewed or upon whom a civil penalty is imposed may request an adjudication hearing on the matter within thirty days after receipt of the notice of the action. The hearing shall be held in accordance with Chapter 119. of the Revised Code.

(2) Any licensee or applicant may appeal an order made pursuant to an adjudication hearing in the manner provided in
section 119.12 of the Revised Code.

(C) A person whose license is suspended, revoked, or not renewed may apply for a new license two years after the date on which the license was suspended, revoked, or not renewed.

**Sec. 4781.10.** (A) The manufactured homes commission division of industrial compliance may establish programs and requirements for continuing education for manufactured housing installers. The commission division shall not require licensees to complete more than eight credit hours of continuing education during each license period. If the commission division establishes a program of continuing education, it shall require that only courses that the commission division preapproves be accepted for licensure credit, and unless an extension is granted pursuant to division (D) of this section, that all credit hours be successfully completed prior to the expiration of the installer's license.

(B) To provide the resources to administer continuing education programs, the commission division may establish nonrefundable fees, including any of the following:

1. An application fee not to exceed one hundred fifty dollars charged to the sponsor of each proposed course;

2. A renewal fee not to exceed seventy-five dollars, charged to the sponsor of each course, for the annual renewal of course approval;

3. A course fee charged to the sponsor of each course offered, not to exceed five dollars per credit hour, for each person completing an approved course;

4. A student fee charged to licensees, not to exceed fifty dollars, for each course or activity a student submits to the commission division for approval.

(C) The commission division may adopt reasonable rules not
inconsistent with this chapter to carry out any continuing education program, including rules that govern the following:

1. The content and subject matter of continuing education courses;
2. The criteria, standards, and procedures for the approval of courses, course sponsors, and course instructors;
3. The methods of instruction;
4. The computation of course credit;
5. The ability to carry forward course credit from one year to another;
6. Conditions under which the commission division may grant a waiver or variance from continuing education requirements on the basis of hardship or other reasons;
7. Procedures for compliance with the continuing education requirements and sanctions for noncompliance.

D. The commission division shall not renew the license of any person who fails to satisfy any continuing education requirement that the commission division establishes. The commission division may, for good cause, grant an extension of time to comply with the continuing education requirements. Any installer who is granted an extension and completes the continuing education requirements within the time the commission division establishes is deemed in compliance with the education requirements. The license of any person who is granted an extension shall remain in effect during the period of the extension.

Sec. 4781.11. (A)(1) Except as provided in division (B) of this section, no person shall install manufactured housing unless that person is licensed as a manufactured housing installer pursuant to this chapter or unless a licensed manufactured housing

...
installer is present during the installation and supervises the person who is not licensed.

(2) A licensed manufactured housing installer who supervises the work of an unlicensed person is responsible for all installation work that the unlicensed person performs under the licensed person's supervision.

(3) A person who is not a licensed manufactured housing installer may perform foundation or base support system construction if supervised by a licensed installer. The licensed installer need not be present during the construction of the foundation or base support system but is responsible for the construction of the foundation or base support system.

(B)(1) Nothing in this chapter requires a person to obtain a manufactured housing installer license to install manufactured housing for the person's own occupancy if the manufactured housing is located on property that the person owns and is not located in a manufactured home park.

(2) A person who installs manufactured housing in the manner described in division (B)(1) of this section is not entitled to claim any right or remedy or to bring a cause of action under this chapter.

(C) No person shall install any manufactured housing foundation or manufactured housing support system unless that foundation or support system complies with the standards the manufactured homes commission division of industrial compliance establishes and receives all approvals and inspections that the commission division requires.

(D) Within fourteen days after the installation, a manufactured housing installer who performs or supervises a manufactured housing installation shall provide to both the treasurer and the auditor of the county in which the installation
is being performed a written notice containing all of the following information:

(1) The address or location of the installation;

(2) The date of the installation;

(3) The make and model of the installed manufactured housing unit;

(4) The name of the owner of the installed manufactured housing unit.

(E) It is a violation of this chapter to do any of the following:

(1) Represent another person's license as a manufactured housing installer as one's own;

(2) Intentionally give false or materially misleading information of any kind to the commission or to a commission member division of industrial compliance in connection with licensing matters;

(3) Impersonate another manufactured housing installer;

(4) Use an expired, suspended, or revoked license.

Sec. 4781.12. (A) The manufactured homes commission division of industrial compliance may apply to an appropriate court to enjoin any violation of this chapter or the rules adopted pursuant to it. The court shall grant any appropriate relief, including an injunction, restraining order, or any combination thereof, upon a showing that a person has violated or is about to violate this chapter or a rule adopted pursuant to it.

(B) The prosecuting attorney of a county, a city director of law, or the attorney general may, upon the complaint of the commission division, prosecute to termination or bring an action for injunction against any person violating this chapter or the
rules adopted pursuant to it.

(C) Any other party adversely affected by an order of the commission division may appeal the order to the court of common pleas of the county in which the party adversely affected is a resident or has a place of business, except that if that party is not a resident of this state and has no place of business in this state, the party shall appeal to the court of common pleas in Franklin county.

Sec. 4781.121. (A) The manufactured homes commission division of industrial compliance, pursuant to section 4781.04 of the Revised Code, may investigate any person who allegedly has committed a violation. If, after an investigation the commission division determines that reasonable evidence exists that a person has committed a violation, within seven days after that determination, the commission division shall send a written notice to that person in the same manner as prescribed in section 119.07 of the Revised Code for licensees, except that the notice shall specify that a hearing will be held and specify the date, time, and place of the hearing.

(B) The commission division of industrial compliance shall hold a hearing regarding the alleged violation in the same manner prescribed for an adjudication hearing under section 119.09 of the Revised Code. If the commission division, after the hearing, determines that a violation has occurred, the commission, upon an affirmative vote of five of its members, division may impose a fine not exceeding one thousand dollars per violation per day. The commission's division's determination is an order that the person may appeal in accordance with section 119.12 of the Revised Code.

(C) If the person who allegedly committed a violation fails to appear for a hearing, the commission division of industrial compliance may request the court of common pleas of the county
where the alleged violation occurred to compel the person to appear before the commission division for a hearing.

(D) If the commission division assesses a person a civil penalty for a violation and the person fails to pay that civil penalty within the time period prescribed by the commission division pursuant to section 131.02 of the Revised Code, the commission division shall forward to the attorney general the name of the person and the amount of the civil penalty for the purpose of collecting that civil penalty. In addition to the civil penalty assessed pursuant to this section, the person also shall pay any fee assessed by the attorney general for collection of the civil penalty.

(E) The authority provided to the commission division of industrial compliance pursuant to this section, and any fine imposed under this section, shall be in addition to, and not in lieu of, all penalties and other remedies provided in this chapter. Any fines collected pursuant to this section shall be used solely to administer and enforce this chapter and rules adopted under it. Any fees collected pursuant to this section shall be transmitted to the treasurer of state and shall be credited to the manufactured homes commission regulatory industrial compliance operating fund created in section 4781.54121.084 of the Revised Code and the rules adopted thereunder. The fees shall be used only for the purpose of administering and enforcing sections 4781.26 to 4781.35 of the Revised Code and the rules adopted thereunder.

(F) As used in this section, "violation" means a violation of section 4781.11, 4781.16, or 4781.27, or any rule adopted pursuant to section 4781.04, of the Revised Code.

Sec. 4781.14. (A) The manufactured homes commission, division of industrial compliance has exclusive authority to regulate
manufactured home installers, the installation of manufactured housing, and manufactured housing foundations and support systems in this state. By enacting this chapter, it is the intent of the general assembly to preempt municipal corporations and other political subdivisions from regulating and licensing manufactured housing installers and regulating and inspecting the installation of manufactured housing and manufactured housing foundations and support systems.

(B) The manufactured homes commission division has exclusive power to adopt rules of uniform application throughout the state governing installation of manufactured housing, the inspection of manufactured housing foundations and support systems, the inspection of the installation of manufactured housing, the training and licensing of manufactured housing installers, and the investigation of complaints concerning manufactured housing installers.

(C) The rules the commission division adopts pursuant to this chapter are the exclusive rules governing the installation of manufactured housing, the design, construction, and approval of foundations for manufactured housing, the licensure of manufactured home installers, and the fees charged for licensure of manufactured home installers. No political subdivision of the state or any department or agency of the state may establish any other standards governing the installation of manufactured housing, manufactured housing foundations and support systems, the licensure of manufactured housing installers, or fees charged for the licensure of manufactured housing installers.

(D) Nothing in this section limits the authority of the attorney general to enforce Chapter 1345. of the Revised Code or to take any action permitted by the Revised Code against manufactured housing installers, retailers, or manufacturers.
Sec. 4781.17. (A) Each person applying for a manufactured housing dealer's license or manufactured housing broker's license shall complete and deliver to the manufactured homes commission department of commerce, division of real estate, before the first day of April, a separate application for license for each county in which the business of selling or brokering manufactured or mobile homes is to be conducted. The application shall be in the form prescribed by the commission division of real estate and accompanied by the fee established by the commission division of real estate. The applicant shall sign and swear to the application that shall include all of the following:

(1) Name of applicant and location of principal place of business;

(2) Name or style under which business is to be conducted and, if a corporation, the state of incorporation;

(3) Name and address of each owner or partner and, if a corporation, the names of the officers and directors;

(4) The county in which the business is to be conducted and the address of each place of business therein;

(5) A statement of the previous history, record, and association of the applicant and of each owner, partner, officer, and director, that is sufficient to establish to the satisfaction of the commission division of real estate the reputation in business of the applicant;

(6) A statement showing whether the applicant has previously applied for a manufactured housing dealer's license, manufactured housing broker's license, manufactured housing salesperson's license, or, prior to July 1, 2010, a motor vehicle dealer's license, manufactured home broker's license, or motor vehicle salesperson's license, and the result of the application, and
whether the applicant has ever been the holder of any such license that was revoked or suspended;

(7) If the applicant is a corporation or partnership, a statement showing whether any partner, employee, officer, or director has been refused a manufactured housing dealer's license, manufactured housing broker's license, manufactured housing salesperson's license, or, prior to July 1, 2010, a motor vehicle dealer's license, manufactured home broker's license, or motor vehicle salesperson's license, or has been the holder of any such license that was revoked or suspended;

(8) Any other information required by the commission division of real estate.

(B) Each person applying for a manufactured housing salesperson's license shall complete and deliver to the manufactured homes commission division of real estate before the first day of July an application for license. The application shall be in the form prescribed by the commission division of real estate and shall be accompanied by the fee established by the commission division. The applicant shall sign and swear to the application that shall include all of the following:

(1) Name and post-office address of the applicant;

(2) Name and post-office address of the manufactured housing dealer or manufactured housing broker for whom the applicant intends to act as salesperson;

(3) A statement of the applicant's previous history, record, and association, that is sufficient to establish to the satisfaction of the commission division of real estate the applicant's reputation in business;

(4) A statement as to whether the applicant intends to engage in any occupation or business other than that of a manufactured housing salesperson;
(5) A statement as to whether the applicant has ever had any previous application for a manufactured housing salesperson license refused or, prior to July 1, 2010, any application for a motor vehicle salesperson license refused, and whether the applicant has previously had a manufactured housing salesperson or motor vehicle salesperson license revoked or suspended;

(6) A statement as to whether the applicant was an employee of or salesperson for a manufactured housing dealer or manufactured housing broker whose license was suspended or revoked;

(7) A statement of the manufactured housing dealer or manufactured housing broker named therein, designating the applicant as the dealer's or broker's salesperson;

(8) Any other information required by the commission division of real estate.

(C) Any application for a manufactured housing dealer or manufactured housing broker delivered to the commission division of real estate under this section also shall be accompanied by a photograph, as prescribed by the commission division, of each place of business operated, or to be operated, by the applicant.

(D) The manufactured homes commission division of real estate shall deposit all license fees into the state treasury to the credit of the occupational licensing and manufactured homes regulatory fund.

Sec. 4781.18. (A) The manufactured homes commission division of real estate shall deny the application of any person for a license as a manufactured housing dealer or manufactured housing broker and refuse to issue the license if the commission division finds that any of the following is true of the applicant:

(1) The applicant has made any false statement of a material
(2) The applicant has not complied with this chapter or the rules adopted by the division of real estate under this chapter.

(3) The applicant is of bad business repute or has habitually defaulted on financial obligations.

(4) The applicant has been guilty of a fraudulent act in connection with selling or otherwise dealing in manufactured housing or in connection with brokering manufactured housing.

(5) The applicant has entered into or is about to enter into a contract or agreement with a manufacturer or distributor of manufactured homes that is contrary to the requirements of this chapter.

(6) The applicant is insolvent.

(7) The applicant is of insufficient responsibility to ensure the prompt payment of any final judgments that might reasonably be entered against the applicant because of the transaction of business as a manufactured housing dealer or manufactured housing broker during the period of the license applied for, or has failed to satisfy any such judgment.

(8) The applicant has no established place of business that, where applicable, is used or will be used for the purpose of selling, displaying, offering for sale or dealing in manufactured housing at the location for which application is made.

(9) Within less than twelve months prior to making application, the applicant has been denied a manufactured housing dealer's license or manufactured housing broker's license, or has any such license revoked.

(B) The division of real estate shall deny the application of any person for a license as a salesperson and
refuse to issue the license if the commission division finds that any of the following is true of the applicant:

(1) The applicant has made any false statement of a material fact in the application.

(2) The applicant has not complied with this chapter or the rules adopted by the commission division of real estate under this chapter.

(3) The applicant is of bad business repute or has habitually defaulted on financial obligations.

(4) The applicant has been guilty of a fraudulent act in connection with selling or otherwise dealing in manufactured housing.

(5) The applicant has not been designated to act as salesperson for a manufactured housing dealer or manufactured housing broker licensed to do business in this state under this chapter, or intends to act as salesperson for more than one licensed manufactured housing dealer or manufactured housing broker at the same time, unless the licensed dealership is owned or operated by the same corporation, regardless of the county in which the dealership's facility is located.

(6) The applicant holds a current manufactured housing dealer's or manufactured housing broker's license issued under this chapter, and intends to act as salesperson for another licensed manufactured housing dealer or manufactured housing broker.

(7) Within less than twelve months prior to making application, the applicant has been denied a salesperson's license or had a salesperson's license revoked.

(8) The applicant was salesperson for, or in the employ of, a manufactured housing dealer or manufactured housing broker at the
time the dealer's or broker's license was revoked.

(C) If an applicant for a manufactured housing dealer or manufactured housing broker's license is a corporation or partnership, the commission division of real estate may refuse to issue a license if any officer, director, or partner of the applicant has been guilty of any act or omission that would be cause for refusing or revoking a license issued to such officer, director, or partner as an individual. The commission's division's finding may be based upon facts contained in the application or upon any other information the commission division of real estate may have.

(D) Notwithstanding division (A)(4) of this section, the commission division of real estate shall not deny the application of any person and refuse to issue a license if the commission division finds that the applicant is engaged or will engage in the business of selling at retail any new manufactured homes and demonstrates that the applicant has posted a bond, surety, or certificate of deposit with the commission division of real estate in an amount not less than one hundred thousand dollars for the protection and benefit of the applicant's customers.

(E) A decision made by the commission division of real estate under this section may be based upon any statement contained in the application or upon any facts within the commission's division's knowledge.

(F) Immediately upon denying an application for any of the reasons in this section, the commission division of real estate shall enter a final order together with the commission's division's findings. If the application is denied by the executive director of the commission under authority of section 4781.05 of the Revised Code division of real estate, the executive director division of real estate shall enter a final order together with the director's findings and certify the same to the commission.
The commission and shall issue to the applicant a written notice of refusal to grant a license that shall disclose the reason for refusal.

Sec. 4781.19. (A) At the time the manufactured homes commission division of real estate grants the application of any person for a license as a manufactured housing dealer, manufactured housing broker, or manufactured housing salesperson, the commission division shall issue to the person a license that includes the name and post-office business and mailing address of the person licensed. If a manufactured housing dealer or manufactured housing broker has more than one place of business in a county, the dealer or broker shall make application, in such form as the commission division prescribes, for a certified copy of the license issued to the dealer or broker for each place of business in the county.

(B) The commission division of real estate may require each applicant for a manufactured housing dealer's license, manufactured housing broker's license, and manufactured housing salesperson's license issued under this chapter to pay an additional fee, which shall be used by the commission division to pay the costs of obtaining a record of any arrests and convictions of the applicant from the bureau of identification and investigation. The amount of the fee shall be equal to that paid by the commission division to obtain such record.

(C) In the event of the loss, mutilation, or destruction of a manufactured housing dealer's license, manufactured housing broker's license, or manufactured housing salesperson's license, any licensee may make application to the commission division of real estate, in the form prescribed by the commission division, for a duplicate copy thereof and pay a fee established by the commission division of real estate.
(D) All manufactured housing dealers' licenses, all manufactured housing brokers' licenses, and all manufactured housing salespersons' licenses issued or renewed shall expire biennially on a day within the two-year cycle that is prescribed by the manufactured homes commission division of real estate, unless sooner suspended or revoked. Before the first day after the day prescribed by the commission division in the year that the license expires, each licensed manufactured housing dealer, manufactured housing broker, and manufactured housing salesperson, in the year in which the license will expire, shall file an application, in such form as the commission division of real estate prescribes, for the renewal of such license. The fee required by this section for the original license shall accompany the application.

(E) Each manufactured housing dealer and manufactured housing broker shall keep the license or a certified copy thereof and a current list of the dealer's or the broker's licensed salespersons, showing the names, addresses, and serial numbers of their licenses, posted in a conspicuous place in each place of business. Each salesperson shall carry the salesperson's license or a certified copy thereof and shall exhibit such license or copy upon demand to any inspector of the commission division of real estate, state highway patrol trooper, police officer, or person with whom the salesperson seeks to transact business as a manufactured housing salesperson.

Sec. 4781.20. The applications for licenses submitted under section 4781.17 of the Revised Code are not part of the public records but are confidential information for the use of the manufactured homes commission division of real estate. No person shall divulge any information contained in such applications and acquired by the person in the person's capacity as an official or employee of the manufactured homes commission division of real estate.
estate, except in a report to the commission division, or when called upon to testify in any court or proceeding.

Sec. 4781.21. (A) The manufactured homes commission division of real estate may make rules governing its actions relative to the suspension and revocation of manufactured housing dealers', manufactured housing brokers', and manufactured housing salespersons' licenses, and may, upon its own motion, and shall, upon the verified complaint in writing of any person, investigate the conduct of any licensee under this chapter. The commission division shall suspend, revoke, or refuse to renew any manufactured housing dealer's, manufactured housing broker's, or manufactured housing salesperson's license, if any ground existed upon which the license might have been refused, or if a ground exists that would be cause for refusal to issue a license.

The commission division of real estate may suspend or revoke any license if the licensee has in any manner violated the rules adopted by the commission division under this chapter, or has been convicted of committing a felony or violating any law that in any way relates to the selling, taxing, licensing, or regulation of sales of manufactured or mobile homes.

(B) Any salesperson's license shall be suspended upon the termination, suspension, or revocation of the license of the manufactured housing dealer or manufactured housing broker for whom the salesperson is acting, or upon the salesperson leaving the service of the manufactured housing dealer or manufactured housing broker. Upon the termination, suspension, or revocation of the license of the manufactured housing dealer or manufactured housing broker for whom the salesperson is acting, or upon the salesperson leaving the service of a licensed manufactured housing or manufactured housing broker, the licensed salesperson may make application to the commission division of real estate, in such
form as the commission division prescribes, to have the salesperson's license reinstated, transferred, and registered as a salesperson for another dealer or broker. If the information contained in the application is satisfactory to the commission division of real estate, the commission division shall reinstate, transfer, or register the salesperson's license as a salesperson for other dealer or broker. The commission division shall establish the fee for the reinstatement and transfer of license. No license issued to a dealer, broker, or salesperson under this chapter may be transferred to any other person.

(C) Any person whose manufactured housing dealer's license, manufactured housing broker's license, or manufactured housing salesperson's license is revoked, suspended, denied, or not renewed may request an adjudication hearing on the matter within thirty days after receipt of the notice of the action. If no appeal is taken within thirty days after receipt of the order, the order is final and conclusive. All appeals must be by petition in writing and verified under oath by the applicant whose application for license has been revoked, suspended, denied, or not renewed and must set forth the reason for the appeal and the reason why, in the petitioner's opinion, the order is not correct. In such appeals the board may make investigation to determine the correctness and legality of the appealed order. The hearing shall be held in accordance with Chapter 119. of the Revised Code.

Sec. 4781.22. No manufactured housing dealer licensed under this chapter shall do any of the following:

(A) Directly or indirectly, solicit the sale of a manufactured home or mobile home through an interested person other than a salesperson licensed in the employ of a licensed dealer;

(B) Pay any commission or compensation in any form to any
person in connection with the sale of a manufactured home or mobile home unless the person is licensed as a salesperson in the employ of the dealer;

(C) Fail to immediately notify the manufactured homes commission division of real estate upon termination of the employment of any person licensed as a salesperson to sell, display, offer for sale, or deal in manufactured homes or mobile homes for the dealer.

Sec. 4781.23. (A) Each licensed manufactured housing dealer and manufactured housing broker shall notify the manufactured homes commission division of real estate of any change in status as a manufactured housing dealer or manufactured housing broker during the period for which the dealer or broker is licensed, if the change of status concerns either of the following:

(1) Personnel of owners, partners, officers, or directors;

(2) Location of an office or principal place of business.

(B) The notification required by division (A) of this section shall be made by filing with the commission division of real estate, within fifteen days after the change of status, a supplemental statement in a form prescribed by the commission division of real estate showing in what respect the status has been changed.

The commission division of real estate may adopt a rule exempting from the notification requirement of division (A)(1) of this section any dealer if stock in the dealer or its parent company is publicly traded and if there are public records filed with and in the possession of state or federal agencies that provide the information required by division (A)(1) of this section.

Sec. 4781.25. The manufactured homes commission division of real estate...
real estate shall adopt rules for the regulation of manufactured housing brokers in accordance with Chapter 119. of the Revised Code. The rules shall require that a manufactured housing broker maintain a bond of a surety company authorized to transact business in this state in an amount determined by the division of real estate. The rules also shall require each person licensed as a manufactured housing broker to maintain at all times a special or trust bank account that is noninterest-bearing, is separate and distinct from any personal or other account of the broker, and into which shall be deposited and maintained all escrow funds, security deposits, and other moneys received by the broker in a fiduciary capacity. In a form determined by the division, a manufactured housing broker shall submit written proof to the division of the continued maintenance of the special or trust account. A depository where special or trust accounts are maintained in accordance with this section shall be located in this state.

Sec. 4781.26. (A) The manufactured homes commission division of industrial compliance, subject to Chapter 119. of the Revised Code, shall adopt, and has the exclusive power to adopt, rules of uniform application throughout the state governing the review of plans, issuance of flood plain management permits, and issuance of licenses for manufactured home parks; the location, layout, density, construction, drainage, sanitation, safety, and operation of those parks; and notices of flood events concerning, and flood protection at, those parks. The rules pertaining to flood plain management shall be consistent with and not less stringent than the flood plain management criteria of the national flood insurance program adopted under the "National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended. The rules shall not apply to the construction, erection, or manufacture of
any building to which section 3781.06 of the Revised Code is applicable.

(B) The rules pertaining to manufactured home parks constructed after June 30, 1971, shall specify that each home must be placed on its lot to provide not less than fifteen feet between the side of one home and the side of another home, ten feet between the end of one home and the side of another home, and five feet between the ends of two homes placed end to end.

(C) The manufactured homes commission division of industrial compliance shall determine compliance with the installation, blocking, tiedown, foundation, and base support system standards for manufactured housing located in manufactured home parks adopted by the commission division pursuant to section 4781.04 of the Revised Code. All inspections of the installation, blocking, tiedown, foundation, and base support systems of manufactured housing in a manufactured home park that the commission division of industrial compliance conducts shall be conducted by a person the manufactured homes commission division of industrial compliance certifies pursuant to section 4781.07 of the Revised Code.

(D) The manufactured homes commission division of industrial compliance may enter into contracts for the purpose of fulfilling the commission's division of industrial compliance's annual inspection responsibilities for manufactured home parks under this chapter. Boards of health of city or general health districts shall have the right of first refusal for those contracts.

Sec. 4781.27. (A)(1) On or after the first day of December, but before the first day of January of the next year, every person who intends to operate a manufactured home park shall procure a license to operate the park for the next year from the manufactured homes commission division of industrial compliance.
If the applicable license fee prescribed under section 4781.28 of the Revised Code is not received by the commission division by the close of business on the last day of December, the applicant for the license shall pay a penalty equal to twenty-five per cent of the applicable license fee. The penalty shall accompany the license fee. If the last day of December is not a business day, the penalty attaches upon the close of business on the next business day.

(2) No manufactured home park shall be maintained or operated in this state without a license.

(3) No person who has received a license, upon the sale or disposition of the manufactured home park, may have the license transferred to the new operator. A person shall obtain a separate license to operate each manufactured home park.

(B) Before a license is initially issued and annually thereafter, or more often if necessary, the commission division of industrial compliance shall cause each manufactured home park to be inspected for compliance with sections 4781.26 to 4781.35 of the Revised Code and the rules adopted under those sections. A record shall be made of each inspection on a form prescribed by the commission division.

(C) Each person applying for an initial license to operate a manufactured home park shall provide acceptable proof to the commission division of industrial compliance that adequate fire protection will be provided and that applicable fire codes will be adhered to in the construction and operation of the park.

Sec. 4781.28. The manufactured homes commission division of industrial compliance may charge a fee for an annual license to operate a manufactured home park. The fee for a license shall be determined in accordance with section 4781.27 of the Revised Code and shall include the cost of licensing and all inspections.
Any fees collected shall be transmitted to the treasurer of state and shall be credited to the manufactured homes commission regulatory industrial compliance operating fund created in section 4781.54 121.084 of the Revised Code and used only for the purpose of administering and enforcing sections 4781.26 to 4781.35 of the Revised Code and the rules adopted thereunder.

Sec. 4781.29. The manufactured homes commission division of industrial compliance may refuse to grant, may suspend, or may revoke any license granted to any person for failure to comply with sections 4781.26 to 4781.35 of the Revised Code or with any rule adopted under section 4781.26 of the Revised Code.

Sec. 4781.31. (A) No person shall cause development to occur within any portion of a manufactured home park until the plans for the development have been submitted to and reviewed and approved by the manufactured homes commission division of industrial compliance. This division does not require that plans be submitted to the commission division of industrial compliance for approval for the replacement of manufactured or mobile homes on previously approved lots in a manufactured home park when no development is to occur in connection with the replacement. Within thirty days after receipt of the plans, all supporting documents and materials required to complete the review, and the applicable plan review fee established under division (D) of this section, the commission division of industrial compliance shall approve or disapprove the plans.

(B) Any person aggrieved by the commission's division's disapproval of a set of plans under division (A) of this section may request a hearing on the matter within thirty days after receipt of the commission's division's notice of the disapproval. The hearing shall be held in accordance with Chapter 119. of the Revised Code. Thereafter, the disapproval may be appealed in the
manner provided in section 119.12 of the Revised Code.

(C) The commission division of industrial compliance shall establish a system by which development occurring within a manufactured home park is inspected or verified in accordance with rules adopted under section 4781.26 of the Revised Code to ensure that the development complies with the plans approved under division (A) of this section.

(D) The commission division of industrial compliance shall establish fees for reviewing plans under division (A) of this section and conducting inspections under division (C) of this section.

(E) The commission division of industrial compliance shall charge the appropriate fees established under division (D) of this section for reviewing plans under division (A) of this section and conducting inspections under division (C) of this section. All such plan review and inspection fees received by the commission division shall be transmitted to the treasurer of state and shall be credited to the occupational licensing and regulatory industrial compliance operating fund created in section 4743.05121.084 of the Revised Code. Moneys so credited to the fund shall be used only for the purpose of administering and enforcing sections 4781.26 to 4781.35 of the Revised Code and rules adopted under those sections.

(F) Plan approvals issued under this section do not constitute an exemption from the land use and building requirements of the political subdivision in which the manufactured home park is or is to be located.

Sec. 4781.32. (A) No person shall cause development to occur or cause the replacement of a mobile or manufactured home within any portion of a manufactured home park that is located within a one-hundred-year flood plain unless the person first obtains a
permit from the \textit{manufactured homes commission division of industrial compliance}. If the development for which a permit is required under this division is to occur on a lot where a mobile or manufactured home is or is to be located, the owner of the home and the operator of the manufactured home park shall jointly obtain the permit. Each of the persons to whom a permit is jointly issued is responsible for compliance with the provisions of the approved permit that are applicable to that person.

The \textit{commission division of industrial compliance} shall disapprove an application for a permit required under this division unless the \textit{commission division} finds that the proposed development or replacement of a mobile or manufactured home complies with the rules adopted under section 4781.26 of the Revised Code. No permit is required under this division for the construction, erection, or manufacture of any building to which section 3781.06 of the Revised Code applies.

The \textit{commission division of industrial compliance} may suspend or revoke a permit issued under this division for failure to comply with the rules adopted under section 4781.26 of the Revised Code pertaining to flood plain management or for failure to comply with the approved permit.

Any person aggrieved by the disapproval, suspension, or revocation of a permit under this division by the \textit{commission division of industrial compliance} may request a hearing on the matter within thirty days after receipt of the notice of the disapproval, suspension, or revocation. The hearing shall be held in accordance with Chapter 119. of the Revised Code. Thereafter, an appeal of the disapproval, suspension, or revocation may be taken in the manner provided in section 119.12 of the Revised Code.

(B) The \textit{commission division of industrial compliance} shall establish fees for the issuance of permits under division (A) of
this section and for necessary inspections conducted to determine compliance with those permits.

(C) The commission division of industrial compliance shall charge the appropriate fee established under division (B) of this section for the issuance of a permit under division (A) of this section or for conducting any necessary inspection to determine compliance with the permit. If the commission division issues such a permit or conducts such an inspection, the fee for the permit or inspection shall be transmitted to the treasurer of state and shall be credited to the occupational licensing and regulatory industrial compliance operating fund created in section 4743.05 of the Revised Code. Moneys so credited to the fund shall be used only for the purpose of administering and enforcing sections 4781.26 to 4781.35 of the Revised Code and rules adopted under those sections.

Sec. 4781.33. When a flood event affects a manufactured home park, the operator of the manufactured home park, in accordance with rules adopted under section 4781.26 of the Revised Code, shall notify the manufactured homes commission division of industrial compliance and the board of health having jurisdiction where the flood event occurred within forty-eight hours after the end of the flood event. The commission division, after receiving notification, shall immediately notify the board of health.

After being notified of such a flood event, the board of health shall cause an inspection to be made of the manufactured home park named in the notice. The board of health shall issue a report of the inspection to the commission division of industrial compliance within ten days after the inspection is completed.

Sec. 4781.34. (A) If a mobile or manufactured home that is located in a flood plain is substantially damaged, the owner of
the home shall make all alterations, repairs, or changes to the home, and the operator of the manufactured home park shall make all alterations, repairs, or changes to the lot on which the home is located, that are necessary to ensure compliance with the flood plain management rules adopted under section 4781.26 of the Revised Code. Such alterations, repairs, or changes may include, without limitation, removal of the home or other structures.

No person shall fail to comply with this division.

(B) No person shall cause to be performed any alteration, repair, or change required by division (A) of this section unless the person first obtains a permit from the manufactured homes commission division of industrial compliance.

The manufactured homes commission division of industrial compliance shall disapprove an application for a permit required under this division unless the manufactured homes commission division finds that the proposed alteration, repair, or change complies with the rules adopted under section 4781.26 of the Revised Code. No permit is required under this division for the construction, erection, or manufacture of any building to which section 3781.06 of the Revised Code applies.

The manufactured homes commission division of industrial compliance may suspend or revoke a permit issued under this division for failure to comply with the rules adopted under section 4781.26 of the Revised Code pertaining to flood plain management or for failure to comply with the approved permit for making alterations, repairs, or changes to the lot on which the manufactured home is located.

Any person aggrieved by the disapproval, suspension, or revocation of a permit under this division by the manufactured homes commission division of industrial compliance may request a hearing on the matter within thirty days after receipt of the notice of the disapproval, suspension, or revocation. The hearing shall be held...
in accordance with Chapter 119. of the Revised Code. Thereafter, an appeal of the disapproval, suspension, or revocation may be taken in the manner provided in section 119.12 of the Revised Code and for necessary inspections conducted to determine compliance with those permits.

(C) The commission division of industrial compliance shall establish fees for the issuance of permits under division (B) of this section and for necessary inspections conducted to determine compliance with those permits for making alterations, repairs, or changes to the lot on which the manufactured home is located.

(D) The commission division of industrial compliance shall charge the appropriate fee established under division (C) of this section for the issuance of a permit under division (B) of this section or for conducting any necessary inspection to determine compliance with the permit. If the commission division of industrial compliance issues such a permit or conducts such an inspection, the fee for the permit or inspection shall be transmitted to the treasurer of state and shall be credited to the occupational licensing and regulatory industrial compliance operating fund created in section 4743.05 121.084 of the Revised Code. Moneys so credited to the fund shall be used only for the purpose of administering and enforcing sections 4781.26 to 4781.35 of the Revised Code and rules adopted under those sections.

Sec. 4781.35. (A) No person shall violate sections 4781.26 to 4781.35 of the Revised Code or the rules adopted thereunder.

(B) The prosecuting attorney of the county, the city director of law, or the attorney general, upon complaint of the manufactured homes commission division of industrial compliance, shall prosecute to termination or bring an action for injunction against any person violating sections 4781.26 to 4781.35 of the Revised Code or the rules adopted thereunder.
Sec. 4781.37. (A) Notwithstanding section 4781.36 of the Revised Code, a park operator may bring an action under Chapter 1923. of the Revised Code for possession of the premises if any of the following applies:

(1) The resident is in default in the payment of rent.

(2) The violation of the applicable building, housing, health, or safety code that the resident complained of was primarily caused by any act or lack of reasonable care by the resident, by any other person in the resident's household, or by anyone on the premises with the consent of the resident.

(3) The resident is holding over the resident's term.

(4) The resident is in violation of rules of the manufactured homes commission division of industrial compliance adopted pursuant to section 4781.26 of the Revised Code or rules of the manufactured home park adopted pursuant to the rules of the commission division.

(5) The resident has been absent from the manufactured home park for a period of thirty consecutive days prior to the commencement of the action, and the resident's manufactured home, mobile home, or recreational vehicle parked in the manufactured home park has been left unoccupied for that thirty-day period, without notice to the park operator and without payment of rent due under the rental agreement.

(B) The maintenance of an action by the park operator under this section does not prevent the resident from recovering damages for any violation by the park operator of the rental agreement or of section 4781.38 of the Revised Code.

Sec. 4781.38. (A) A park operator who is a party to a rental agreement shall:
(1) Comply with the requirements of all applicable building, housing, health, and safety codes which materially affect health and safety, and comply with rules of the manufactured homes commission division of industrial compliance;

(2) Make all repairs and do whatever is reasonably necessary to put and keep the premises in a fit and habitable condition;

(3) Keep all common areas of the premises in a safe and sanitary condition;

(4) Maintain in good and safe working order and condition all electrical and plumbing fixtures and appliances, and septic systems, sanitary and storm sewers, refuse receptacles, and well and water systems that are supplied or required to be supplied by the park operator;

(5) Not abuse the right of access conferred by division (B) of section 4781.39 of the Revised Code;

(6) Except in the case of emergency or if it is impracticable to do so, give the resident reasonable notice of the park operator's intent to enter onto the residential premises and enter only at reasonable times. Twenty-four hours' notice shall be presumed to be a reasonable notice in the absence of evidence to the contrary.

(B) If the park operator violates any provision of this section, makes a lawful entry onto the residential premises in an unreasonable manner, or makes repeated demands for entry otherwise lawful which demands have the effect of harassing the resident, the resident may recover actual damages resulting from the violation, entry, or demands and injunctive relief to prevent the recurrence of the conduct, and if the resident obtains a judgment, reasonable attorneys' fees, or terminate the rental agreement.

Sec. 4781.39. (A) A resident who is a party to a rental
agreement shall:

(1) Keep that part of the premises that the resident occupies and uses safe and sanitary;

(2) Dispose of all rubbish, garbage, and other waste in a clean, safe, and sanitary manner;

(3) Comply with the requirements imposed on residents by all applicable state and local housing, health, and safety codes, rules of the manufactured homes commission division of industrial compliance, and rules of the manufactured home park;

(4) Personally refrain, and forbid any other person who is on the premises with the resident's permission, from intentionally or negligently destroying, defacing, damaging, or removing any fixture, appliance, or other part of the residential premises;

(5) Conduct self and require other persons on the premises with the resident's consent to conduct themselves in a manner that will not disturb the resident's neighbors' peaceful enjoyment of the manufactured home park.

(B) The resident shall not unreasonably withhold consent for the park operator to enter the home to inspect utility connections, or enter onto the premises in order to inspect the premises, make ordinary, necessary, or agreed repairs, decorations, alterations, or improvements, deliver parcels which are too large for the resident's mail facilities, or supply necessary or agreed services.

(C) If the resident violates any provision of this section, the park operator may recover any actual damages which result from the violation and reasonable attorneys' fees. This remedy is in addition to any right of the park operator to terminate the rental agreement, to maintain an action for the possession of the premises, or injunctive relief to compel access under division (B) of this section.
Sec. 4781.45. If a resident commits a material violation of the rules of the manufactured home park, of the manufactured homes commission department of commerce division of industrial compliance, or of applicable state and local health and safety codes, the park operator may deliver a written notification of the violation to the resident. The notification shall contain all of the following:

(A) A description of the violation;

(B) A statement that the rental agreement will terminate upon a date specified in the written notice not less than thirty days after receipt of the notice unless the resident remedies the violation;

(C) A statement that the violation was material and that if a second material violation of any park or commission division rule, or any health and safety code, occurs within six months after the date of this notice, the rental agreement will terminate immediately;

(D) A statement that a defense available to termination of the rental agreement for two material violations of park or commission division rules, or of health and safety codes, is that the park rule is unreasonable, or that the park or commission division rule, or health or safety code, is not being enforced against other manufactured home park residents, or that the two violations were not willful and not committed in bad faith.

If the resident remedies the condition described in the notice, whether by repair, the payment of damages, or otherwise, the rental agreement shall not terminate. The park operator may terminate the rental agreement immediately if the resident commits a second material violation of the park or commission division rules, or of applicable state and local health and safety codes, subject to the defense that the park rule is unreasonable, that
the park or commission division rule, or health or safety code, is not being enforced against other manufactured home park residents, or that the two violations were not willful and not committed in bad faith.

Sec. 4781.54. (A) The division of real estate shall deposit all the fees collected in the administration and enforcement sections 4781.16 to 4781.25 of the Revised Code into the manufactured homes regulatory fund, which is hereby created. All money deposited into the fund shall be used to pay the operating expenses of the division or as otherwise described in those sections.

(B) The division of industrial compliance shall deposit all fees collected in the administration and enforcement sections of 4781.04 to 4781.14 and sections 4781.26 to 4781.35 of the Revised Code into the industrial compliance operating fund created in section 121.084 of the Revised Code. All money deposited into the fund shall be used to pay the operating expenses of the division or as otherwise described in those sections.

Sec. 4783.03. (A) The state behavioral health and social work board of psychology shall administer and enforce this chapter. The board shall adopt rules under Chapter 119. of the Revised Code establishing all of the following:

(1) Procedures and requirements for applying for a certificate issued under section 4783.04 of the Revised Code;

(2) Fees for issuance of a certificate;

(3) Reductions of the hours of continuing education required by section 4783.05 of the Revised Code for persons in their first certificate period.

(B) The board may adopt additional rules in accordance with Chapter 119. of the Revised Code as the board determines are
necessary to implement and enforce this chapter.

Sec. 4783.04. (A) An individual seeking a certificate to practice as a certified Ohio behavior analyst shall file with the state behavioral health and social work board of psychology a written application on a form prescribed and supplied by the board. To be eligible for a certificate, the individual shall do all of the following:

(1) Demonstrate that the applicant is of good moral character and conducts the applicant's professional activities in accordance with accepted professional and ethical standards;

(2) Comply with sections 4776.01 to 4776.04 of the Revised Code;

(3) Demonstrate an understanding of the law regarding behavioral health practice;

(4) Demonstrate current certification as a board certified behavior analyst by the behavior analyst certification board or its successor organization or demonstrate completion of equivalent requirements and passage of a psychometrically valid examination administered by a nationally accredited credentialing organization;

(5) Pay the fee established by the state behavioral health and social work board of psychology.

(B) The state behavioral health and social work board of psychology shall review all applications received under this section. The state behavioral health and social work board of psychology shall not grant a certificate to an applicant for an initial certificate unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the state behavioral health and social work board of psychology, in its discretion, decides that the results of the criminal records check do not make...
the applicant ineligible for a certificate issued pursuant to section 4783.09 of the Revised Code. If the state behavioral health and social work board of psychology determines that an applicant satisfies the requirements for a certificate to practice as a certified Ohio behavior analyst, the state behavioral health and social work board of psychology shall issue the applicant a certificate.

Sec. 4783.05. (A)(1) Except as otherwise provided in this division, a certificate issued under this chapter is valid for a period of two years. On or before the thirty-first day of August of each even-numbered year, each certified Ohio behavior analyst shall do both of the following:

(a) Register with the state behavioral health and social work board of psychology on a form prescribed by the board, giving the certified Ohio behavior analyst's name, address, certificate number, the continuing education information required under division (B) of this section, and any other reasonable information as the board requires;

(b) Pay to the board secretary a biennial registration fee in an amount of one hundred fifty dollars.

(2) An individual who is issued a certificate under section 4783.04 of the Revised Code for the first time on or before the thirty-first day of August of an even-numbered year shall next be required to register on or before the thirty-first day of August of the next even-numbered year.

(B) Every two years a certified Ohio behavior analyst who wishes to renew the certified Ohio behavior analyst's certificate issued under this chapter shall produce proof of not less than twenty-three hours of continuing education, including not less than four hours in ethics, professional conduct, or cultural competency. Continuing education hours may be earned through
Sec. 4783.09. (A) The state behavioral health and social work board of psychology may refuse to issue a certificate to any applicant, may issue a reprimand, or suspend or revoke the certificate of any certified Ohio behavior analyst, on any of the following grounds:

(1) Conviction of a felony, or of any offense involving moral turpitude, in a court of this or any other state or in a federal court;

(2) Using fraud or deceit in the procurement of the certificate to practice applied behavior analysis or knowingly assisting another in the procurement of such a certificate through fraud or deceit;

(3) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals;

(4) Willful, unauthorized communication of information received in professional confidence;

(5) Being negligent in the practice of applied behavior analysis;

(6) Using any controlled substance or alcoholic beverage to an extent that such use impairs the person's ability to perform the work of a certified Ohio behavior analyst with safety to the public;

(7) Violating any rule of professional conduct promulgated by the board;

(8) Practicing in an area of applied behavior analysis for which the person is clearly untrained or incompetent;
(9) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the person is incompetent for the purpose of holding the certificate;

(10) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers applied behavior analysis services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;

(11) Advertising that the person will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers applied behavior analysis services, would otherwise be required to pay.

(B) For purposes of division (A)(9) of this section, a person may have the person's certificate issued or restored only upon determination by a court that the person is competent for the purpose of holding the certificate and upon the decision by the board that the certificate be issued or restored. The board may require an examination prior to such issuance or restoration.

(C) Notwithstanding divisions (A)(10) and (11) of this section, sanctions shall not be imposed against any certificate holder who waives deductibles and copayments:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copays shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Such consent shall be made available to the board upon request.

(2) For professional services rendered to any other person holding a certificate issued pursuant to this chapter to the extent allowed by this chapter and the rules of the board.
(D) Except as provided in section 4783.10 of the Revised Code, before the board may deny, suspend, or revoke a certificate under this section, or otherwise discipline the holder of a certificate, written charges shall be filed with the board by the secretary and a hearing shall be had thereon in accordance with Chapter 119. of the Revised Code.

Sec. 4783.10. On receipt of a complaint that any of the grounds listed in division (A) of section 4783.09 of the Revised Code exist, the state behavioral health and social work board of psychology may suspend the certificate of the certified Ohio behavior analyst prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that an immediate threat to the public exists.

After suspending a certificate pursuant to this section, the board shall notify the certified Ohio behavior analyst of the suspension in accordance with section 119.07 of the Revised Code. If the individual whose certificate is suspended fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's certificate.

Sec. 4783.11. (A) Except as provided in division (B) of this section, if, at the conclusion of a hearing required by section 4783.09 of the Revised Code, the state behavioral health and social work board of psychology determines that a certified Ohio behavior analyst has engaged in sexual conduct or had sexual contact with the certified Ohio behavior analyst's patient or client in violation of any prohibition contained in Chapter 2907. of the Revised Code, the board shall do one of the following:

(1) Suspend the certified Ohio behavior analyst's certificate;
(2) Permanently revoke the certified Ohio behavior analyst's certificate.

(B) If the board determines at the conclusion of the hearing that neither of the sanctions described in division (A) of this section is appropriate, the board shall impose another sanction it considers appropriate and issue a written finding setting forth the reasons for the sanction imposed and the reason that neither of the sanctions described in division (A) of this section is appropriate.

Sec. 4783.12. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state behavioral health and social work board of psychology shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a certificate issued pursuant to this chapter.

Sec. 4783.13. The state behavioral health and social work board of psychology shall comply with section 4776.20 of the Revised Code.

Sec. 4905.02. (A) As used in this chapter, "public utility" includes every corporation, company, copartnership, person, or association, the lessees, trustees, or receivers of the foregoing, defined in section 4905.03 of the Revised Code, including any public utility that operates its utility not for profit, except the following:

(1) An electric light company that operates its utility not for profit;

(2) A public utility, other than a telephone company, that is owned and operated exclusively by and solely for the utility's customers, including any consumer or group of consumers.
purchasing, delivering, storing, or transporting, or seeking to purchase, deliver, store, or transport, natural gas exclusively by and solely for the consumer's or consumers' own intended use as the end user or end users and not for profit;

(3) A public utility that is owned or operated by any municipal corporation;

(4) A railroad as defined in sections 4907.02 and 4907.03 of the Revised Code;

(5) Any provider, including a telephone company, with respect to its provision of any of the following:

(a) Advanced services as defined in 47 C.F.R. 51.5;

(b) Broadband service, however defined or classified by the federal communications commission;

(c) Information service as defined in the "Telecommunications Act of 1996," 110 Stat. 59, 47 U.S.C. 153(20);

(d) Subject to division (A) of section 4927.03 of the Revised Code, internet protocol-enabled services as defined in section 4927.01 of the Revised Code;

(e) Subject to division (A) of section 4927.03 of the Revised Code, any telecommunications service as defined in section 4927.01 of the Revised Code to which both of the following apply:

(i) The service was not commercially available on September 13, 2010, the effective date of the amendment of this section by S.B. 162 of the 128th general assembly.

(ii) The service employs technology that became available for commercial use only after September 13, 2010, the effective date of the amendment of this section by S.B. 162 of the 128th general assembly.

(B)(1) "Public utility" includes a for-hire motor carrier even if the carrier is operated in connection with an entity...
described in division (A)(1), (2), (4), or (5) of this section.

(2) Division (A) of this section shall not be construed to relieve a private motor carrier, operated in connection with an entity described in division (A)(1), (2), (4), or (5) of this section, from compliance with any either of the following:

(a) Chapter 4923. of the Revised Code;

(b) Hazardous material regulation under section 4921.15 of the Revised Code and division (H) of section 4921.19 of the Revised Code, or rules adopted thereunder;

(c) Rules governing unified carrier registration adopted under section 4921.11 of the Revised Code.

Sec. 4906.01. As used in Chapter 4906. of the Revised Code:

(A) "Person" means an individual, corporation, business trust, association, estate, trust, or partnership or any officer, board, commission, department, division, or bureau of the state or a political subdivision of the state, or any other entity.

(B)(1) "Major utility facility" means:

(a) Electric generating plant and associated facilities designed for, or capable of, operation at a capacity of fifty megawatts or more;

(b) An electric transmission line and associated facilities of a design capacity of one hundred twenty-five kilovolts or more;

(c) A gas pipeline that is greater than five hundred feet in length, and its associated facilities, is more than nine inches in outside diameter and is designed for transporting gas at a maximum allowable operating pressure in excess of one hundred twenty-five pounds per square inch.

(2) "Major utility facility" does not include any of the following:
(a) Gas transmission lines over which an agency of the United States has exclusive jurisdiction;
(b) Any solid waste facilities as defined in section 6123.01 of the Revised Code;
(c) Electric distributing lines and associated facilities as defined by the power siting board;
(d) Any manufacturing facility that creates byproducts that may be used in the generation of electricity as defined by the power siting board;
(e) Gathering lines, gas gathering pipelines, and processing plant gas stub pipelines as those terms are defined in section 4905.90 of the Revised Code and associated facilities;
(f) Any gas processing plant as defined in section 4905.90 of the Revised Code;
(g) Natural gas liquids finished product pipelines;
(h) Pipelines from a gas processing plant as defined in section 4905.90 of the Revised Code to a natural gas liquids fractionation plant, including a raw natural gas liquids pipeline, or to an interstate or intrastate gas pipeline;
(i) Any natural gas liquids fractionation plant;
(j) A production operation as defined in section 1509.01 of the Revised Code, including all pipelines upstream of any gathering lines;
(k) Any compressor stations used by the following:
(i) A gathering line, a gas gathering pipeline, a processing plant gas stub pipeline, or a gas processing plant as those terms are defined in section 4905.90 of the Revised Code;
(ii) A natural gas liquids finished product pipeline, a natural gas liquids fractionation plant, or any pipeline upstream...
of a natural gas liquids fractionation plant; or

(iii) A production operation as defined in section 1509.01 of the Revised Code.

(C) "Commence to construct" means any clearing of land, excavation, or other action that would adversely affect the natural environment of the site or route of a major utility facility, but does not include surveying changes needed for temporary use of sites or routes for nonutility purposes, or uses in securing geological data, including necessary borings to ascertain foundation conditions.

(D) "Certificate" means a certificate of environmental compatibility and public need issued by the power siting board under section 4906.10 of the Revised Code or a construction certificate issued by the board under rules adopted under division (E) or (F) of section 4906.03 of the Revised Code.

(E) "Gas" means natural gas, flammable gas, or gas that is toxic or corrosive.

(F) "Natural gas liquids finished product pipeline" means a pipeline that carries finished product natural gas liquids to the inlet of an interstate or intrastate finished product natural gas liquid transmission pipeline, rail loading facility, or other petrochemical or refinery facility.

(G) "Natural gas liquids fractionation plant" means a facility that takes a feed of raw natural gas liquids and produces finished product natural gas liquids.

(H) "Raw natural gas" means hydrocarbons that are produced in a gaseous state from gas wells and that generally include methane, ethane, propane, butanes, pentanes, hexanes, heptanes, octanes, nonanes, and decanes, plus other naturally occurring impurities like water, carbon dioxide, hydrogen sulfide, nitrogen, oxygen, and helium.
(I) "Raw natural gas liquids" means naturally occurring hydrocarbons contained in raw natural gas that are extracted in a gas processing plant and liquefied and generally include mixtures of ethane, propane, butanes, and natural gasoline.

(J) "Finished product natural gas liquids" means an individual finished product produced by a natural gas liquids fractionation plant as a liquid that meets the specifications for commercial products as defined by the gas processors association. Those products include ethane, propane, iso-butane, normal butane, and natural gasoline.

Sec. 4906.10. (A) The power siting board shall render a decision upon the record either granting or denying the application as filed, or granting it upon such terms, conditions, or modifications of the construction, operation, or maintenance of the major utility facility as the board considers appropriate. The certificate shall be conditioned upon the facility being in compliance with standards and rules adopted under sections 1501.33, 1501.34, and 4561.32 and Chapters 3704., 3734., and 6111. of the Revised Code. An applicant may withdraw an application if the board grants a certificate on terms, conditions, or modifications other than those proposed by the applicant in the application. The period of initial operation under a certificate shall expire two years after the date on which electric power is first generated by the facility. During the period of initial operation, the facility shall be subject to the enforcement and monitoring powers of the director of environmental protection under Chapters 3704., 3734., and 6111. of the Revised Code and to the emergency provisions under those chapters. If a major utility facility constructed in accordance with the terms and conditions of its certificate is unable to operate in compliance with all applicable requirements of state laws, rules, and standards pertaining to air pollution, the facility may apply to the
director of environmental protection for a conditional operating permit under division (G) of section 3704.03 of the Revised Code and the rules adopted thereunder. The operation of a major utility facility in compliance with a conditional operating permit is not in violation of its certificate. After the expiration of the period of initial operation of a major utility facility, the facility shall be under the jurisdiction of the environmental protection agency and shall comply with all laws, rules, and standards pertaining to air pollution, water pollution, and solid and hazardous waste disposal.

The board shall not grant a certificate for the construction, operation, and maintenance of a major utility facility, either as proposed or as modified by the board, unless it finds and determines all of the following:

(1) The basis of the need for the facility if the facility is an electric transmission line or gas pipeline;

(2) The nature of the probable environmental impact;

(3) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations;

(4) In the case of an electric transmission line or generating facility, that the facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems and that the facility will serve the interests of electric system economy and reliability;

(5) That the facility will comply with Chapters 3704., 3734., and 6111. of the Revised Code and all rules and standards adopted under those chapters and under sections 1501.33, 1501.34, and 4561.32 of the Revised Code. In determining whether the facility
will comply with all rules and standards adopted under section 4561.32 of the Revised Code, the board shall consult with the office of aviation of the division of multi-modal planning and programs of the department of transportation under section 4561.341 of the Revised Code.

(6) That the facility will serve the public interest, convenience, and necessity;

(7) In addition to the provisions contained in divisions (A)(1) to (6) of this section and rules adopted under those divisions, what its impact will be on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929. of the Revised Code that is located within the site and alternative site of the proposed major utility facility. Rules adopted to evaluate impact under division (A)(7) of this section shall not require the compilation, creation, submission, or production of any information, document, or other data pertaining to land not located within the site and alternative site.

(8) That the facility incorporates maximum feasible water conservation practices as determined by the board, considering available technology and the nature and economics of the various alternatives.

(B) If the board determines that the location of all or a part of the proposed facility should be modified, it may condition its certificate upon that modification, provided that the municipal corporations and counties, and persons residing therein, affected by the modification shall have been given reasonable notice thereof.

(C) A copy of the decision and any opinion issued therewith shall be served upon each party.
Sec. 4906.13. (A) As used in this section and sections 4906.20 and 4906.98 of the Revised Code, "economically significant wind farm" means wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of five or more megawatts but less than fifty megawatts. The term excludes any such wind farm in operation on the effective date of this section June 24, 2008.

(B) No public agency or political subdivision of this state may require any approval, consent, permit, certificate, or other condition for the construction or initial operation of a major utility facility or economically significant wind farm authorized by a certificate issued pursuant to Chapter 4906. of the Revised Code. Nothing herein shall prevent the application of state laws for the protection of employees engaged in the construction of such facility or wind farm nor of municipal regulations that do not pertain to the location or design of, or pollution control and abatement standards for, a major utility facility or economically significant wind farm for which a certificate has been granted under this chapter.

Sec. 4921.01. As used in this chapter:

(A) "Ambulance" has the same meaning as in section 4766.01 of the Revised Code.

(B) "For-hire motor carrier" means a person engaged in the business of transporting persons or property by motor vehicle for compensation, except when engaged in any of the following in intrastate commerce:

(1) The transportation of persons in taxicabs in the usual taxicab service;

(2) The transportation of pupils in school buses.
operating to or from school sessions or school events;

(3) The transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants;

(4) The distribution of newspapers;

(5) The transportation of crude petroleum incidental to gathering from wells and delivery to destination by pipeline;

(6) The transportation of injured, ill, or deceased persons by hearse or ambulance;

(7) The transportation of compost (a combination of manure and sand or shredded bark mulch) or shredded bark mulch;

(8) The transportation of persons in a ridesharing arrangement when any fee charged each person so transported is in such amount as to recover only the person's share of the costs of operating the motor vehicle for such purpose;

(9) The operation of motor vehicles for contractors on public road work.

"For-hire motor carrier" includes the carrier's agents, officers, and representatives, as well as employees responsible for hiring, supervising, training, assigning, or dispatching drivers and employees concerned with the installation, inspection, and maintenance of motor-vehicle equipment and accessories.

Divisions (B)(1) to (9) of this section shall not be construed to relieve a person from compliance with hazardous material regulation under section 4921.15 of the Revised Code and division (H) of section 4921.19 of the Revised Code, or rules adopted thereunder, or from compliance with rules governing unified carrier registration adopted under section 4921.11 of the Revised Code.

(C) "Household goods" means personal effects and property
used or to be used in a dwelling, excluding property moving from a
factory or store.

(D) "Interstate commerce" means trade, traffic, or
transportation in the United States that is any of the following:

(1) Between a place in a state and a place outside of that
state (including a place outside of the United States);

(2) Between two places in a state through another state or a
place outside of the United States;

(3) Between two places in a state as part of trade, traffic,
or transportation originating or terminating outside the state or
the United States.

(E) "Intrastate commerce" means any trade, traffic, or
transportation in any state which is not described in the term
"interstate commerce."

(F) "Motor vehicle" means any vehicle, machine, tractor,
trailer, or semitrailer propelled or drawn by mechanical power and
used upon the highways in the transportation of persons or
property, or any combination thereof, but does not include any
vehicle, locomotive, or car operated exclusively on a rail or
rails, or a trolley bus operated by electric power derived from a
fixed overhead wire, furnishing local passenger transportation
similar to street-railway service.

(G) "Public highway" means any public street, road, or
highway in this state, whether within or without the corporate
limits of a municipal corporation.

(H) "Ridesharing arrangement" means the transportation of
persons in a motor vehicle where such transportation is incidental
to another purpose of a volunteer driver, and includes ridesharing
arrangements known as carpools, vanpools, and buspools.

(I) "School bus" has the same meaning as in section 4511.01
of the Revised Code.

(J) "Trailer" means any vehicle without motive power designed or used for carrying persons or property and for being drawn by a separate motor vehicle, including any vehicle of the trailer type, whether designed or used for carrying persons or property wholly on its own structure, or so designed or used that a part of its own weight or the weight of its load rests upon and is carried by such motor vehicle.

Sec. 4921.19. (A) Every for-hire motor carrier operating in this state shall, at the time of the issuance of a certificate of public convenience and necessity under section 4921.03 of the Revised Code, pay to the public utilities commission, for and on behalf of the treasurer of state, the following taxes:

(1) For each motor vehicle used for transporting persons, thirty dollars;

(2) For each commercial tractor, as defined in section 4501.01 of the Revised Code, used for transporting property, thirty dollars;

(3) For each other motor vehicle transporting property, twenty dollars.

(B) Every for-hire motor carrier operating in this state solely in intrastate commerce shall, annually between the first day of May and the thirtieth day of June, pay to the commission, for and on behalf of the treasurer of state, the following taxes:

(1) For each motor vehicle used for transporting persons, thirty dollars;

(2) For each commercial tractor, as defined in section 4501.01 of the Revised Code, used for transporting property, thirty dollars;

(3) For each other motor vehicle transporting property,
twenty dollars.

(C) After a for-hire motor carrier has paid the applicable taxes under division (A) or (B) of this section and met all applicable requirements under section 4921.03 or division (C) of section 4921.13 of the Revised Code, the commission shall issue the carrier a tax receipt for each motor vehicle for which a tax has been paid under this section. The carrier shall keep the appropriate tax receipt in each motor vehicle operated by the carrier. The carrier shall maintain tax receipt records that specify to which motor vehicle each tax receipt is assigned.

(D) A trailer used by a for-hire motor carrier shall not be taxed under this section.

(E) The annual tax levied by division (B) of this section does not apply in those cases where the commission finds that the movement of agricultural commodities or foodstuffs produced therefrom requires a temporary and seasonal use of vehicular equipment for a period of not more than ninety days. In such event, the tax on the vehicular equipment shall be twenty-five percent of the annual tax levied by division (B) of this section. If any vehicular equipment is used in excess of the ninety-day period, the annual tax levied by this section shall be paid.

(F) All taxes levied by division (B) of this section shall be reckoned as from the beginning of the quarter in which the tax receipt is issued or as from when the use of equipment under any existing tax receipt began.

(G) The fees for unified carrier registration pursuant to section 4921.11 of the Revised Code shall be identical to those established by the unified carrier registration act board as approved by the federal motor carrier safety administration for each year.

(H) (1) The fees for uniform registration and a uniform permit
as a carrier of hazardous materials pursuant to section 4921.15 of the Revised Code shall consist of the following:

(a) A processing fee of fifty dollars;

(b) An apportioned per-truck registration fee, which shall be calculated by multiplying the percentage of a registrant's activity in this state times the percentage of the registrant's business that is hazardous materials-related, times the number of vehicles owned or operated by the registrant, times a per-truck fee determined by order of the commission following public notice and an opportunity for comment.

(i) The percentage of a registrant's activity in this state shall be calculated by dividing the number of miles that the registrant travels in this state under the international registration plan, pursuant to section 4503.61 of the Revised Code, by the number of miles that the registrant travels nationwide under the international registration plan. Registrants that operate solely within this state shall use one hundred percent as their percentage of activity. Registrants that do not register their vehicles through the international registration plan shall calculate activity in the state in the same manner as that required by the international registration plan.

(ii) The percentage of a registrant's business that is hazardous materials-related shall be calculated, for less-than-truckload shipments, by dividing the weight of all the registrant's hazardous materials shipments by the total weight of all shipments in the previous year. The percentage of a registrant's business that is hazardous materials-related shall be calculated, for truckload shipments, by dividing the number of shipments for which placarding, marking of the vehicle, or manifesting, as appropriate, was required by regulations adopted under sections 4 to 6 of the "Hazardous Materials Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 U.S.C. App. 1804,
by the total number of the registrant's shipments that transported any kind of goods in the previous year. A registrant that transports both less-than-truckload and truckload shipments of hazardous materials shall calculate the percentage of business that is hazardous-materials-related on a proportional basis.

(iii) A registrant may utilize fiscal year, or calendar year, or other current company accounting data, or other publicly available information, in calculating the percentages required by divisions (H)(1)(b)(i) and (ii) of this section.

(2) The commission, after notice and opportunity for a hearing, may assess each carrier a fee for any background investigation required for the issuance, for the purpose of section 3734.15 of the Revised Code, of a uniform permit as a carrier of hazardous wastes and fees related to investigations and proceedings for the denial, suspension, or revocation of a uniform permit as a carrier of hazardous materials. The fees shall not exceed the reasonable costs of the investigations and proceedings. The fee for a background investigation for a uniform permit as a carrier of hazardous wastes shall be six hundred dollars plus the costs of obtaining any necessary information not included in the permit application, to be calculated at the rate of thirty dollars per hour, not exceeding six hundred dollars, plus any fees payable to obtain necessary information.

(I) The application fee for a certificate for the transportation of household goods issued pursuant to sections 4921.30 to 4921.38 of the Revised Code shall be based on the certificate holder's gross revenue, in the prior year, for the intrastate transportation of household goods. The commission shall establish, by order, ranges of gross revenue and the fee for each range. The fees shall be set in amounts sufficient to carry out the purposes of sections 4921.30 to 4921.38 and 4923.99 of the Revised Code and, to the extent necessary, the commission shall
make changes to the fee structure to ensure that neither over nor under collection of the fees occurs. The fees shall also take into consideration the revenue generated from the assessment of forfeitures under section 4923.99 of the Revised Code regarding the consumer protection provisions applicable to for-hire motor carriers engaged in the transportation of household goods.

(I) The fees and taxes provided under this section shall be in addition to taxes, fees, and charges fixed and exacted by other sections of the Revised Code, except the assessments required by section 4905.10 of the Revised Code, but all fees, license fees, annual payments, license taxes, or taxes or other money exactions, except the general property tax, assessed, charged, fixed, or exacted by local authorities such as municipal corporations, townships, counties, or other local boards, or the officers of such subdivisions are illegal and, are superseded by sections 4503.04 and 4905.03 and Chapter 4921. of the Revised Code. On compliance with sections 4503.04 and 4905.03 and Chapter 4921. of the Revised Code, all local ordinances, resolutions, bylaws, and rules in force shall cease to be operative as to the persons in compliance, except that such local subdivisions may make reasonable local police regulations within their respective boundaries not inconsistent with sections 4503.04 and 4905.03 and Chapter 4921. of the Revised Code.

Sec. 4921.21. (A) As used in this section, "adjusted credit amount" means the aggregate amount credited to the public utilities transportation safety fund, less the sum of all both of the following:

(1) The fees collected by the public utilities commission, in accordance with the unified carrier registration plan under section 4921.11 of the Revised Code, that exceed the federal certification of revenue for each year of the plan;
(2) The fees collected by the commission on behalf of other states under division (C) of section 4921.15 of the Revised Code;

(3) The forfeitures collected by the commission under section 4923.99 of the Revised Code for violations of rules adopted under division (A)(2) of section 4923.04 of the Revised Code.

(B)(1) There is hereby created in the state treasury the public utilities transportation safety fund. The fees collected in accordance with the unified carrier registration plan under section 4921.11 of the Revised Code, the fees collected under section 4921.15 of the Revised Code, the taxes and fees remitted under section 4921.19 of the Revised Code, the forfeitures imposed under section 4923.99 of the Revised Code, except as provided in division (B)(2) of this section, and the fines collected under section 4163.07 of the Revised Code shall be deposited into the state treasury to the credit of the public utilities transportation safety fund, until the adjusted credit amount in a fiscal year is equal to the total amount appropriated from the fund for the fiscal year. Once this point of parity is reached, any additional fees, taxes, forfeitures, or fines received during the fiscal year shall be credited to the general revenue fund, except as provided in division (B)(2) of this section, and except for both of the following:

(a) The fees collected in accordance with the unified carrier registration plan under section 4921.11 of the Revised Code, that exceed the federal certification of revenue for each year of the plan;

(b) The fees collected on behalf of other states under division (C) of section 4921.15 of the Revised Code.

(2) The first eight hundred thousand dollars of forfeitures collected under section 4923.99 of the Revised Code, for violations of rules adopted under division (A)(2) of section
4923.04 of the Revised Code, during each fiscal year shall be credited to the public utilities transportation safety fund. Any forfeitures in excess of that amount shall be deposited into the general revenue fund. In each fiscal year, the commission shall distribute moneys from these forfeitures credited to the public utilities transportation safety fund for the purposes of emergency response planning and the training of safety, enforcement, and emergency services personnel in proper techniques for the management of hazardous materials releases that occur during transportation or otherwise. For these purposes, fifty per cent of all such moneys credited to the public utilities transportation safety fund shall be distributed to Cleveland state university, forty-five per cent shall be distributed to other educational institutions, state agencies, regional planning commissions, and political subdivisions, and five per cent shall be retained by the commission for the administration of this section and for training employees. However, if, in any such period, moneys from these forfeitures credited to the public utilities transportation safety fund equal an amount less than four hundred thousand dollars, the commission shall distribute, to the extent of the aggregate amount of those moneys, two hundred thousand dollars to Cleveland state university and the remainder to other educational institutions, state agencies, regional planning commissions, and political subdivisions.

(C) The purpose of the public utilities transportation safety fund shall be for defraying all expenses incident to maintaining the nonrailroad transportation activities of the commission.

(D) There is hereby created in the state treasury the federal commercial vehicle transportation systems fund. The fund shall consist of money received from the United States department of transportation's commercial vehicle intelligent transportation systems infrastructure deployment program. The public utilities
commission shall use the fund to deploy the Ohio commercial
vehicle information systems networks project and to improve safety
of motor carrier operations through electronic exchange of data.  

(E) There is hereby created in the state treasury the motor
carrier safety fund. The fund shall consist of money received from
the United States department of transportation for motor carrier
safety. The commission shall use the fund to administer the
state's motor carrier safety assistance program and associated
grants, including the motor carrier safety assistance program
basic grant, the incentive grant, the high priority grants, the
new entrant safety assurance grant, the safety data improvement
grant, or their equivalents.  

(F) If the director of budget and management determines there
is not sufficient money in the public utilities transportation
safety fund, the director shall transfer money from the general
revenue fund to the public utilities transportation safety fund in
an amount up to the difference between the balance of the public
utilities transportation safety fund and the appropriations from
that fund. If the director subsequently determines during the
fiscal year that the balance of the public utilities
transportation safety fund exceeds the amount needed to support
the appropriations from the fund, the director shall transfer the
excess money, up to the amount of the original transfer, to the
general revenue fund.  

Sec. 4923.02. (A) As used in this chapter, "private motor
carrier" does not include a person when engaged in any of the
following in intrastate commerce:

(1) The transportation of persons in taxicabs in the usual
taxicab service;  

(2) The transportation of pupils in school busses operating
to or from school sessions or school events;
(3) The transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants;

(4) The distribution of newspapers;

(5) The transportation of crude petroleum incidental to gathering from wells and delivery to destination by pipe line;

(6) The transportation of injured, ill, or deceased persons by hearse or ambulance;

(7) The transportation of compost (a combination of manure and sand or shredded bark mulch) or shredded bark mulch;

(8) The transportation of persons in a ridesharing arrangement when any fee charged each person so transported is in such amount as to recover only the person's share of the costs of operating the motor vehicle for such purpose;

(9) The operation of motor vehicles for contractors on public road work.

(B) The public utilities commission may grant a motor carrier operating in intrastate commerce a temporary exemption from some or all of the provisions of this chapter and the rules adopted under it, when either of the following applies:

(1) The governor of this state has declared an emergency.

(2) The chairperson of the commission or the chairperson's designee has declared a transportation-specific emergency.

(C) The commission may adopt rules not incompatible with the requirements of the United States department of transportation to provide exemptions to motor carriers operating in intrastate commerce not otherwise identified in divisions (A) and (B) of this section.

(D) Divisions (A) to (C) of this section shall not be construed to relieve a person from compliance with the following:
(1) Rules adopted under division (A)(2) of section 4923.04 of the Revised Code, division (E) of section 4923.06 of the Revised Code, division (B) of section 4923.07 of the Revised Code, and section 4923.11 of the Revised Code;

(2) Rules regarding commercial driver's licenses adopted under division (A)(1) of section 4923.04 of the Revised Code;

(3) Rules adopted under section 4921.15 of the Revised Code regarding uniform registration and permitting of carriers of hazardous materials and other applicable provisions of that section and division (H) of section 4921.19 of the Revised Code.

Sec. 4923.99. (A)(1) Whoever violates Chapter 4921. or 4923. of the Revised Code, or rules adopted thereunder, is liable to the state for a forfeiture of not more than twenty-five thousand dollars for each day of each violation. The public utilities commission, after providing reasonable notice and the opportunity for a hearing in accordance with the procedural rules adopted under section 4901.13 of the Revised Code, shall assess, by order, a forfeiture upon a person whom the commission determines, by a preponderance of the evidence, committed the violation. In determining the amount of the forfeiture for a violation discovered during a driver or motor-vehicle inspection under section 4923.06 of the Revised Code, or discovered during a compliance review under section 4923.07 of the Revised Code, the commission shall, to the extent practicable, not act in a manner incompatible with the applicable requirements of the United States department of transportation, and, to the extent practicable, shall utilize a system comparable to the recommended civil penalty procedure adopted by the commercial vehicle safety alliance. In determining the amount of the forfeiture for a violation discovered during a compliance review of a motor carrier under section 4923.07 of the Revised Code, the commission shall, to the extent practicable,
extent practicable, not act in a manner incompatible with the
civil-penalty guidelines of the United States department of
transportation.

The attorney general, upon the written request of the
commission, shall bring a civil action in the court of common
pleas of Franklin county to collect a forfeiture assessed under
this section. The commission shall account for the forfeitures
collected under this section and pay them to the treasurer of
state under section 4921.21 of the Revised Code.

(2) The attorney general, upon the written request of the
commission, shall bring an action for injunctive relief in the
court of common pleas of Franklin county against any person who
has violated or is violating any order issued by the commission to
secure compliance with any provision of Chapter 4921. or 4923. of
the Revised Code. The court of common pleas of Franklin county has
jurisdiction to and may grant preliminary and permanent injunctive
relief upon a showing that the person against whom the action is
brought has violated or is violating any such order. The court
shall give precedence to such an action over all other cases.

(B) The amount of any forfeiture may be compromised at any
time prior to collection of the forfeiture. The commission shall
adopt rules governing the manner in which the amount of a
forfeiture may be established by agreement prior to the hearing on
the forfeiture before the commission.

(C) The proceedings of the commission specified in division
(A) of this section are subject to and governed by Chapter 4903.
of the Revised Code, except as otherwise specifically provided in
this section. The court of appeals of Franklin county has
exclusive, original jurisdiction to review, modify, or vacate an
order of the commission issued to secure compliance with any
provision of Chapter 4921. or 4923. of the Revised Code. The court
of appeals shall hear and determine those appeals in the same
manner, and under the same standards, as the supreme court hears and determines appeals under Chapter 4903. of the Revised Code. The judgment of the court of appeals is final and conclusive unless reversed, vacated, or modified on appeal. Such appeals may be taken either by the commission or the person to whom the compliance order or forfeiture assessment was issued and shall proceed as in the case of appeals in civil actions as provided in the rules of appellate procedure and Chapter 2505. of the Revised Code.

(D) Section 4903.11 of the Revised Code does not apply to an appeal of an order issued to secure compliance with Chapter 4921. or 4923. of the Revised Code or an order issued under division (A)(1) of this section assessing a forfeiture. Any person to whom any such order is issued who wishes to contest a compliance order, the fact of the violation, or the amount of the forfeiture shall file a notice of appeal, setting forth the order appealed from and the errors complained of, within sixty days after the entry of the order upon the journal of the commission. The notice of appeal shall be served, unless waived, upon the chairperson of the commission or, in the event of the chairperson's absence, upon any public utilities commissioner, or by leaving a copy at the office of the commission at Columbus. An order issued by the commission to secure compliance with Chapter 4921. or 4923. of the Revised Code or an order issued under division (A)(1) of this section assessing a forfeiture shall be reversed, vacated, or modified on appeal if, upon consideration of the record, the court is of the opinion that the order was unlawful or unreasonable.

(E) Only for such violations that constitute violations of the "Hazardous Materials Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 U.S.C.A. App. 1804 and 1805, or regulations adopted under the act, the commission, in determining liability, shall use the same standard of culpability for civil...

Sec. 4927.13. (A) An incumbent local exchange carrier that is an eligible telecommunications carrier under 47 C.F.R. 54.201 shall implement lifeline service throughout the carrier's traditional service area for its eligible residential customers. (1) Lifeline service shall consist of all of the following: (a) Flat-rate, monthly, primary Monthly access line service with touch-tone service, at a recurring discount to the monthly basic local exchange service rate that provides for the maximum contribution of federally available assistance; (b) Not more than once per customer at a single address in a twelve-month period, a waiver of all nonrecurring service order charges for establishing service; (c) Free blocking of toll service, 900 service, and 976 service. The carrier may offer to lifeline service customers any other services and bundles or packages of services at the prevailing prices, less the lifeline discount. (2) The carrier also shall offer special payment arrangements to lifeline service customers that have past due bills for regulated local service charges, with the initial payment not to exceed twenty-five dollars before service is installed, and the balance for regulated local service charges to be paid over six, equal, monthly payments. Lifeline service customers with past due
bills for toll service charges shall have toll restricted service until the past due toll service charges have been paid or until the customer establishes service with another toll service provider.

(3)(a) Every incumbent local exchange carrier required to implement lifeline service under division (A) of this section shall establish an annual marketing budget for promoting lifeline service and performing outreach regarding lifeline service. All funds allocated to this budget shall be spent for the promotion and marketing of lifeline service and outreach regarding lifeline service and only for those purposes and not for any administrative costs of implementing lifeline service. All activities relating to the promotion of, marketing of, and outreach regarding lifeline service shall be coordinated through a single advisory board composed of staff of the public utilities commission, the office of the consumers' counsel, consumer groups representing low-income constituents, two representatives from the Ohio association of community action agencies, and, except as provided in division (A)(3)(b) of this section, every incumbent local exchange carrier required to implement lifeline service under division (A) of this section. The public utilities commission may review and approve decisions of the advisory board in accordance with commission rules, including decisions on how the lifeline marketing, promotion, and outreach activities are implemented.

(b) Division (A)(3)(a) of this section does not apply to an incumbent local exchange carrier with fewer than fifty thousand access lines.

(4) All other aspects of the carrier's state-specific lifeline service shall be consistent with federal requirements.

(B) The rates, terms, and conditions for the carrier's lifeline service shall be tariffed in the manner prescribed by rule adopted by the public utilities commission.
(C)(1) Eligibility for lifeline service under division (A) of this section shall be based on either of the following criteria:

(a) An individual's verifiable participation in any federal or state low-income assistance program, specified in rules adopted by the commission, that limits assistance based on household income;

(b) Other verification that an individual's household income is at or below one hundred fifty per cent of the federal poverty level consistent with the income eligibility threshold in 47 C.F.R. 409(a)(1).

The public utilities commission shall adopt rules establishing requirements for the implementation of automatic enrollment of eligible individuals for lifeline assistance. The public utilities commission shall work with the appropriate state agencies that administer federal or state low-income assistance programs and with carriers to negotiate and acquire information necessary to verify an individual's eligibility and the data necessary to automatically enroll eligible individuals for lifeline service. Every incumbent local exchange carrier required to implement lifeline service under division (A) of this section shall implement automatic enrollment in accordance with the applicable rules of the public utilities commission and to the extent that appropriate state agencies are able to accommodate the automatic enrollment.

(2) The carrier shall provide written notification if the carrier determines that an individual is not eligible for lifeline service and shall provide the individual an additional thirty days to prove eligibility.

(3) The carrier shall provide written customer notification if a customer's lifeline service is to be terminated due to failure to submit acceptable documentation for continued
eligibility for that assistance and shall provide the customer an additional sixty thirty days to submit acceptable documentation of continued eligibility or dispute the carrier's findings regarding termination of the lifeline service.

(D) An incumbent local exchange carrier required to implement lifeline service under division (A) of this section may recover from end users of the carrier's telecommunications service other than lifeline service customers, by a method approved by the public utilities commission, any lifeline service discounts and any other lifeline service expenses that the public utilities commission prescribes by rule and that are not recovered through federal or state funding, except for expenses incurred under division (A)(3)(a) of this section. A carrier seeking recovery of discounts or expenses shall, in accordance with rules adopted by the public utilities commission, apply to the public utilities commission for approval of the method of recovery. If the method of recovery includes a customer billing surcharge, the public utilities commission shall prescribe by rule how the surcharge is to be identified on customer bills.

(E) Every incumbent local exchange carrier required to implement lifeline service under division (A) of this section shall annually file with the public utilities commission a report that identifies the number of its customers who receive, at the time of the filing of the report, lifeline service.

Sec. 4928.02. It is the policy of this state to do the following throughout this state:

(A) Ensure the availability to consumers of adequate, reliable, safe, efficient, nondiscriminatory, and reasonably priced retail electric service;

(B) Ensure the availability of unbundled and comparable retail electric service that provides consumers with the supplier,
price, terms, conditions, and quality options they elect to meet their respective needs;

(C) Ensure diversity of electricity supplies and suppliers, by giving consumers effective choices over the selection of those supplies and suppliers and by encouraging the development of distributed and small generation facilities;

(D) Encourage innovation and market access for cost-effective supply- and demand-side retail electric service including, but not limited to, demand-side management, time-differentiated pricing, waste energy recovery systems, smart grid programs, and implementation of advanced metering infrastructure;

(E) Encourage cost-effective and efficient access to information regarding the operation of the transmission and distribution systems of electric utilities in order to promote both effective customer choice of retail electric service and the development of performance standards and targets for service quality for all consumers, including annual achievement reports written in plain language;

(F) Ensure that an electric utility's transmission and distribution systems are available to a customer-generator or owner of distributed generation, so that the customer-generator or owner can market and deliver the electricity it produces;

(G) Recognize the continuing emergence of competitive electricity markets through the development and implementation of flexible regulatory treatment;

(H) Ensure effective competition in the provision of retail electric service by avoiding anticompetitive subsidies flowing from a noncompetitive retail electric service to a competitive retail electric service or to a product or service other than retail electric service, and vice versa, including by prohibiting the recovery of any generation-related costs through distribution.
or transmission rates;

(I) Ensure retail electric service consumers protection against unreasonable sales practices, market deficiencies, and market power;

(J) Provide coherent, transparent means of giving appropriate incentives to technologies that can adapt successfully to potential environmental mandates;

(K) Encourage implementation of distributed generation across customer classes through regular review and updating of administrative rules governing critical issues such as, but not limited to, interconnection standards, standby charges, and net metering;

(L) Protect at-risk populations, including, but not limited to, when considering the implementation of any new advanced energy or renewable energy resource;

(M) Research and implement technological and regulatory innovations in the electric distribution system, which may include distributed energy resources, such as battery storage; advanced metering infrastructure; distribution automation; sensors; controls; data exchange and use; and associated electric rate design;

(N) Encourage the education of small business owners in this state regarding the use of, and encourage the use of, energy efficiency programs and alternative energy resources in their businesses;

(O) Facilitate the state's effectiveness in the global economy.

In carrying out this policy, the commission shall consider rules as they apply to the costs of electric distribution infrastructure, including, but not limited to, line extensions,
for the purpose of development in this state.

Sec. 5101.074. If the department of job and family services receives money from a refund or reconciliation related to the medicaid program, the department shall transfer the money to the department of medicaid for deposit into the refunds and reconciliation fund created under section 5162.65 of the Revised Code.

Sec. 5101.09. (A) When the director of job and family services is authorized by the Revised Code to adopt a rule, the director shall adopt the rule in accordance with the following:

(1) Chapter 119. of the Revised Code if any of the following apply:

(a) The rule concerns the administration or enforcement of Chapter 4141. of the Revised Code;

(b) The rule concerns a program administered by the department of job and family services, unless the statute authorizing the rule requires that it be adopted in accordance with section 111.15 of the Revised Code;

(c) The statute authorizing the rule requires that the rule be adopted in accordance with Chapter 119. of the Revised Code.

(2) Section 111.15 of the Revised Code, excluding division (D) of that section, if either of the following apply:

(a) The rule concerns the day-to-day staff procedures and operations of the department or financial and operational matters between the department and another government entity or a private entity receiving a grant from the department, unless the statute authorizing the rule requires that it be adopted in accordance with Chapter 119. of the Revised Code;

(b) The statute authorizing the rule requires that the rule
be adopted in accordance with section 111.15 of the Revised Code and, by the terms of division (D) of that section, division (D) of that section does not apply to the rule.

(3) Section 111.15 of the Revised Code, including division (D) of that section, if the statute authorizing the rule requires that the rule be adopted in accordance with that section and the rule is not exempt from the application of division (D) of that section.

(B) Except as otherwise required by the Revised Code, the adoption of a rule in accordance with Chapter 119. of the Revised Code does not make the department of job and family services, a county family services agency, or a workforce development agency local board subject to the notice, hearing, or other requirements of sections 119.06 to 119.13 of the Revised Code. As used in this division, "workforce development agency local board" has the same meaning as in section 6301.01 of the Revised Code.

Sec. 5101.16. (A) As used in this section and sections 5101.161 and 5101.162 of the Revised Code:

(1) "Disability financial assistance" means the financial assistance program established under former Chapter 5115. of the Revised Code.

(2) "Supplemental nutrition assistance program" means the program administered by the department of job and family services pursuant to section 5101.54 of the Revised Code.

(3) "Ohio works first" means the program established by Chapter 5107. of the Revised Code.

(4) "Prevention, retention, and contingency" means the program established by Chapter 5108. of the Revised Code.

(5) "Public assistance expenditures" means expenditures for all of the following:
(a) Ohio works first;

(b) County administration of Ohio works first;

(c) Prevention, retention, and contingency;

(d) County administration of prevention, retention, and contingency;

(e) Disability financial assistance;

(f) County administration of disability financial assistance;

(g) County administration of the supplemental nutrition assistance program;

(h) County administration of medicaid, excluding administrative expenditures for transportation services covered by the medicaid program.

(7) "Title IV-A program" has the same meaning as in section 5101.80 of the Revised Code.

(B) Each board of county commissioners shall pay the county share of public assistance expenditures in accordance with section 5101.161 of the Revised Code. Except as provided in division (C) of this section, a county's share of public assistance expenditures is the sum of all of the following for state fiscal year 1998 and each state fiscal year thereafter:

(1) The amount that is twenty-five per cent of the county's total expenditures for disability financial assistance and county administration of that program during the state fiscal year ending in the previous calendar year that the department of job and family services determines are allowable.

(2) The amount that is ten per cent, or other percentage determined under division (D) of this section, of the county's total expenditures for county administration of the supplemental nutrition assistance program and medicaid (excluding administrative expenditures for transportation services covered by the medicaid program).
the medicaid program) during the state fiscal year ending in the 70008
previous calendar year that the department determines are 70009
allowable, less the amount of federal reimbursement credited to 70010
the county under division (E) of this section for the state fiscal 70011
year ending in the previous calendar year;
70012

(3) A percentage of the actual amount of the county share of 70013
program and administrative expenditures during federal fiscal year 70014
1994 for assistance and services, other than child care, provided 70015
under Titles IV-A and IV-F of the "Social Security Act," 49 Stat. 70016
620 (1935), 42 U.S.C. 301, as those titles existed prior to the 70017
enactment of the "Personal Responsibility and Work Opportunity 70018
and family services shall determine the actual amount of the 70020
county share from expenditure reports submitted to the United 70021
States department of health and human services. The percentage 70022
shall be the percentage established in rules adopted under 70023
division (F) of this section.
70024

(C)(1) If a county's share of public assistance expenditures 70025
determined under division (B) of this section for a state fiscal 70026
year exceeds one hundred five per cent of the county's share for 70027
those expenditures for the immediately preceding state fiscal 70028
year, the department of job and family services shall reduce the 70029
county's share for expenditures under divisions (B)(1) and (2) of 70030
this section so that the total of the county's share for 70031
expenditures under division (B) of this section equals one hundred 70032
five per cent of the county's share of those expenditures for the 70033
immediately preceding state fiscal year.
70034

(2) A county's share of public assistance expenditures 70035
determined under division (B) of this section may be increased 70036
pursuant to section 5101.163 of the Revised Code and a sanction 70037
under section 5101.24 of the Revised Code. An increase made 70038
pursuant to section 5101.163 of the Revised Code may cause the 70039
county's share to exceed the limit established by division (C)(1) of this section.

(D)(1) If the per capita tax duplicate of a county is less than the per capita tax duplicate of the state as a whole and division (D)(2) of this section does not apply to the county, the percentage to be used for the purpose of division (B)(2) of this section is the product of ten multiplied by a fraction of which the numerator is the per capita tax duplicate of the county and the denominator is the per capita tax duplicate of the state as a whole. The department of job and family services shall compute the per capita tax duplicate for the state and for each county by dividing the tax duplicate for the most recent available year by the current estimate of population prepared by the development services agency.

(2) If the percentage of families in a county with an annual income of less than three thousand dollars is greater than the percentage of such families in the state and division (D)(1) of this section does not apply to the county, the percentage to be used for the purpose of division (B)(2) of this section is the product of ten multiplied by a fraction of which the numerator is the percentage of families in the state with an annual income of less than three thousand dollars a year and the denominator is the percentage of families in the county. The department of job and family services shall compute the percentage of families with an annual income of less than three thousand dollars for the state and for each county by multiplying the most recent estimate of such families published by the development services agency, by a fraction, the numerator of which is the estimate of average annual personal income published by the bureau of economic analysis of the United States department of commerce for the year on which the census estimate is based and the denominator of which is the most recent such estimate published by the bureau.
(3) If the per capita tax duplicate of a county is less than the per capita tax duplicate of the state as a whole and the percentage of families in the county with an annual income of less than three thousand dollars is greater than the percentage of such families in the state, the percentage to be used for the purpose of division (B)(2) of this section shall be determined as follows:

(a) Multiply ten by the fraction determined under division (D)(1) of this section;

(b) Multiply the product determined under division (D)(3)(a) of this section by the fraction determined under division (D)(2) of this section.

(4) The department of job and family services shall determine, for each county, the percentage to be used for the purpose of division (B)(2) of this section not later than the first day of July of the year preceding the state fiscal year for which the percentage is used.

(E) The department of job and family services shall credit to a county the amount of federal reimbursement the department receives from the United States departments of agriculture and health and human services for the county's expenditures for administration of the supplemental nutrition assistance program and medicaid (excluding administrative expenditures for transportation services covered by the medicaid program) that the department determines are allowable administrative expenditures.

(F)(1) The director of job and family services shall adopt rules in accordance with section 111.15 of the Revised Code to establish all of the following:

(a) The method the department is to use to change a county's share of public assistance expenditures determined under division (B) of this section as provided in division (C) of this section;

(b) The allocation methodology and formula the department
will use to determine the amount of funds to credit to a county under this section;

(c) The method the department will use to change the payment of the county share of public assistance expenditures from a calendar-year basis to a state fiscal year basis;

(d) The percentage to be used for the purpose of division (B)(3) of this section, which shall, except as provided in section 5101.163 of the Revised Code, meet both of the following requirements:

(i) The percentage shall not be less than seventy-five per cent nor more than eighty-two per cent;

(ii) The percentage shall not exceed the percentage that the state's qualified state expenditures is of the state's historic state expenditures as those terms are defined in 42 U.S.C. 609(a)(7).

(e) Other procedures and requirements necessary to implement this section.

(2) The director of job and family services may amend the rule adopted under division (F)(1)(d) of this section to modify the percentage on determination that the amount the general assembly appropriates for Title IV-A programs makes the modification necessary. The rule shall be adopted and amended as if an internal management rule and in consultation with the director of budget and management.

**Sec. 5101.17.** In determining the need of any person under Chapter 5107. of the Revised Code, the first eighty-five dollars plus one-half of the excess over eighty-five dollars of payments made to or in behalf of any person for or with respect to any month under Title I or II of the "Economic Opportunity Act of 1964," 78 Stat. 508, 42 U.S.C.A. 2701, as amended, shall not be...
regarded as income or resources. No payments made under such
titles shall be regarded as income or resources of another
individual except to the extent that they are made available to
the other individual. No grant made to any family under Title III
of such act shall be regarded as income or resources in
determining the need of any member of such family under Chapter
5107. or 5115. of the Revised Code.

Sec. 5101.18. When the director of job and family services
adopts rules under section 5107.05 of the Revised Code regarding
income requirements for the Ohio works first program and under
section 5115.03 of the Revised Code regarding income and resource
requirements for the disability financial assistance program, the
director shall determine what payments shall be regarded or
disregarded. In making this determination, the director shall
consider:

(A) The source of the payment;

(B) The amount of the payment;

(C) The purpose for which the payment was made;

(D) Whether regarding the payment as income would be in the
public interest;

(E) Whether treating the payment as income would be
detrimental to any of the programs administered in whole or in
part by the department of job and family services and whether such
determination would jeopardize the receipt of any federal grant or
payment by the state or any receipt of aid under Chapter 5107. of
the Revised Code.

Sec. 5101.181. (A) As used in this section and section
5101.182 of the Revised Code, "public assistance" means any or all
of the following:
(1) Ohio works first;

(2) Prevention, retention, and contingency;

(3) Disability financial assistance provided prior to December 31, 2017, under former Chapter 5115. of the Revised Code;

(4) General assistance provided prior to July 17, 1995, under former Chapter 5113. of the Revised Code.

(B) As part of the procedure for the determination of overpayment to a recipient of public assistance under Chapter 5107. or 5108., or former Chapter 5115. of the Revised Code, the director of job and family services may furnish quarterly the name and social security number of each individual who receives public assistance to the director of administrative services, the administrator of the bureau of workers' compensation, and each of the state's retirement boards. Within fourteen days after receiving the name and social security number of an individual who receives public assistance, the director of administrative services, administrator, or board shall inform the auditor of state as to whether such individual is receiving wages or benefits, the amount of any wages or benefits being received, the social security number, and the address of the individual. The director of administrative services, administrator, boards, and any agent or employee of those officials and boards shall comply with the rules of the director of job and family services restricting the disclosure of information regarding recipients of public assistance. Any person who violates this provision shall thereafter be disqualified from acting as an agent or employee or in any other capacity under appointment or employment of any state board, commission, or agency.

(C) The auditor of state may enter into a reciprocal agreement with the director of job and family services or comparable officer of any other state for the exchange of names,
current or most recent addresses, or social security numbers of
persons receiving public assistance under Title IV-A of the

(D) The auditor of state shall retain, for not less than two
years, at least one copy of all information received under this
section and sections 145.27, 742.41, 3307.20, 3309.22, 4123.27,
5101.182, and 5505.04 of the Revised Code.

(E) The auditor shall review the information described in
division (D) of this section to determine whether overpayments
were made to recipients of public assistance under Chapters 5107.\(\tau\)
or 5108.\(\tau\) and former Chapter 5115. of the Revised Code. The
auditor of state shall initiate action leading to prosecution,
where warranted, of recipients who received overpayments by
forwarding the name of each recipient who received overpayment,
together with other pertinent information, to the director of job
and family services, the attorney general, and the county director
of job and family services and county prosecutor of the county
through which public assistance was received.

(F) The auditor of state and the attorney general or their
designees may examine any records, whether in computer or printed
format, in the possession of the director of job and family
services or any county director of job and family services. They
shall provide safeguards which restrict access to such records to
purposes directly connected with an audit or investigation,
prosecution, or criminal or civil proceeding conducted in
connection with the administration of the programs and shall
comply with section 5101.27 of the Revised Code and rules adopted
by the director of job and family services restricting the
disclosure of information regarding recipients of public
assistance. Any person who violates this provision shall
thereafter be disqualified from acting as an agent or employee or
in any other capacity under appointment or employment of any state
board, commission, or agency.

(G) Costs incurred by the auditor of state in carrying out the auditor of state's duties under this section shall be borne by the auditor of state.

**Sec. 5101.184.** (A) The director of job and family services shall work with the tax commissioner to collect overpayments of assistance under Chapter 5107. **or, former Chapter 5115., former Chapter 5113., or section 5101.54 of the Revised Code from refunds of state income taxes for taxable year 1992 and thereafter that are payable to the recipients of such overpayments.**

Any overpayment of assistance, whether obtained by fraud or misrepresentation, as the result of an error by the recipient or by the agency making the payment, or in any other manner, may be collected under this section. Any reduction under section 5747.12 or 5747.121 of the Revised Code to an income tax refund shall be made before a reduction under this section. No reduction shall be made under this section if the amount of the refund is less than twenty-five dollars after any reduction under section 5747.12 of the Revised Code. A reduction under this section shall be made before any part of the refund is contributed under section 5747.113 of the Revised Code, or is credited under section 5747.12 of the Revised Code against tax due in any subsequent year.

The director and the tax commissioner, by rules adopted in accordance with Chapter 119. of the Revised Code, shall establish procedures to implement this division. The procedures shall provide for notice to a recipient of assistance and an opportunity for the recipient to be heard before the recipient's income tax refund is reduced.

(B) The director of job and family services may enter into agreements with the federal government to collect overpayments of assistance from refunds of federal income taxes that are payable...
to recipients of the overpayments.

Sec. 5101.20. (A) As used in this section of the Revised Code:

(1) "Local area" has the same meaning as in section 101 of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2001, as amended, and division (A) of section 6301.01 of the Revised Code.

(2) "Chief elected official" has the same meaning as in section 101 of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2001, as amended, and division (F) of "chief elected official or officials" as defined in section 6301.01 of the Revised Code.

(3) "Grantee" means the chief elected officials of a local area.

(4) "Local board" has the same meaning as in section 6301.01 of the Revised Code.

(5) "Planning region" has the same meaning as in section 6301.01 of the Revised Code.

(B) The director of job and family services shall enter into one or more written grant agreements with each local area under which financial assistance is allocated funds are awarded for workforce development activities included in the agreements. A grant agreement shall establish the terms and conditions governing the accountability for and use of grants provided by the department of job and family services to the grantee for the administration of workforce development activities funded under the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2001, as amended "Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et seq.

(C) The director may award grants to local areas only through
grant agreements entered into under this section.

(D) In the case of a local area comprised of multiple political subdivisions, nothing in this section shall preclude the chief elected officials of a local area from entering into an agreement among themselves to distribute any liability for activities of the local area, but such an agreement shall not be binding on the department of job and family services.

(E) The written grant agreement entered into under division (B) of this section shall comply with all applicable federal and state laws governing workforce development activities and related funding. All each local area is subject to all federal conditions and restrictions that apply to the use of grants received by funds allotted to the department of job and family services shall apply to the use of the grants received by the and allocated to local areas from the department for workforce development activities.

(F) A written grant agreement entered into under division (B) of this section shall:

(1) Identify as parties to the agreement the chief elected officials representatives for the local area, including the chief elected official or officials, the local board, and the fiscal agent;

(2) Provide for the incorporation of the planning region and local workforce development plan;

(3) Include the chief elected official's or officials' assurance that the local area and any subgrantee or contractor of the local area will do all of the following:

(a) Ensure that the financial assistance awarded funds allocated under the grant agreement is are used, and the workforce development duties included in the agreement are performed, in accordance with requirements established by the department or any
of the following: federal or and state law, the state plan for
receipt of federal financial participation, grant agreements
between the department and a federal agency, or executive orders, and policies and guidance issued by the department;

(b) Ensure that the chief elected officials and any
subgrantee or contractor of the local area utilize that the
implementation and use of a financial management system and other
accountability mechanisms that meet the requirements of federal and state law and are in accordance with the policies and procedures that the department establishes;

(c) Require the chief elected officials and any subgrantee or
cractor of the local area to do both of the following:

(i) Monitor all private and government entities that receive
a payment from financial assistance awarded funds allocated under the grant agreement to ensure that each entity uses the payment funds are utilized in accordance with requirements for the workforce development duties included in the all applicable federal and state laws, policies, and guidance, and with the terms and conditions of the grant agreement;

(ii) Take action to recover payments that are not used in accordance with the requirements for the workforce development duties that are included in the funds for expenditures that are unallowable under federal or state law or under the terms of the grant agreement.

(d) Require the chief elected officials of a local area to promptly reimburse the department the amount that represents the amount a local area is responsible for of funds the department pays to any entity. Promptly remit funds to the department that are payable to the state or federal government because of an adverse audit finding, adverse quality control finding, final disallowance of federal financial participation, or other sanction or penalty;
(e) Require chief elected officials of a local area to take prompt corrective action if the department, auditor of state, federal agency, or other entity authorized by federal or state law to determine compliance with requirements for a workforce development duty included in the agreement state or a federal agency determines noncompliance has not been achieved, noncompliance with state or federal law.

(4) Provide that the award of financial assistance allocation is subject to the availability of federal funds and appropriations made by the general assembly;

(5) Provide for annual financial, administrative, or other incentive awards, if any, to be provided in accordance with section 5101.23 of the Revised Code.

(6) Establish the method of terms and conditions for amending or terminating the grant agreement and an expedited process for correcting terms or conditions of the agreement that the director and the chief elected officials agree are erroneous.

(7) Provide for permit the department of job and family services to award financial assistance allocate funds for the workforce development duties included in the agreement in accordance with a methodology for determining the amount of the award established by rules adopted under division (F) (G) of this section.

(8) Determine the dates that the grant agreement begins and ends.

(F) (G) (1) The director shall adopt rules in accordance with section 111.15 of the Revised Code governing grant agreements. The director shall adopt the rules as if they were internal management rules. The rules shall establish methodologies to be used to determine the amount of financial assistance funds to be awarded under the agreements and may do any of the following:
(a) Govern the establishment of consolidated funding allocations and other allocations;

(b) Specify allowable uses of financial assistance awarded funds allocated under the agreements;

(c) Establish reporting, cash management, audit, and other requirements the director determines are necessary to provide accountability for the use of financial assistance awarded funds allocated under the agreements and determine compliance with requirements established by the department or any of the following: a federal or state law, state plan for receipt of federal financial participation, grant agreement between the department and a federal entity, or executive order.

(2) A requirement of a grant agreement established by a rule adopted under this division is applicable to a grant agreement without having to be restated in the grant agreement.

Sec. 5101.201. The As the director of the state agency for the implementation of several workforce programs, the director of job and family services may enter into agreements with one-stop operators local boards, as defined in section 6301.01 of the Revised Code, and one-stop other OhioMeansJobs center partners for the purpose of implementing the requirements of section 121 of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801 "Workforce Innovation and Opportunity Act," 29 U.S.C. 3151.

Sec. 5101.214. The director of job and family services may enter into a written agreement with one or more state agencies, as defined in section 117.01 of the Revised Code, and state universities and colleges to assist in the coordination, provision, or enhancement of the family services duties of a county family services agency or the workforce development activities of a workforce development agency local board, as
defined in section 6301.01 of the Revised Code. The director also may enter into written agreements or contracts with, or issue grants to, private and government entities under which funds are provided for the enhancement or innovation of family services duties or workforce development activities on the state or local level.

The director may adopt internal management rules in accordance with section 111.15 of the Revised Code to implement this section.

Sec. 5101.23. Subject to the availability of funds, the department of job and family services may provide annual financial, administrative, or other incentive awards to county family services agencies and workforce development agencies as defined in section 6301.01 of the Revised Code. A county family services agency or workforce development agency local area may spend funds provided as a financial incentive award awarded under this section only for the purpose for which the funds are appropriated. The department may adopt internal management rules in accordance with section 111.15 of the Revised Code to establish the amounts of awards, methodology for distributing the awards, types of awards, and standards for administration by the department.

There is hereby created in the state treasury the social services incentive fund. The director of job and family services may request that the director of budget and management transfer funds in the Title IV-A reserve fund created under section 5101.82 of the Revised Code and other funds appropriated for family services duties or workforce investment activities into the fund. If the director of budget and management determines that the funds identified by the director of job and family services are available and appropriate for transfer, the director of budget and
management shall make the transfer. Money in the fund shall be used to provide incentive awards under this section.

Sec. 5101.241. (A) As used in this section:

(1) "Local area" and "chief elected official" have the same meaning as in section 5101.20 of the Revised Code.

(2) "Responsible entity" means the chief elected officials of a local area.

(B) The department of job and family services may take action under division (C) of this section against the responsible entity, regardless of who performs the workforce development activity, if the department determines any of the following are the case:

(1) An entity has failed to comply with the terms and conditions of a grant agreement entered into between the department and a local area under section 5101.20 of the Revised Code that includes the workforce development activity, including a requirement for grant agreements established by rules adopted under that section, is not complied with.

(2) A performance standard for the workforce development activity established by the federal government or the department is not met.

(3) An entity has failed to comply with a workforce development activity requirement for the workforce development activity established by the department or any of the following is not complied with: a federal or state law, a state plan for receipt of federal financial participation, a grant agreement between the department and a federal agency, or an executive order.

(4) The responsible entity is solely or partially responsible, as determined by the director of job and family services, for an adverse audit finding, adverse quality control
finding, final disallowance of federal financial participation, or other sanction or penalty regarding the workforce development activity.

(C) The department may take one or more of the following actions against the responsible entity when authorized by division (B)(1), (2), (3), or (4) of this section:

(1) Require the responsible entity to submit to and comply with a corrective action plan, established or approved by the department, pursuant to a time schedule specified by the department;

(2) Require the responsible entity to do one of the following:

    (a) Share with the department a final disallowance of federal financial participation or other sanction or penalty;

    (b) Reimburse the department the amount the department pays to the federal government or another entity that represents the amount the responsible entity is responsible for of an adverse audit finding, adverse quality control finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government, auditor of state, or other entity;

    (c) Pay the federal government or another entity the amount that represents the amount the responsible entity is responsible for of an adverse audit finding, adverse quality control finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government, auditor of state, or other entity;

    (d) Pay the department the amount that represents the amount the responsible entity is responsible for of an adverse audit finding, adverse quality control finding, or other sanction or penalty issued by the department.
(3) Impose a financial or administrative sanction or adverse audit finding issued by the department against the responsible entity, which may be increased with each subsequent action taken against the responsible entity;

(4) Perform or contract with a government or private entity for the entity to perform the workforce development activity until the department is satisfied that the responsible entity ensures that the activity will be performed to the department's satisfaction. If the department performs or contracts with an entity to perform the workforce development activity under division (C)(4) of this section, the department may withhold funds allocated to or reimbursements due to the responsible entity for the activity and use those funds to implement division (C)(4) of this section.

(5) Request the attorney general to bring mandamus proceedings to compel the responsible entity to take or cease the actions listed in division (B) of this section. The attorney general shall bring any mandamus proceedings in the Franklin county court of appeals at the department's request.

(6) If the department takes action under this division because of division (B)(3) of this section, withhold funds allocated or reimbursement due to the responsible entity until the department determines that the responsible entity is in compliance with the requirement. The department shall release the funds when the department determines that compliance has been achieved.

(7) Issue a notice of intent to revoke approval of all or part of the local plan effected that conflicts with state or federal law and effectuate the revocation.

(D) The department shall notify the responsible entity and the appropriate county auditor when the department proposes to take action under division (C) of this section. The
notice shall be in writing and specify the proposed action the department proposes to take. The department shall send the notice by regular United States mail. Except as provided in division (E) of this section, the responsible entity may request an administrative review of a proposed action in accordance with administrative review procedures the department shall establish. The administrative review procedures shall comply with all of the following:

(1) A request for an administrative review shall state specifically all of the following:

(a) The proposed action specified in the notice from the department for which the review is requested;

(b) The reason why the responsible entity believes the proposed action is inappropriate;

(c) All facts and legal arguments that the responsible entity wants the department to consider;

(d) The name of the person who will serve as the responsible entity's representative in the review.

(2) If the department's notice specifies more than one proposed action and the responsible entity does not specify all of the proposed actions in its request pursuant to division (D)(1)(a) of this section, the proposed actions not specified in the request shall not be subject to administrative review and the parts of the notice regarding those proposed actions shall be final and binding on the responsible entity.

(3) The responsible entity shall have fifteen calendar days after the department mails the notice to the responsible entity to send a written request to the department for an administrative review. The responsible entity and the department shall attempt to resolve informally any dispute and may develop a written resolution to the dispute at any time prior to submitting the
written report described in division (D)(7) of this section to the director.

(4) In the case of a proposed action under division (C)(2) of this section, the responsible entity may not include in its request disputes over a finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government, auditor of state, or other entity other than the department.

(5) If the responsible entity fails to request an administrative review within the required time, the responsible entity loses the right to request an administrative review of the proposed actions specified in the notice and the notice becomes final and binding on the responsible entity.

(6) The director of job and family services shall appoint an administrative review panel to conduct the administrative review. The review panel shall consist of department employees who are not involved in the department's proposal to take action against the responsible entity. The review panel shall review the responsible entity's request. The review panel may require that the department or responsible entity submit additional information and schedule and conduct an informal hearing to obtain testimony or additional evidence. A review of a proposal to take action under division (C)(2) of this section shall be limited solely to the issue of the amount the responsible entity shall share with the department, reimburse the department, or pay to the federal government, department, or other entity under division (C)(2) of this section. The review panel is not required to make a stenographic record of its hearing or other proceedings.

(7) After finishing an administrative review, an administrative review panel appointed under division (D)(6) of this section shall submit a written report to the director setting forth its findings of fact, conclusions of law, and
recommendations for action. The director may approve, modify, or disapprove the recommendations.

(8) The director's approval, modification, or disapproval under division (D)(7) of this section shall be final and binding on the responsible entity and shall not be subject to further review.

(E) The responsible entity is not entitled to an administrative review under division (D) of this section for any of the following:

(1) An action taken under division (C)(5) or (6) of this section;

(2) An action taken under section 5101.242 of the Revised Code;

(3) An action taken under division (C)(2) of this section if the federal government, auditor of state, or entity other than the department has identified the responsible entity as being solely or partially responsible for an adverse audit finding, adverse quality control finding, final disallowance of federal financial participation, or other sanction or penalty;

(4) An adjustment to an allocation, cash draw, advance, or reimbursement to the responsible entity's local area that the department determines necessary for budgetary reasons;

(5) Withholding of a cash draw or reimbursement due to noncompliance with a reporting requirement established in rules adopted under section 5101.243 of the Revised Code.

(F) This section does not apply to other actions the department takes against the responsible entity pursuant to authority granted by another state law unless the other state law requires the department to take the action in accordance with this section.
(G) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section.

(H) The governor may decertify a local workforce development board for any of the following reasons in accordance with subsection (e) of section 117 of the "Workforce Investment Act of 1998" 112 Stat. 936, 29 U.S.C. 2801, as amended (c)(3) of section 107 of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3122:

(1) Fraud or abuse;

(2) Failure to carry out the requirements of the federal "Workforce Investment Act," 112 Stat. 936, 29 U.S.C. 2801, as amended, including failure to meet performance standards established by the federal government for two consecutive years "Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et seq.;

(3) Failure to meet local performance accountability measures for the local area for two consecutive program years, as specified in subsection (c)(3)(B) of section 107 of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3122.

(I)(1) If the governor finds that access to basic "Workforce Investment Act" services is not being provided in a local area, the governor may declare an emergency and, in consultation with the chief elected officials of the local area affected, arrange for provision of these services through an alternative entity during the time period in which resolution of the problem preventing service delivery in the local area is pending determines that there has been a substantial violation of a specific provision of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et seq., and that corrective action has not been taken, the governor shall take one of the following actions:
(a) Issue a notice of intent to revoke approval of all or part of a local plan affected by the violation;

(b) Impose a reorganization plan.

(2) A reorganization plan imposed under division (I)(1) of this section may include any of the following:

(a) Decertifying the local board involved in the violation;

(b) Prohibiting the use of eligible providers;

(c) Selecting an alternate entity to administer the program for the local area involved in the violation;

(d) Merging the local area with one or more other local areas;

(e) Making other changes that the governor determines to be necessary to secure compliance with the specific provision.

An action taken by the governor pursuant to this section is not subject to appeal under this section may be appealed and shall not become effective until the time for appeal has expired or a final decision has been issued on the appeal.

Sec. 5101.26. As used in this section and in sections 5101.27 to 5101.30 of the Revised Code:

(A) "County agency" means a county department of job and family services or a public children services agency.

(B) "Fugitive felon" means an individual who is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual is fleeing, for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual is fleeing or, in the case of New Jersey, a high misdemeanor, regardless of whether the individual has departed from the individual's usual place of residence.
(C) "Information" means records as defined in section 149.011 of the Revised Code, any other documents in any format, and data derived from records and documents that are generated, acquired, or maintained by the department of job and family services, a county agency, or an entity performing duties on behalf of the department or a county agency.

(D) "Law enforcement agency" means the state highway patrol, an agency that employs peace officers as defined in section 109.71 of the Revised Code, the adult parole authority, a county department of probation, a prosecuting attorney, the attorney general, similar agencies of other states, federal law enforcement agencies, and postal inspectors. "Law enforcement agency" includes the peace officers and other law enforcement officers employed by the agency.

(E) "Public assistance" means financial assistance or social services that are provided under a program administered by the department of job and family services or a county agency pursuant to Chapter 329., 5101., 5104., 5107., or 5108., or 5115. of the Revised Code or an executive order issued under section 107.17 of the Revised Code. "Public assistance" does not mean medical assistance provided under a medical assistance program, as defined in section 5160.01 of the Revised Code.

(F) "Public assistance recipient" means an applicant for or recipient of public assistance.

Sec. 5101.27. (A) Except as permitted by this section, section 5101.273, 5101.28, or 5101.29 of the Revised Code, or rules adopted under section 5101.30 of the Revised Code, or when required by federal law, no person or government entity shall solicit, disclose, receive, use, or knowingly permit, or participate in the use of any information regarding a public assistance recipient for any purpose not directly connected with
the administration of a public assistance program.

(B) To the extent permitted by federal law, the department of job and family services and county agencies shall do all of the following:

(1) Release information regarding a public assistance recipient for purposes directly connected to the administration of the program to a government entity responsible for administering that public assistance program;

(2) Provide information regarding a public assistance recipient to a law enforcement agency for the purpose of any investigation, prosecution, or criminal or civil proceeding relating to the administration of that public assistance program;

(3) Provide, for purposes directly connected to the administration of a program that assists needy individuals with the costs of public utility services, information regarding a recipient of financial assistance provided under a program administered by the department or a county agency pursuant to Chapter 5107. or 5108. of the Revised Code or sections 5115.01 to 5115.07 of the Revised Code to an entity administering the public utility services program.

(C) To the extent permitted by federal law and section 1347.08 of the Revised Code, the department and county agencies shall provide access to information regarding a public assistance recipient to all of the following:

(1) The recipient;

(2) The authorized representative;

(3) The legal guardian of the recipient;

(4) The attorney of the recipient, if the attorney has written authorization that complies with section 5101.272 of the Revised Code from the recipient.
(D) To the extent permitted by federal law and subject to division (E) of this section, the department and county agencies may do both of the following:

1. Release information about a public assistance recipient if the recipient gives voluntary, written authorization that complies with section 5101.272 of the Revised Code;

2. Release information regarding a public assistance recipient to a state, federal, or federally assisted program that provides cash or in-kind assistance or services directly to individuals based on need or for the purpose of protecting children to a government entity responsible for administering a children's protective services program.

(E) Except when the release is required by division (B), (C), or (D)(2) of this section, the department or county agency shall release the information only in accordance with the authorization. The department or county agency shall provide, at no cost, a copy of each written authorization to the individual who signed it.

(F) The department of job and family services may adopt rules defining "authorized representative" for purposes of division (C)(2) of this section.

**Sec. 5101.28.** (A)(1) On request of the department of job and family services or a county agency, a law enforcement agency shall provide information regarding public assistance recipients to enable the department or county agency to determine, for eligibility purposes, whether a recipient or a member of a recipient's assistance group is a fugitive felon or violating a condition of probation, a community control sanction, parole, or a post-release control sanction imposed under state or federal law.

(2) A county agency may enter into a written agreement with a local law enforcement agency establishing procedures concerning
access to information and providing for compliance with division (F) of this section.

(B) To the extent permitted by federal law, the department and county agencies shall provide information regarding recipients of public assistance under a program administered by the state department or a county agency pursuant to Chapter 5107. or 5108. or 5115. of the Revised Code to law enforcement agencies on request for the purposes of investigations, prosecutions, and criminal and civil proceedings that are within the scope of the law enforcement agencies' official duties.

(C) Information about a public assistance recipient shall be exchanged, obtained, or shared only if the department, county agency, or law enforcement agency requesting the information gives sufficient information to specifically identify the recipient. In addition to the recipient's name, identifying information may include the recipient's current or last known address, social security number, other identifying number, age, gender, physical characteristics, any information specified in an agreement entered into under division (A) of this section, or any information considered appropriate by the department or agency.

(D)(1) The department and its officers and employees are not liable in damages in a civil action for any injury, death, or loss to person or property that allegedly arises from the release of information in accordance with divisions (A), (B), and (C) of this section. This section does not affect any immunity or defense that the department and its officers and employees may be entitled to under another section of the Revised Code or the common law of this state, including section 9.86 of the Revised Code.

(2) The county agencies and their employees are not liable in damages in a civil action for any injury, death, or loss to person or property that allegedly arises from the release of information in accordance with divisions (A), (B), and (C) of this section.
"Employee" has the same meaning as in division (B) of section 2744.01 of the Revised Code. This section does not affect any immunity or defense that the county agencies and their employees may be entitled to under another section of the Revised Code or the common law of this state, including section 2744.02 and division (A)(6) of section 2744.03 of the Revised Code.

(E) To the extent permitted by federal law, the department and county agencies shall provide access to information to the auditor of state acting pursuant to Chapter 117. or sections 5101.181 and 5101.182 of the Revised Code and to any other government entity authorized by federal law to conduct an audit of, or similar activity involving, a public assistance program.

(F) The auditor of state shall prepare an annual report on the outcome of the agreements required under division (A) of this section. The report shall include the number of fugitive felons, probation and parole violators, and violators of community control sanctions and post-release control sanctions apprehended during the immediately preceding year as a result of the exchange of information pursuant to that division. The auditor of state shall file the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. The state department, county agencies, and law enforcement agencies shall cooperate with the auditor of state's office in gathering the information required under this division.

(G) To the extent permitted by federal law, the department of job and family services, county departments of job and family services, and employees of the departments may report to a public children services agency or other appropriate agency information on known or suspected physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment, of a child receiving public assistance, if circumstances indicate that the
child's health or welfare is threatened.

(H) As used in this section:

(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(2) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.

Sec. 5101.32. (A) The department of job and family services shall work with the superintendent of the bureau of criminal identification and investigation to develop procedures and formats necessary to produce the notices described in division (C)(D) of section 109.5721 of the Revised Code in a format that is acceptable for use by the department. The department may adopt rules in accordance with section 111.15 of the Revised Code, as if they were internal management rules, necessary for such collaboration.

(B) The department of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code necessary for utilizing the information received pursuant to section 109.5721 of the Revised Code, with a final effective date that is not later than December 31, 2008.

Sec. 5101.33. (A) As used in this section, "benefits" means any of the following:

(1) Cash assistance paid under Chapter 5107. of the Revised Code;

(2) Supplemental nutrition assistance program benefits provided under section 5101.54 of the Revised Code;

(3) Any other program administered by the department of job and family services under which assistance is provided or service rendered;
(4) Any other program, service, or assistance administered by a person or government entity that the department determines may be delivered through the medium of electronic benefit transfer.

(B) The department of job and family services may make any payment or delivery of benefits to eligible individuals through the medium of electronic benefit transfer by doing all of the following:

(1) Contracting with an agent to supply debit cards to the department of job and family services for use by such individuals in accessing their benefits and to credit such cards electronically with the amounts specified by the director of job and family services pursuant to law;

(2) Informing such individuals about the use of the electronic benefit transfer system and furnishing them with debit cards and information that will enable them to access their benefits through the system;

(3) Arranging with specific financial institutions or vendors, county departments of job and family services, or persons or government entities for individuals to have their cards credited electronically with the proper amounts at their facilities;

(4) Periodically preparing vouchers for the payment of such benefits by electronic benefit transfer;

(5) Satisfying any applicable requirements of federal and state law.

(C) The department may enter into a written agreement with any person or government entity to provide benefits administered by that person or entity through the medium of electronic benefit transfer. A written agreement may require the person or government entity to pay to the department either or both of the following:
(1) A charge that reimburses the department for all costs the department incurs in having the benefits administered by the person or entity provided through the electronic benefit transfer system;

(2) A fee for having the benefits provided through the electronic benefit transfer system.

(D) The department may designate which counties will participate in the medium of electronic benefit transfer, specify the date a designated county will begin participation, and specify which benefits will be provided through the medium of electronic benefit transfer in a designated county.

(E) The department may adopt rules in accordance with Chapter 119. of the Revised Code for the efficient administration of this section.

Sec. 5101.35. (A) As used in this section:

(1)(a) "Agency" means the following entities that administer a family services program:

(i) The department of job and family services;

(ii) A county department of job and family services;

(iii) A public children services agency;

(iv) A private or government entity administering, in whole or in part, a family services program for or on behalf of the department of job and family services or a county department of job and family services or public children services agency.

(b) If the department of medicaid contracts with the department of job and family services to hear appeals authorized by section 5160.31 of the Revised Code regarding medical assistance programs, "agency" includes the department of medicaid.

(2) "Appellant" means an applicant, participant, former
participant, recipient, or former recipient of a family services
program who is entitled by federal or state law to a hearing
regarding a decision or order of the agency that administers the
program.

(3)(a) "Family services program" means all of the following:

(i) A Title IV-A program as defined in section 5101.80 of the
Revised Code;

(ii) Programs that provide assistance under Chapter 5104.

(iii) Programs that provide assistance under section
5101.141, 5101.461, 5101.54, 5119.41, 5153.163, or 5153.165 of the
Revised Code;

(iv) Title XX social services provided under section 5101.46
of the Revised Code, other than such services provided by the
department of mental health and addiction services, the department
of developmental disabilities, a board of alcohol, drug addiction,
and mental health services, or a county board of developmental
disabilities.

(b) If the department of medicaid contracts with the
department of job and family services to hear appeals authorized
by section 5160.31 of the Revised Code regarding medical
assistance programs, "family services program" includes medical
assistance programs.

(4) "Medical assistance program" has the same meaning as in
section 5160.01 of the Revised Code.

(B) Except as provided by divisions (G) and (H) of this
section, an appellant who appeals under federal or state law a
decision or order of an agency administering a family services
program shall, at the appellant's request, be granted a state
hearing by the department of job and family services. This state
hearing shall be conducted in accordance with rules adopted under this section. The state hearing shall be recorded, but neither the recording nor a transcript of the recording shall be part of the official record of the proceeding. Except as provided in section 5160.31 of the Revised Code, a state hearing decision is binding upon the agency and department, unless it is reversed or modified on appeal to the director of job and family services or a court of common pleas.

(C) Except as provided by division (G) of this section, an appellant who disagrees with a state hearing decision may make an administrative appeal to the director of job and family services in accordance with rules adopted under this section. This administrative appeal does not require a hearing, but the director or the director's designee shall review the state hearing decision and previous administrative action and may affirm, modify, remand, or reverse the state hearing decision. An administrative appeal decision is the final decision of the department and, except as provided in section 5160.31 of the Revised Code, is binding upon the department and agency, unless it is reversed or modified on appeal to the court of common pleas.

(D) An agency shall comply with a decision issued pursuant to division (B) or (C) of this section within the time limits established by rules adopted under this section. If a county department of job and family services or a public children services agency fails to comply within these time limits, the department may take action pursuant to section 5101.24 of the Revised Code. If another agency, other than the department of medicaid, fails to comply within the time limits, the department may force compliance by withholding funds due the agency or imposing another sanction established by rules adopted under this section.

(E) An appellant who disagrees with an administrative appeal
decision of the director of job and family services or the
director's designee issued under division (C) of this section may
appeal from the decision to the court of common pleas pursuant to
section 119.12 of the Revised Code. The appeal shall be governed
by section 119.12 of the Revised Code except that:

(1) The person may appeal to the court of common pleas of the
county in which the person resides, or to the court of common
pleas of Franklin county if the person does not reside in this
state.

(2) The person may apply to the court for designation as an
indigent and, if the court grants this application, the appellant
shall not be required to furnish the costs of the appeal.

(3) The appellant shall mail the notice of appeal to the
department of job and family services and file notice of appeal
with the court within thirty days after the department mails the
administrative appeal decision to the appellant. For good cause
shown, the court may extend the time for mailing and filing notice
of appeal, but such time shall not exceed six months from the date
the department mails the administrative appeal decision. Filing
notice of appeal with the court shall be the only act necessary to
vest jurisdiction in the court.

(4) The department shall be required to file a transcript of
the testimony of the state hearing with the court only if the
court orders the department to file the transcript. The court
shall make such an order only if it finds that the department and
the appellant are unable to stipulate to the facts of the case and
that the transcript is essential to a determination of the appeal.
The department shall file the transcript not later than thirty
days after the day such an order is issued.

(F) The department of job and family services shall adopt
rules in accordance with Chapter 119. of the Revised Code to
implement this section, including rules governing the following:  

(1) State hearings under division (B) of this section. The rules shall include provisions regarding notice of eligibility termination and the opportunity of an appellant appealing a decision or order of a county department of job and family services to request a county conference with the county department before the state hearing is held.

(2) Administrative appeals under division (C) of this section;

(3) Time limits for complying with a decision issued under division (B) or (C) of this section;

(4) Sanctions that may be applied against an agency under division (D) of this section.

(G) The department of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code establishing an appeals process for an appellant who appeals a decision or order regarding a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of the Revised Code that is different from the appeals process established by this section. The different appeals process may include having a state agency that administers the Title IV-A program pursuant to an interagency agreement entered into under section 5101.801 of the Revised Code administer the appeals process.

(H) If an appellant receiving medicaid through a health insuring corporation that holds a certificate of authority under Chapter 1751. of the Revised Code is appealing a denial of medicaid services based on lack of medical necessity or other clinical issues regarding coverage by the health insuring corporation, the person hearing the appeal may order an independent medical review if that person determines that a review is necessary. The review shall be performed by a health care

professional with appropriate clinical expertise in treating the recipient's condition or disease. The department shall pay the costs associated with the review.

A review ordered under this division shall be part of the record of the hearing and shall be given appropriate evidentiary consideration by the person hearing the appeal.

(I) The requirements of Chapter 119. of the Revised Code apply to a state hearing or administrative appeal under this section only to the extent, if any, specifically provided by rules adopted under this section.

Sec. 5101.36. Any application for public assistance gives a right of subrogation to the department of job and family services for any workers' compensation benefits payable to a person who is subject to a support order, as defined in section 3119.01 of the Revised Code, on behalf of the applicant, to the extent of any public assistance payments made on the applicant's behalf. If the director of job and family services, in consultation with a child support enforcement agency and the administrator of the bureau of workers' compensation, determines that a person responsible for support payments to a recipient of public assistance is receiving workers' compensation, the director shall notify the administrator of the amount of the benefit to be paid to the department of job and family services.

For purposes of this section, "public assistance" means Ohio works first provided under Chapter 5107. of the Revised Code or prevention, retention, and contingency benefits and services provided under Chapter 5108. of the Revised Code, or disability financial assistance provided under Chapter 5115. of the Revised Code.

Sec. 5101.61. (A) As used in this section:
(1) "Senior service provider" means any person who provides care or services to a person who is an adult as defined in division (B) of section 5101.60 of the Revised Code.

(2) "Ambulatory health facility" means a nonprofit, public or proprietary freestanding organization or a unit of such an agency or organization that:

(a) Provides preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services furnished to an outpatient or ambulatory patient, by or under the direction of a physician or dentist in a facility which is not a part of a hospital, but which is organized and operated to provide medical care to outpatients;

(b) Has health and medical care policies which are developed with the advice of, and with the provision of review of such policies, an advisory committee of professional personnel, including one or more physicians, one or more dentists, if dental care is provided, and one or more registered nurses;

(c) Has a medical director, a dental director, if dental care is provided, and a nursing director responsible for the execution of such policies, and has physicians, dentists, nursing, and ancillary staff appropriate to the scope of services provided;

(d) Requires that the health care and medical care of every patient be under the supervision of a physician, provides for medical care in a case of emergency, has in effect a written agreement with one or more hospitals and other centers or clinics, and has an established patient referral system to other resources, and a utilization review plan and program;

(e) Maintains clinical records on all patients;

(f) Provides nursing services and other therapeutic services in accordance with programs and policies, with such services supervised by a registered professional nurse, and has a
registered professional nurse on duty at all times of clinical operations;

(g) Provides approved methods and procedures for the dispensing and administration of drugs and biologicals;

(h) Has established an accounting and record keeping system to determine reasonable and allowable costs;

(i) "Ambulatory health facilities" also includes an alcoholism treatment facility approved by the joint commission on accreditation of healthcare organizations as an alcoholism treatment facility or certified by the department of mental health and addiction services, and such facility shall comply with other provisions of this division not inconsistent with such accreditation or certification.

(3) "Community mental health facility" means a facility which provides community mental health services and is included in the comprehensive mental health plan for the alcohol, drug addiction, and mental health service district in which it is located.

(4) "Community mental health service" means services, other than inpatient services, provided by a community mental health facility.

(5) "Home health agency" means an institution or a distinct part of an institution operated in this state which:

(a) Is primarily engaged in providing home health services;

(b) Has home health policies which are established by a group of professional personnel, including one or more duly licensed doctors of medicine or osteopathy and one or more registered professional nurses, to govern the home health services it provides and which includes a requirement that every patient must be under the care of a duly licensed doctor of medicine or osteopathy;
(c) Is under the supervision of a duly licensed doctor of medicine or doctor of osteopathy or a registered professional nurse who is responsible for the execution of such home health policies;

(d) Maintains comprehensive records on all patients;

(e) Is operated by the state, a political subdivision, or an agency of either, or is operated not for profit in this state and is licensed or registered, if required, pursuant to law by the appropriate department of the state, county, or municipality in which it furnishes services; or is operated for profit in this state, meets all the requirements specified in divisions (A)(5)(a) to (d) of this section, and is certified under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.

(6) "Home health service" means the following items and services, provided, except as provided in division (A)(6)(g) of this section, on a visiting basis in a place of residence used as the patient's home:

(a) Nursing care provided by or under the supervision of a registered professional nurse;

(b) Physical, occupational, or speech therapy ordered by the patient's attending physician;

(c) Medical social services performed by or under the supervision of a qualified medical or psychiatric social worker and under the direction of the patient's attending physician;

(d) Personal health care of the patient performed by aides in accordance with the orders of a doctor of medicine or osteopathy and under the supervision of a registered professional nurse;

(e) Medical supplies and the use of medical appliances;

(f) Medical services of interns and residents-in-training
under an approved teaching program of a nonprofit hospital and under the direction and supervision of the patient's attending physician;

(g) Any of the foregoing items and services which:

(i) Are provided on an outpatient basis under arrangements made by the home health agency at a hospital or skilled nursing facility;

(ii) Involve the use of equipment of such a nature that the items and services cannot readily be made available to the patient in the patient's place of residence, or which are furnished at the hospital or skilled nursing facility while the patient is there to receive any item or service involving the use of such equipment.

(7) "Representative of the office of the state long-term care program" has the same meaning as in section 173.14 of the Revised Code.

Any attorney, physician, osteopath, podiatrist, chiropractor, dentist, psychologist, any employee of a hospital as defined in section 3701.01 of the Revised Code, any nurse licensed under Chapter 4723. of the Revised Code, any employee of an ambulatory health facility, any employee of a home health agency, any employee of a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults, any employee of a nursing home, residential care facility, or home for the aging, as defined in section 3721.01 of the Revised Code, any senior service provider other than a representative of the office of the state long-term care program, any peace officer, coroner, member of the clergy, any employee of a community mental health facility, and any person engaged in professional counseling, social work, or marriage and family therapy having reasonable cause to believe that an adult is being abused, neglected, or
exploited, or is in a condition which is the result of abuse, neglect, or exploitation shall immediately report such belief to the county department of job and family services. This section does not apply to employees of any hospital or public hospital as defined in section 5122.01 of the Revised Code.

(B) Any person having reasonable cause to believe that an adult has suffered abuse, neglect, or exploitation may report, or cause reports to be made of such belief to the department.

This division applies to a representative of the office of the state long-term care program only to the extent permitted by federal law.

(C) The reports made under this section shall be made orally or in writing except that oral reports shall be followed by a written report if a written report is requested by the department. Written reports shall include:

(1) The name, address, and approximate age of the adult who is the subject of the report;

(2) The name and address of the individual responsible for the adult's care, if any individual is, and if the individual is known;

(3) The nature and extent of the alleged abuse, neglect, or exploitation of the adult;

(4) The basis of the reporter's belief that the adult has been abused, neglected, or exploited.

(D) Any person with reasonable cause to believe that an adult is suffering abuse, neglect, or exploitation who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from such a report, or any employee of the state or any of its subdivisions who is discharging responsibilities under section 5101.62 of the Revised Code shall
be immune from civil or criminal liability on account of such investigation, report, or testimony, except liability for perjury, unless the person has acted in bad faith or with malicious purpose.

(E) No employer or any other person with the authority to do so shall discharge, demote, transfer, prepare a negative work performance evaluation, or reduce benefits, pay, or work privileges, or take any other action detrimental to an employee or in any way retaliate against an employee as a result of the employee's having filed a report under this section.

(F) The written or oral report provided for in this section and the investigatory report provided for in section 5101.62 of the Revised Code are confidential and are not public records, as defined in section 149.43 of the Revised Code. In accordance with rules adopted by the department of job and family services, information contained in the report shall upon request be made available to the adult who is the subject of the report and to legal counsel for the adult.

(G) The county department of job and family services shall be available to receive the written or oral report provided for in this section twenty-four hours a day and seven days a week.

Sec. 5101.802. (A) As used in this section:

(1) "Custodian," "guardian," and "minor child" have the same meanings as in section 5107.02 of the Revised Code.

(2) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code.

(3) "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code.

(B) Subject to division (E) of section 5101.801 of the Revised Code, there is hereby created the kinship permanency
incentive program to promote permanency for a minor child in the legal and physical custody of a kinship caregiver. The program shall provide an initial one-time incentive payment to the kinship caregiver to defray the costs of initial placement of the minor child in the kinship caregiver’s home. The program may provide additional permanency incentive payments for the minor child at six month intervals for a total period not to exceed forty-eight months, based on the availability of funds. An eligible caregiver may receive a maximum of eight incentive payments per minor child.

(C) A kinship caregiver may participate in the program if all of the following requirements are met:

(1) The kinship caregiver applies to a public children services agency in accordance with the application process established in rules authorized by division (E) of this section;

(2) Not earlier than July 1, 2005, a juvenile court issues an order granting legal custody to the kinship caregiver, or a probate court grants guardianship to the kinship caregiver, except that a temporary court order is not sufficient to meet this requirement;

(3) The kinship caregiver is either the minor child’s custodian or guardian;

(4) The minor child resides with the kinship caregiver pursuant to a placement approval process established in rules authorized by division (E) of this section;

(5) Excluding any income excluded under rules adopted under division (E) of this section, the gross income of the kinship caregiver’s family, including the minor child, does not exceed three hundred per cent of the federal poverty guidelines.

(D) Public children services agencies shall make initial and ongoing eligibility determinations for the kinship permanency incentive program in accordance with rules authorized by division
(E) of this section. The director of job and family services shall supervise public children services agencies' duties under this section.

(E) The director of job and family services shall adopt rules under division (C) of section 5101.801 of the Revised Code as necessary to implement the kinship permanency incentive program. The rules shall establish all of the following:

(1) The application process for the program;

(2) The placement approval process through which a minor child is placed with a kinship caregiver for the kinship caregiver to be eligible for the program;

(3) The initial and ongoing eligibility determination process for the program, including the computation of income eligibility;

(4) The amount of the incentive payments provided under the program;

(5) The method by which the incentive payments are provided to a kinship caregiver.

(F) The amendments made to this section by Am. Sub. H.B. 119 of the 127th general assembly shall not affect the eligibility of any kinship caregiver whose eligibility was established before June 30, 2007.

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

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

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

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

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

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

(5) The extent to which a participant of Ohio works first must notify, pursuant to section 5107.12 of the Revised Code, a county department of job and family services of additional income not previously reported to the county department;

(6) For the purpose of section 5107.16 of the Revised Code, both of the following:

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

(b) The compliance activities a member of an assistance group must complete for the member to be considered to have ceased to fail or refuse to comply in full with a provision of a
self-sufficiency contract.

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

(8) For the purpose of division (B) of section 5107.17 of the Revised Code, the circumstances under which the adult member of an assistance group or an assistance group's minor head of household whose failure or refusal, without good cause, to comply in full with a provision of a self-sufficiency contract causes a sanction under section 5107.16 of the Revised Code must enter into a new, or amend an existing, self-sufficiency contract before the assistance group may resume participation in Ohio works first following the sanction;

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

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

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

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

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

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

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

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

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

(18) Requirements for work activities, developmental activities, and alternative work activities for Ohio works first participants.

(B) The rules adopted under division (A)(3) of this section regarding income shall specify what is countable income, gross earned income, and gross unearned income for the purpose of section 5107.10 of the Revised Code. The rules also shall specify the amount of an assistance group's gross earned income that is to be disregarded for the purpose of division (D)(3) of section 5107.10 of the Revised Code.

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

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

(C) The rules may provide that a county department of job and family services
family services is not required to take action under section 5107.76 of the Revised Code to recover an erroneous payment under circumstances the rules specify.

Sec. 5107.10. (A) As used in this section:

(1) "Countable income," "gross earned income," and "gross unearned income" have the meanings established in rules adopted under section 5107.05 of the Revised Code.

(2) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code, except that references to a person's family in the definition shall be deemed to be references to the person's assistance group.

(3) "Gross income" means gross earned income and gross unearned income.

(4) "Strike" means continuous concerted action in failing to report to duty; willful absence from one's position; or stoppage of work in whole from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Strike" does not include a stoppage of work by employees in good faith because of dangerous or unhealthful working conditions at the place of employment that are abnormal to the place of employment.

(B) Under the Ohio works first program, an assistance group shall receive, except as otherwise provided by this chapter, time-limited cash assistance. In the case of an assistance group that includes a minor head of household or adult, assistance shall be provided in accordance with the self-sufficiency contract entered into under section 5107.14 of the Revised Code.

(C)(1) To be eligible to participate in Ohio works first, an assistance group must meet all of the following requirements:
(a) The assistance group, except as provided in division (E) of this section, must include at least one of the following:

(i) A minor child who, except as provided in section 5107.24 of the Revised Code, resides with a parent, or specified relative caring for the child, or, to the extent permitted by Title IV-A and federal regulations adopted until Title IV-A, resides with a guardian or custodian caring for the child;

(ii) A parent residing with and caring for the parent's minor child who receives supplemental security income under Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended, or federal, state, or local adoption assistance;

(iii) A specified relative residing with and caring for a minor child who is related to the specified relative in a manner that makes the specified relative a specified relative and receives supplemental security income or federal, state, or local foster care or adoption assistance;

(iv) A woman at least six months pregnant.

(b) The assistance group must meet the income requirements established by division (D) of this section.

(c) No member of the assistance group may be involved in a strike.

(d) The assistance group must satisfy the requirements for Ohio works first established by this chapter and section 5101.83 of the Revised Code.

(e) The assistance group must meet requirements for Ohio works first established by rules adopted under section 5107.05 of the Revised Code.

(2) In addition to meeting the requirements specified in division (C)(1) of this section, a member of an assistance group
who is required by section 5116.10 of the Revised Code to participate in the comprehensive case management and employment program must participate in that program to be eligible to participate in Ohio works first.

(D)(1) Except as provided in division (D)(4) of this section, to determine whether an assistance group is initially eligible to participate in Ohio works first, a county department of job and family services shall do the following:

(a) Determine whether the assistance group's gross income exceeds fifty per cent of the federal poverty guidelines. In making this determination, the county department shall disregard amounts that federal statutes or regulations and sections 5101.17 and 5117.10 of the Revised Code require be disregarded. The assistance group is ineligible to participate in Ohio works first if the assistance group's gross income, less the amounts disregarded, exceeds fifty per cent of the federal poverty guidelines.

(b) If the assistance group's gross income, less the amounts disregarded pursuant to division (D)(1)(a) of this section, does not exceed fifty per cent of the federal poverty guidelines, determine whether the assistance group's countable income is less than the payment standard. The assistance group is ineligible to participate in Ohio works first if the assistance group's countable income equals or exceeds the payment standard.

(2) For the purpose of determining whether an assistance group meets the income requirement established by division (D)(1)(a) of this section, the annual revision that the United States department of health and human services makes to the federal poverty guidelines shall go into effect on the first day of July of the year for which the revision is made.

(3) To determine whether an assistance group participating in
Ohio works first continues to be eligible to participate, a county department of job and family services shall determine whether the assistance group's countable income continues to be less than the payment standard. In making this determination, the county department shall disregard the first two hundred fifty dollars an amount specified in rules adopted under section 5107.05 of the Revised Code and fifty per cent of the remainder of the assistance group's gross earned income. No amounts shall be disregarded from the assistance group's gross unearned income. The assistance group ceases to be eligible to participate in Ohio works first if its countable income, less the amounts disregarded, equals or exceeds the payment standard.

(4) If an assistance group reapplies to participate in Ohio works first not more than four months after ceasing to participate, a county department of job and family services shall use the income requirement established by division (D)(3) of this section to determine eligibility for resumed participation rather than the income requirement established by division (D)(1) of this section.

(E)(1) An assistance group may continue to participate in Ohio works first even though a public children services agency removes the assistance group's minor children from the assistance group's home due to abuse, neglect, or dependency if the agency does both of the following:

(a) Notifies the county department of job and family services at the time the agency removes the children that it believes the children will be able to return to the assistance group within six months;

(b) Informs the county department at the end of each of the first five months after the agency removes the children that the parent, guardian, custodian, or specified relative of the children is cooperating with the case plans prepared for the children under
section 2151.412 of the Revised Code and that the agency is making reasonable efforts to return the children to the assistance group.

(2) An assistance group may continue to participate in Ohio works first pursuant to division (E)(1) of this section for not more than six payment months. This division does not affect the eligibility of an assistance group that includes a woman at least six months pregnant.

Sec. 5108.01. As used in this chapter:

(A) "County family services planning committee" means the county family services planning committee established under section 329.06 of the Revised Code or the board created by consolidation under division (C) of section 6301.06 of the Revised Code.

(B) "Prevention, retention, and contingency program" means the program established by this chapter and funded in part with federal funds provided under Title IV-A.


Sec. 5116.01. As used in this chapter:

(A) "Certificate of high school equivalence" has the same meaning as in section 5107.40 of the Revised Code.

(B) "Fiscal biennial period" means a two-year period beginning on the first day of July of an odd-numbered year and ending on the last day of June of the next odd-numbered year.

(C) "In-school youth" has the same meaning as in section 129(a)(1)(C) of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3164(a)(1)(C).

(D) "Lead agency" means the local participating agency designated under section 5116.22 of the Revised Code to serve for
a fiscal biennial period, or part thereof, as a county's lead
agency for the purpose of the comprehensive case management and
employment program.

(E) "Local participating agencies" means the county
department of job and family services and workforce development
agency that serve the same county.

(F) "Local workforce development board" means a local
workforce development board established under section 107 of the

(G) "Ohio works first" has the same meaning as in section
5107.02 of the Revised Code.

(H) "Out-of-school youth" has the same meaning as in section
129(a)(1)(B) of the "Workforce Innovation and Opportunity Act," 29

(I) "Prevention, retention, and contingency program" has the
same meaning as in section 5108.01 of the Revised Code.

(J) "Subcontractor" means an entity with which a local
participating agency contracts to perform, on behalf of the local
participating agency, one or more of the local participating
agency's duties regarding the comprehensive case management and
employment program.

(K) "TANF block grant" means the temporary assistance for
needy families block grant established by Title IV-A of the

(L) "Work-eligible individual" has the same meaning as in 45
C.F.R. 261.2(n).

(M) "Workforce development activity" has the same meaning as
in section 6301.01 of the Revised Code.

(N) "Workforce development agency" means a public or private
entity designated or certified by a local workforce development
board to coordinate the delivery of workforce services for a county.

(O) "Workforce Innovation and Opportunity Act" means Public Law 113-128, 29 U.S.C. 3101 et seq.

(P) "Youth workforce investment activity funds" means funds allocated or granted under Title I, Subtitle B, Chapter 2 of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 1361 et seq., for youth workforce investment activities.

Sec. 5116.02. There is hereby established the comprehensive case management and employment program. The department of job and family services shall coordinate and supervise the administration of the program to the extent funds are available for this purpose under the TANF block grant and the Workforce Innovation and Opportunity Act.

Sec. 5116.03. The comprehensive case management and employment program is all of the following:

(A) A Title IV-A program for the purpose of division (A)(4)(c) of section 5101.80 of the Revised Code and, therefore, subject to all statutes applicable to such a program, including sections 5101.16, 5101.35, 5101.80, and 5101.801 of the Revised Code;

(B) A workforce development activity and, therefore, subject to all statutes applicable to workforce development activities, including sections 5101.20, 5101.214, 5101.241, and 5101.243 of the Revised Code and Chapter 6301. of the Revised Code;

(C) A family services duty, notwithstanding the second sentence of division (A)(1)(b) of section 307.981 of the Revised Code, and, therefore, subject to all statutes applicable to family services duties, including sections 5101.183, 5101.21, 5101.212, 5101.214, 5101.216, 5101.22, 5101.221, 5101.23, 5101.24, and
Sec. 5116.06. (A) The director of job and family services shall adopt rules that are necessary to implement the comprehensive case management and employment program, including rules that do all of the following:

(1) Provide for the program to do both of the following:

(a) Help a work-eligible individual satisfy the work requirements of section 407 of the "Social Security Act," 42 U.S.C. 607;

(b) Help an Ohio works first participant who participates in the program do both of the following:

(i) Satisfy other Ohio works first requirements, including requirements included in the participant's self-sufficiency contract entered into under section 5107.14 of the Revised Code;

(ii) Obtain assistance or services the participant needs according to an assessment conducted under section 5107.70 of the Revised Code.

(2) For the purpose of section 5116.11 of the Revised Code, establish procedures for both of the following:

(a) Assessing the employment and training needs of individuals participating in the comprehensive case management and employment program;

(b) Creating, reviewing, revising, and terminating individual opportunity plans.

(3) For the purpose of section 5116.20 of the Revised Code, establish procedures, including procedures regarding timing, for a local workforce development board to decide whether to authorize the use of its youth workforce investment activity funds for the comprehensive case management and employment program;
(4) Establish requirements for the plans required by division (A)(1) of section 5116.23 of the Revised Code;

(5) For the purpose of division (A)(3) of section 5116.23 of the Revised Code, establish procedures for a lead agency to partner with the other local participating agency and subcontractors.

(B) For the purposes of divisions (C) and (F) of section 5116.10 of the Revised Code, the rules adopted under this section may do either or both of the following:

(1) Specify one or more additional mandatory participation groups that are required to participate in the comprehensive case management and employment program;

(2) Specify one or more additional voluntary participation groups that may volunteer to participate in the program.

(C) The rules adopted under this section shall be consistent with all of the following:

(1) The Title IV-A state plan prepared under section 5101.80 of the Revised Code, amendments to the plan, and any waivers regarding the plan granted by the United States secretary of health and human services;

(2) The combined state plan authorized by section 103 of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3113, amendments to the plan, and any waivers regarding the plan granted by the United States secretary of labor.

(D) The rules adopted under division (A)(1)(a) of this section may deviate from Chapter 5107. of the Revised Code.

Sec. 5116.10. (A) Each work-eligible individual shall participate in the comprehensive case management and employment program as a condition of participating in Ohio works first if the individual is at least fourteen but not more than twenty-four
years of age.

(B) Each individual who is an in-school youth or out-of-school youth shall participate in the comprehensive case management and employment program as a condition of enrollment in workforce development activities funded by the Workforce Innovation and Opportunity Act.

(C) Each individual who is a member of a group, if any, specified in rules adopted under section 5116.06 of the Revised Code as an additional mandatory participation group shall participate in the comprehensive case management and employment program if funds are available for the group under the TANF block grant and the Workforce Innovation and Opportunity Act.

(D) Any Ohio works first participant who is not a work-eligible individual may volunteer to participate in the comprehensive case management and employment program if the participant is at least fourteen but not more than twenty-four years of age.

(E) Any individual receiving benefits and services under the prevention, retention, and contingency program may volunteer to participate in the comprehensive case management and employment program if the individual is at least fourteen but not more than twenty-four years of age.

(F) Any individual who is a member of a group, if any, specified in rules adopted under section 5116.06 of the Revised Code as a voluntary participation group may volunteer to participate in the comprehensive case management and employment program if funds are available for the group under the TANF block grant and the Workforce Innovation and Opportunity Act.

Sec. 5116.11. In accordance with rules adopted under section 5116.06 of the Revised Code, a lead agency shall provide for all
of the following to occur:

(A) An individual participating in the comprehensive case management and employment program undergoing an assessment of the individual's employment and training needs;

(B) An individual opportunity plan being created for the individual as part of the assessment;

(C) The individual opportunity plan being reviewed, revised, and terminated as appropriate.

**Sec. 5116.12.** (A) An individual opportunity plan created under section 5116.11 of the Revised Code shall specify which of the following services, if any, an individual participating in the comprehensive case management and employment program needs:

(1) Support for the individual to obtain a high school diploma or a certificate of high school equivalence;

(2) Job placement;

(3) Job retention support;

(4) Other services that aid the individual in achieving the plan's goals.

(B) The services an individual receives in accordance with an individual opportunity plan are inalienable by way of assignment, charge, or otherwise and exempt from execution, attachment, garnishment, and other similar processes.

**Sec. 5116.20.** In accordance with rules adopted under section 5116.06 of the Revised Code, each local workforce development board shall decide whether to authorize the use of its youth workforce investment activity funds for the comprehensive case management and employment program. The decision shall be made for each fiscal biennial period. A board's decision applies to all of
the counties the board serves.

**Sec. 5116.21.** If a local workforce development board decides under section 5116.20 of the Revised Code not to authorize the use of its youth workforce investment activity funds for the comprehensive case management and employment program for a fiscal biennial period, all of the following shall apply to that fiscal biennial period:

(A) The board shall use its youth workforce investment activity funds in accordance with Section 129 of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3164.

(B) No TANF block grant funds shall be made available to the board or any county the board serves for the comprehensive case management and employment program.

(C) The department of job and family services shall use available TANF block grant funds to administer, or to contract with a government or private entity to administer, the comprehensive case management and employment program in the counties the board serves.

**Sec. 5116.22.** (A) If a local workforce development board decides under section 5116.20 of the Revised Code to authorize the use of its youth workforce investment activity funds for the comprehensive case management and employment program for a fiscal biennial period, all of the following shall apply to that fiscal biennial period:

(1) Before the beginning of the fiscal biennial period, the board shall enter into a written agreement with department of job and family services that, to the extent permitted by federal law, requires the board and the counties the board serves to operate the comprehensive case management and employment program in
accordance with the program's requirements, including the
requirements established by this chapter, rules adopted under
section 5116.06 of the Revised Code, and any other rules
applicable to the program.

(2) Before the beginning of the fiscal biennial period, the
board of county commissioners of each of the counties the local
workforce development board serves shall designate either of the
local participating agencies to serve as the county's lead agency
for the purpose of the comprehensive case management and
employment program.

(B) After a board of county commissioners designates a local
participating agency to serve as the county's lead agency for a
fiscal biennial period, the board may designate the other local
participating agency to take over as the county's lead agency for
the remainder of the fiscal biennial period.

(C) A board of county commissioners shall inform the
department of job and family services of its designation of the
lead agency under division (A)(2) of this section before the
beginning of the fiscal biennial period for which the designation
is made. A board shall notify the department of any redesignation
of a lead agency under division (B) of this section not later than
sixty days after the redesignation takes effect.

Sec. 5116.23. (A) Each lead agency, in consultation with the
local workforce development board that serves the same county for
which the lead agency has been designated to serve as lead agency,
shall, in accordance with rules adopted under section 5116.06 of
the Revised Code, do all of the following for the fiscal biennial
period, or part thereof, for which it is so designated:

(1) Prepare and submit to the department of job and family
services a plan containing standing procedures for determining and
maintaining individuals' eligibility to participate in the
comprehensive case management and employment program;

(2) Administer the program in the county for which it is designated to serve as lead agency;

(3) Partner with the other local participating agency and subcontractors to do both of the following:

(a) Actively coordinate activities regarding the program with the other local participating agency and any subcontractors;

(b) Help both local participating agencies and any subcontractors to use their expertise in administering the program.

(B) If a board of county commissioners redesignates the lead agency under division (B) of section 5116.22 of the Revised Code during a fiscal biennial period, the new lead agency shall prepare and submit to the department of job and family services a new plan under division (A)(1) of this section not later than sixty days after the redesignation takes effect.

(C) Each local workforce development board shall ensure that the plans prepared under division (A)(1) of this section by the lead agencies serving the same counties the board serves are included in the board's workforce development plan prepared under section 6301.07 of the Revised Code.

Sec. 5116.24. A lead agency is responsible for all of the funds received for the comprehensive case management and employment program by the county for which the lead agency is designated to be the lead agency and shall use the funds in a manner consistent with federal and state law. The lead agency shall coordinate this responsibility with any entity that has been designated to serve as a local grant subrecipient or a local fiscal agent under section 107(d)(12)(B)(i)(II) of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3122(d)(12)(B)(i)(II).
Sec. 5116.25. If a lead agency fails to enroll in the comprehensive case management and employment program an individual who is required by section 5116.10 of the Revised Code to participate in the program and to take corrective action that the department of job and family services requires the lead agency to take as a consequence of that failure, the department may take the action authorized by division (C)(5) of section 5101.24 of the Revised Code, including withholding and spending TANF block grant funds.

Sec. 5117.10. (A) On or before the fifteenth day of January, the director of development services shall pay each applicant determined eligible for a payment under divisions (A) and (B) of section 5117.07 of the Revised Code one hundred twenty-five dollars.

(B) The director may withhold from any payment to which a person would otherwise be entitled under division (A) of this section any amount that the director determines was erroneously received by such person in a preceding year under this or the program established under Am. Sub. H.B. 230, as amended by Am. H.B. 937, Am. Sub. H.B. 1073, Am. Sub. S.B. 493, and Am. Sub. S.B. 523 of the 112th general assembly, provided the director has employed all other legal methods reasonably available to obtain reimbursement for the erroneous payment or credit prior to the commencement of the current program year.

(C) Payments made under this section and credits granted under section 5117.09 of the Revised Code shall not be considered income for the purpose of determining eligibility or the level of benefits or assistance under section 329.042 or Chapters 5107. and 5115. of the Revised Code; the medicaid program; supplemental security income payments under Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as
amended; or any other program under which eligibility or the level of benefits or assistance is based upon need measured by income.

Sec. 5119.01. (A) As used in this chapter:

(1) "Addiction" means the chronic and habitual use of alcoholic beverages, the use of a drug of abuse as defined in section 3719.011 of the Revised Code, or the use of gambling by an individual to the extent that the individual no longer can control the individual's use of alcohol, the individual becomes physically or psychologically dependent on the drug, the individual's use of alcohol or drugs endangers the health, safety, or welfare of the individual or others, or the individual's gambling causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.

(2) "Addiction services" means services, including intervention, for the treatment of persons with alcohol, drug, or gambling addictions, and for the prevention of such addictions.

(3) "Alcohol and drug addiction services" means services, including intervention, for the treatment of alcoholics or persons who abuse drugs of abuse and for the prevention of alcoholism and drug addiction.

(4) "Alcoholic" means a person suffering from alcoholism.

(5) "Alcoholism" means the chronic and habitual use of alcoholic beverages by an individual to the extent that the individual no longer can control the individual's use of alcohol or endangers the health, safety, or welfare of the individual or others.

(6) "Certifiable services and supports" means all of the following:

(a) Alcohol and drug addiction services;
(b) Mental health services;

(c) The types of recovery supports that are specified in rules adopted under section 5119.36 of the Revised Code as requiring certification under that section.

(7) "Community addiction services provider" means an agency, association, corporation, individual, or program that provides one or more of the following:

(a) Alcohol and drug addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code;

(b) Gambling addiction services;

(c) Recovery supports that are related to alcohol and drug addiction services or gambling addiction services and paid for with federal, state, or local funds administered by the department of mental health and addiction services or a board of alcohol, drug addiction, and mental health services.

(8) "Community mental health services provider" means an agency, association, corporation, individual, or program that provides either of the following:

(a) Mental health services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code;

(b) Recovery supports that are related to mental health services and paid for with federal, state, or local funds administered by the department of mental health and addiction services or a board of alcohol, drug addiction, and mental health services.

(9) "Drug addiction" means the use of a drug of abuse, as defined in section 3719.011 of the Revised Code, by an individual to the extent that the individual becomes physically or
psychologically dependent on the drug or endangers the health, safety, or welfare of the individual or others.

(10) "Gambling addiction" means the use of gambling by an individual to the extent that it causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.

(11) "Gambling addiction services" means services for the treatment of persons who have a gambling addiction and for the prevention of gambling addiction.

(12) "Hospital" means a hospital or inpatient unit licensed by the department of mental health and addiction services under section 5119.33 of the Revised Code, and any institution, hospital, or other place established, controlled, or supervised by the department under Chapter 5119. of the Revised Code.

(13) "Included opioid and co-occurring drug addiction services and recovery supports" means the addiction services and recovery supports that, pursuant to section 340.033 of the Revised Code, are included in the array of services and recovery supports for all levels of opioid and co-occurring drug addiction required, except as otherwise authorized by a time-limited waiver issued under division (A)(1) of section 5119.221 of the Revised Code, to be included in the community-based continuum of care established under section 340.032 of the Revised Code.

(14) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

(15) "Mental health services" means services for the assessment, care, or treatment of persons who have a mental illness and for the prevention of mental illness.

(16) "Recovery supports" means assistance that is intended to
help an individual who is an alcoholic or has a drug addiction or mental illness, or a member of such an individual's family, initiate and sustain the individual's recovery from alcoholism, drug addiction, or mental illness. "Recovery supports" does not mean alcohol and drug addiction services or mental health services.

(17)(a) "Residence" means a person's physical presence in a county with intent to remain there, except in either of the following circumstances:

(i) If a person is receiving a mental health treatment service at a facility that includes nighttime sleeping accommodations, "residence" means that county in which the person maintained the person's primary place of residence at the time the person entered the facility;

(ii) If a person is committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, "residence" means the county where the criminal charges were filed.

(b) When the residence of a person is disputed, the matter of residence shall be referred to the department of mental health and addiction services for investigation and determination. Residence shall not be a basis for a board of alcohol, drug addiction, and mental health services to deny services to any person present in the board's service district, and the board shall provide services for a person whose residence is in dispute while residence is being determined and for a person in an emergency situation.

(B) Any reference in this chapter to a board of alcohol, drug addiction, and mental health services also refers to an alcohol and drug addiction services board or a community mental health board in a service district in which an alcohol and drug addiction services board or a community mental health board has been established.
established under section 340.021 or former section 340.02 of the Revised Code.

Sec. 5119.011. (A) Whenever the term "department of mental health," the term "Ohio department of mental health," the "department of alcohol and drug addiction services," or the term "Ohio department of alcohol and drug addiction services" is used, referred to, or designated in any statute, rule, contract, grant, or other document, the use, reference, or designation shall be construed to mean the department of mental health and addiction services.

(B) Whenever the term "director of mental health" or the term "director of alcohol and drug addiction services" is used, referred to, or designated in any statute, rule, contract, grant, or other document, the use, reference, or designation shall be construed to mean the director of mental health and addiction services.

Sec. 5119.22. The director of mental health and addiction services, with respect to all mental health and addiction facilities, addiction services, mental health services, and recovery supports established and operated or provided under Chapter 340. of the Revised Code, shall do all of the following:

(A) Adopt rules pursuant to Chapter 119. of the Revised Code that may be necessary to carry out the purposes of this chapter and Chapters 340. and 5122. of the Revised Code.

(B) Review and evaluate the community-based continuum of care required by section 340.032 of the Revised Code to be established in each service district, taking into account the findings and recommendations of the board of alcohol, drug addiction, and mental health services of the district submitted under division (A)(4) of section 340.03 of the Revised Code and the priorities
and plans of the department of mental health and addiction services, including the needs of residents of the district currently receiving services in state-operated hospitals, and make recommendations for needed improvements to boards of alcohol, drug addiction, and mental health services;

(C) At the director's discretion, provide to boards of alcohol, drug addiction, and mental health services state or federal funds, in addition to those allocated under section 5119.23 of the Revised Code, for special programs or projects the director considers necessary but for which local funds are not available;

(D) Establish criteria by which each board of alcohol, drug addiction, and mental health services reviews and evaluates the quality, effectiveness, and efficiency of the facility services, addiction services, mental health services, and recovery supports for which it contracts under section 340.036 of the Revised Code. The criteria shall include requirements ensuring appropriate utilization of the services and supports. The department shall assess each board's evaluation of the services and supports and the compliance of each board with this section, Chapter 340. of the Revised Code, and other state or federal law and regulations. The department, in cooperation with the board, periodically shall review and evaluate the quality, effectiveness, and efficiency of the facility services, addiction services, mental health services, and recovery supports for which each board contracts under section 340.036 of the Revised Code and the facilities, addiction services, and mental health services that each board operates or provides under section 340.037 of the Revised Code. The department shall collect information that is necessary to perform these functions.

(E) To the extent the director determines necessary and after consulting with boards of alcohol, drug addiction, and mental
health services, community addiction services providers, and
community mental health services providers, develop and operate,
or contract for the operation of, a community behavioral health
information system or systems. The department shall specify the
information that must be provided by the boards and providers for
inclusion in the system or systems.

Boards of alcohol, drug addiction, and mental health
services, community addiction services providers, and community
mental health services providers shall submit information
requested by the department in the form and manner and in
accordance with time frames prescribed by the department.
Information collected by the department may include all of the
following:

(1) Information on addiction services, mental health
services, and recovery supports provided;

(2) Financial information regarding expenditures of federal,
state, or local funds;

(3) Information about persons served.

The department shall not collect any personal information
from the boards or providers except as required or permitted by
state or federal law for purposes related to payment, health care
operations, program and service evaluation, reporting activities,
research, system administration, and oversight.

(F) In consultation with representatives of boards of
alcohol, drug addiction, and mental health services and after
consideration of recommendations made by the medical director
appointed under section 5119.11 of the Revised Code, establish all
of the following:

(1) Guidelines, including a timetable, for the boards'
development and submission of proposed community addiction and
mental health plans, budgets, and lists of addiction services,
mental health services, and recovery supports under sections 340.03 and 340.08 of the Revised Code;

(2) Procedures, including a timetable, for the director's review and approval or disapproval of the plans, budgets, and lists;

(3) Procedures for corrective action regarding the plans, budgets, and lists, including submission of revised or new plans, budgets, and lists;

(4) Procedures for the director to follow in offering technical assistance to boards to assist them in making the plans, budgets, and lists acceptable or in making proposed amendments to approved plans, budgets, and lists meet criteria for approval;

(5) Procedures for issuing time-limited waivers under division (A)(1) of section 5119.221 of the Revised Code and waivers under division (A)(2) of that section.

(G) Review each board's proposed community addiction and mental health plan, budget, and list of addiction services, mental health services, and recovery supports submitted pursuant to sections 340.03 and 340.08 of the Revised Code and approve or disapprove the plan, the budget, and the list in whole or in part. Except as otherwise authorized by a time-limited waiver issued under division (A)(1) of section 5119.221 of the Revised Code, the director shall disapprove a board's proposed budget in whole or in part if the proposed budget would not make available in the board's service district the essential elements of the community-based continuum of care required by section 340.032 of the Revised Code, including, except as otherwise authorized by a time-limited waiver issued under section 5119.221 of the Revised Code, an array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction.

Prior to a final decision to disapprove a plan, budget, or
list in whole or in part, a representative of the director shall meet with the board and discuss the reason for the action the director proposes to take and any corrective action that should be taken to make the plan, budget, or list acceptable to the director. In addition, the director shall offer technical assistance to the board to assist it to make the plan, budget, or list acceptable. The director shall give the board a reasonable time in which to revise the plan, budget, or list. The board thereafter shall submit a revised plan, budget, or list or a new plan, budget, or list.

(H) Approve or disapprove all or part of proposed amendments that a board of alcohol, drug addiction, or mental health services submits under section 340.03 or 340.08 of the Revised Code to an approved community addiction and mental health plan, budget, or list of addiction services, mental health services, and recovery supports.

If the director disapproves of all or part of any proposed amendment, the director shall provide the board an opportunity to present its position. The director shall inform the board of the reasons for the disapproval and of the criteria that must be met before the proposed amendment may be approved. The director shall give the board a reasonable time within which to meet the criteria and shall offer technical assistance to the board to help it meet the criteria.

Sec. 5119.221. (A) The director of mental health and addiction services, in accordance with procedures established under division (F)(5) of section 5119.22 of the Revised Code, may do either or both of the following:

(1) Subject to division (B) of this section, issue to a board of alcohol, drug addiction, and mental health services a time-limited waiver of the requirement of section 340.032 of the
Revised Code that a community-based continuum of care include all of the essential elements specified in that section;

(2) Subject to division (C) of this section, issue to a board a waiver of the requirement of section 340.033 of the Revised Code that ambulatory detoxification and medication-assisted treatment be included in the array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction.

(B) The director may not issue a time-limited waiver under division (A)(1) of this section unless the director determines that the board seeking the waiver has made reasonable efforts to include in the community-based continuum of care the essential elements being waived. The waiver shall specify the amount of time for which it is issued and which of the essential elements are waived.

(C) The director may not issue a waiver under division (A)(2) of this section unless made available within the borders of the board's service district if the director determines that both of the following apply:

(1) The board seeking the waiver has made reasonable efforts to make ambulatory detoxification and medication-assisted treatment available within the borders of the board's service district;

(2) Ambulatory detoxification and medication-assisted treatment can be made available through one or more contracts between the board seeking the waiver and community addiction services providers that are located not more than thirty miles beyond the borders of the board's service district the board serves;

(2) The amount of time it takes for residents of the service district the board serves to travel to a community addiction services provider that provides ambulatory detoxification and
medication-assisted treatment does not impose a significant barrier to successful treatment.

(B) Each waiver issued under this section shall specify the amount of time for which it is in effect and whether it applies to ambulatory detoxification, medication-assisted treatment, or both.

Sec. 5119.27. (A) Records or information, other than court journal entries or court docket entries, pertaining to the identity, diagnosis, or treatment of any person seeking or receiving services that are maintained in connection with the performance of any drug treatment program or services licensed by, or certified by, the director of mental health and addiction services under this chapter shall be kept confidential, may be disclosed only for the purposes and under the circumstances expressly authorized under this section, and may not otherwise be divulged in any civil, criminal, administrative, or legislative proceeding.

(B) When the person, with respect to whom any record or information referred to in division (A) of this section is maintained, gives consent in the form of a written release signed by the person, the content of the record or information may be disclosed if the written release conforms to all of the following:

1. Specifically identifies the person, official, or entity to whom the information is to be provided;
2. Describes with reasonable specificity the record, records, or information to be disclosed; and
3. Describes with reasonable specificity the purposes of the disclosure and the intended use of the disclosed information.

(C) A person who is subject to a community control sanction, parole, or a post-release control sanction or who is ordered to rehabilitation in lieu of conviction, and who has agreed to
participate in a drug treatment or rehabilitation program as a condition of the community control sanction, post-release control sanction, parole, or order to rehabilitation, shall be considered to have consented to the release of records and information relating to the progress of treatment, frequency of treatment, adherence to treatment requirements, and probable outcome of treatment. Release of information and records under this division shall be limited to the court or governmental personnel having the responsibility for supervising the person's community control sanction, post-release control sanction, parole, or order to rehabilitation. A person, described in this division, who refuses to allow disclosure may be considered in violation of the conditions of the person's community control sanction, post-release control sanction, parole, or order to rehabilitation.

(D) Disclosure of a person's record may be made without the person's consent to the following circumstances:

(1) To any physician, advanced practice registered nurse, or physician assistant who treats the person;

(2) To qualified personnel for the purpose of conducting scientific research, management, financial audits, or program evaluation, but these personnel may not identify, directly or indirectly, any individual person in any report of the research, audit, or evaluation, or otherwise disclose a person's identity in any manner.

(E) Upon the request of a prosecuting attorney or the director of mental health and addiction services, a court of competent jurisdiction may order the disclosure of records or information referred to in division (A) of this section if the court has reason to believe that a treatment program or facility is being operated or used in a manner contrary to law. The use of any information or record so disclosed shall be limited to the prosecution of persons who are or may be charged with any offense.
related to the illegal operation or use of the drug treatment program or facility, or to the decision to withdraw the authority of a drug treatment program or facility to continue operation. For purposes of this division the court shall:

(1) Limit disclosure to those parts of the person's record considered essential to fulfill the objective for which the order was granted;

(2) Require, where appropriate, that all information be disclosed in chambers;

(3) Include any other appropriate measures to keep disclosure to a minimum, consistent with the protection of the persons seeking or receiving services, the physician-patient relationship, and the administration of the drug treatment and rehabilitation program.

(F) As used in this section:

(1) "Advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code.

(2) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(2)(3) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(4) "Physician assistant" means any person who is licensed as a physician assistant under Chapter 4730. of the Revised Code.

(5) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.

Sec. 5119.34. (A) As used in this section and sections 5119.341 and 5119.342 of the Revised Code:

(1) "Accommodations" means housing, daily meal preparation,
laundry, housekeeping, arranging for transportation, social and recreational activities, maintenance, security, and other services that do not constitute personal care services or skilled nursing care.

(2) "ADAMHS board" means a board of alcohol, drug addiction, and mental health services.

(3) "Adult" means a person who is eighteen years of age or older, other than a person described in division (A)(4) of this section who is between eighteen and twenty-one years of age.

(4) "Child" means a person who is under eighteen years of age or a person with a mental disability who is under twenty-one years of age.

(5) "Community mental health services provider" means a community mental health services provider as defined in section 5119.01 of the Revised Code.

(6) "Community mental health services" means any mental health services certified by the department pursuant to section 5119.36 of the Revised Code.

(7) "Operator" means the person or persons, firm, partnership, agency, governing body, association, corporation, or other entity that is responsible for the administration and management of a residential facility and that is the applicant for a residential facility license.

(8) "Personal care services" means services including, but not limited to, the following:

(a) Assisting residents with activities of daily living;

(b) Assisting residents with self-administration of medication in accordance with rules adopted under this section;

(c) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician.
or a licensed dietitian, in accordance with rules adopted under this section.

"Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A facility need not provide more than one of the services listed in division (A)(8) of this section to be considered to be providing personal care services.

(9) "Room and board" means the provision of sleeping and living space, meals or meal preparation, laundry services, housekeeping services, or any combination thereof.

(10) "Residential state supplement program" means the program administered established under section 5119.41 of the Revised Code and related provisions of the Administrative Code under which the state supplements the supplemental security income payments received by aged, blind, or disabled adults under Title XVI of the Social Security Act. Residential state supplement payments are used for the provision of accommodations, supervision, and personal care services to supplemental security income recipients the department of mental health and addition services determines are at risk of needing institutional care.

(11) "Supervision" means any of the following:

(a) Observing a resident to ensure the resident's health, safety, and welfare while the resident engages in activities of daily living or other activities;

(b) Reminding a resident to perform or complete an activity, such as reminding a resident to engage in personal hygiene or other self-care activities;

(c) Assisting a resident in making or keeping an appointment.

(12) "Unrelated" means that a resident is not related to the owner or operator of a residential facility or to the owner's or
operator's spouse as a parent, grandparent, child, stepchild, grandchild, brother, sister, niece, nephew, aunt, or uncle, or as the child of an aunt or uncle.

(B)(1) A "residential facility" is a publicly or privately operated home or facility that falls into one of the following categories:

(a) Class one facilities provide accommodations, supervision, personal care services, and mental health services for one or more unrelated adults with mental illness or one or more unrelated children or adolescents with severe emotional disturbances;

(b) Class two facilities provide accommodations, supervision, and personal care services to any of the following:

(i) One or two unrelated persons with mental illness;

(ii) One or two unrelated adults who are receiving payments under the residential state supplement payments program;

(iii) Three to sixteen unrelated adults.

(c) Class three facilities provide room and board for five or more unrelated adults with mental illness.

(2) "Residential facility" does not include any of the following:

(a) A hospital subject to licensure under section 5119.33 of the Revised Code or an institution maintained, operated, managed, and governed by the department of mental health and addiction services for the hospitalization of mentally ill persons pursuant to section 5119.14 of the Revised Code;

(b) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of developmental disabilities;

(c) An institution or association subject to certification under section 5103.03 of the Revised Code;
(d) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;

(e) A nursing home, residential care facility, or home for the aging as defined in section 3721.02 of the Revised Code;

(f) A facility licensed to provide methadone treatment under section 5119.391 of the Revised Code;

(g) Any facility that receives funding for operating costs from the development services agency under any program established to provide emergency shelter housing or transitional housing for the homeless;

(h) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code;

(i) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans;

(j) The residence of a relative or guardian of a person with mental illness.

(C) Nothing in division (B) of this section shall be construed to permit personal care services to be imposed on a resident who is capable of performing the activity in question without assistance.

(D) Except in the case of a residential facility described in division (B)(1)(a) of this section, members of the staff of a residential facility shall not administer medication to the facility's residents, but may do any of the following:

(1) Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container;
(2) Assist a resident in the self-administration of medication by taking the medication from the locked area where it is stored, in accordance with rules adopted pursuant to this section, and handing it to the resident. If the resident is physically unable to open the container, a staff member may open the container for the resident.

(3) Assist a physically impaired but mentally alert resident, such as a resident with arthritis, cerebral palsy, or Parkinson's disease, in removing oral or topical medication from containers and in consuming or applying the medication, upon request by or with the consent of the resident. If a resident is physically unable to place a dose of medicine to the resident's mouth without spilling it, a staff member may place the dose in a container and place the container to the mouth of the resident.

(E)(1) Except as provided in division (E)(2) of this section, a person operating or seeking to operate a residential facility shall apply for licensure of the facility to the department of mental health and addiction services. The application shall be submitted by the operator. When applying for the license, the applicant shall pay to the department the application fee specified in rules adopted under division (L) of this section. The fee is nonrefundable.

The department shall send a copy of an application to the ADAMHS board serving the county in which the person operates or seeks to operate the facility. The ADAMHS board shall review the application and provide to the department any information about the applicant or the facility that the board would like the department to consider in reviewing the application.

(2) A person may not apply for a license to operate a residential facility if the person is or has been the owner, operator, or manager of a residential facility for which a license to operate was revoked or for which renewal of a license was
refused for any reason other than nonpayment of the license renewal fee, unless both of the following conditions are met:

   (a) A period of not less than two years has elapsed since the date the director of mental health and addiction services issued the order revoking or refusing to renew the facility's license.

   (b) The director's revocation or refusal to renew the license was not based on an act or omission at the facility that violated a resident's right to be free from abuse, neglect, or exploitation.

(F)(1) The department of mental health and addiction services shall inspect and license the operation of residential facilities. The department shall consider the past record of the facility and the applicant or licensee in arriving at its licensure decision.

   The department may issue full, probationary, and interim licenses. A full license shall expire up to three years after the date of issuance, a probationary license shall expire in a shorter period of time as specified in rules adopted by the director of mental health and addiction services under division (L) of this section, and an interim license shall expire ninety days after the date of issuance. A license may be renewed in accordance with rules adopted by the director under division (L) of this section. The renewal application shall be submitted by the operator. When applying for renewal of a license, the applicant shall pay to the department the renewal fee specified in rules adopted under division (L) of this section. The fee is nonrefundable.

   (2) The department may issue an order suspending the admission of residents to the facility or refuse to issue or renew and may revoke a license if it finds any of the following:

   (a) The facility is not in compliance with rules adopted by the director pursuant to division (L) of this section;

   (b) Any facility operated by the applicant or licensee has
been cited for a pattern of serious noncompliance or repeated violations of statutes or rules during the period of current or previous licenses;

(c) The applicant or licensee submits false or misleading information as part of a license application, renewal, or investigation.

Proceedings initiated to deny applications for full or probationary licenses or to revoke such licenses are governed by Chapter 119. of the Revised Code. An order issued pursuant to this division remains in effect during the pendency of those proceedings.

(G) The department may issue an interim license to operate a residential facility if both of the following conditions are met:

(1) The department determines that the closing of or the need to remove residents from another residential facility has created an emergency situation requiring immediate removal of residents and an insufficient number of licensed beds are available.

(2) The residential facility applying for an interim license meets standards established for interim licenses in rules adopted by the director under division (L) of this section.

An interim license shall be valid for ninety days and may be renewed by the director no more than twice. Proceedings initiated to deny applications for or to revoke interim licenses under this division are not subject to Chapter 119. of the Revised Code.

(H)(1) The department of mental health and addiction services may conduct an inspection of a residential facility as follows:

(a) Prior to issuance of a license for the facility;

(b) Prior to renewal of the license;

(c) To determine whether the facility has completed a plan of correction required pursuant to division (H)(2) of this section
and corrected deficiencies to the satisfaction of the department and in compliance with this section and rules adopted pursuant to it;

(d) Upon complaint by any individual or agency;

(e) At any time the director considers an inspection to be necessary in order to determine whether the facility is in compliance with this section and rules adopted pursuant to this section.

(2) In conducting inspections the department may conduct an on-site examination and evaluation of the residential facility and its personnel, activities, and services. The department shall have access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents, and shall have access to the facility in order to conduct interviews with the operator, staff, and residents. Following each inspection and review, the department shall complete a report listing any deficiencies, and including, when appropriate, a time table within which the operator shall correct the deficiencies. The department may require the operator to submit a plan of correction describing how the deficiencies will be corrected.

(I) No person shall do any of the following:

(1) Operate a residential facility unless the facility holds a valid license;

(2) Violate any of the conditions of licensure after having been granted a license;

(3) Interfere with a state or local official's inspection or investigation of a residential facility;

(4) Violate any of the provisions of this section or any rules adopted pursuant to this section.
(J) The following may enter a residential facility at any time:

(1) Employees designated by the director of mental health and addiction services;

(2) Employees of an ADAMHS board under either of the following circumstances:

   (a) When a resident of the facility is receiving services from a community mental health services provider under contract with that ADAMHS board or another ADAMHS board;

   (b) When authorized by section 340.05 of the Revised Code.

(3) Employees of a community mental health services provider under either of the following circumstances:

   (a) When the provider has a person receiving services residing in the facility;

   (b) When the provider is acting as an agent of an ADAMHS board other than the board with which it is under contract.

(4) Representatives of the state long-term care ombudsman program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are recipients receiving payments under the residential state supplement program.

The persons specified in division (J) of this section shall be afforded access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents.

(K) Employees of the department of mental health and addiction services may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential
(L) The director shall adopt and may amend and rescind rules pursuant to Chapter 119. of the Revised Code governing the licensing and operation of residential facilities. The rules shall establish all of the following:

(1) Minimum standards for the health, safety, adequacy, and cultural competency of treatment of and services for persons in residential facilities;

(2) Procedures for the issuance, renewal, or revocation of the licenses of residential facilities;

(3) Procedures for conducting background investigations for prospective or current operators, employees, volunteers, and other non-resident occupants who may have direct access to facility residents;

(4) The fee to be paid when applying for a new residential facility license or renewing the license;

(5) Procedures for the operator of a residential facility to follow when notifying the ADAMHS board serving the county in which the facility is located when the facility is serving residents with mental illness or severe mental disability, including the circumstances under which the operator is required to make such a notification;

(6) Procedures for the issuance and termination of orders of suspension of admission of residents to a residential facility;

(7) Measures to be taken by residential facilities relative to residents' medication;

(8) Requirements relating to preparation of special diets;

(9) The maximum number of residents who may be served in a residential facility;

(10) The rights of residents of residential facilities and
procedures to protect such rights;

(11) Standards and procedures under which the director may waive the requirements of any of the rules adopted.

(M)(1) The department may withhold the source of any complaint reported as a violation of this section when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall disclose the source upon order by a court of competent jurisdiction.

(2) Any person who makes a complaint under division (M)(1) of this section, or any person who participates in an administrative or judicial proceeding resulting from such a complaint, is immune from civil liability and is not subject to criminal prosecution, other than for perjury, unless the person has acted in bad faith or with malicious purpose.

(N)(1) The director of mental health and addiction services may petition the court of common pleas of the county in which a residential facility is located for an order enjoining any person from operating a residential facility without a license or from operating a licensed facility when, in the director's judgment, there is a present danger to the health or safety of any of the occupants of the facility. The court shall have jurisdiction to grant such injunctive relief upon a showing that the respondent named in the petition is operating a facility without a license or there is a present danger to the health or safety of any residents of the facility.

(2) When the court grants injunctive relief in the case of a facility operating without a license, the court shall issue, at a minimum, an order enjoining the facility from admitting new
residents to the facility and an order requiring the facility to assist with the safe and orderly relocation of the facility's residents.

(3) If injunctive relief is granted against a facility for operating without a license and the facility continues to operate without a license, the director shall refer the case to the attorney general for further action.

(O) The director may fine a person for violating division (I) of this section. The fine shall be five hundred dollars for a first offense; for each subsequent offense, the fine shall be one thousand dollars. The director's actions in imposing a fine shall be taken in accordance with Chapter 119. of the Revised Code.

Sec. 5119.41. (A) As used in this section:

(1) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

(2) "Residential state supplement administrative agency" means the department of mental health and addiction services or, if the department designates an entity under division (C) of this section for a particular area, the designated entity.

(3) "Residential state supplement program" means the program administered pursuant to this section.

(B) The department of mental health and addiction services shall implement the residential state supplement program under which the state supplements the amounts received by aged, blind, or disabled adults as supplemental security income payments received by aged, blind, or disabled adults under Title XVI of the "Social Security Act," 42 U.S.C. 1381 et seq., or as social security benefits or social security disability insurance benefits under Title II of the "Social Security Act," 42 U.S.C. 401 et seq. Residential state supplement payments shall be used for the
provision of accommodations, supervision, and personal care services to social security, recipients of supplemental security income payments, social security benefits, and social security disability insurance recipients benefits who the department determines are at risk of needing institutional care.

(C) In implementing the program, the department may designate one or more entities to be responsible for providing administrative services regarding the program. The department may designate an entity to be a residential state supplement administrative agency under this division either by entering into a contract with the entity to serve in that capacity provided the services or by otherwise delegating to the entity the responsibility to serve in that capacity provide the services.

(D) For an individual to (B) To be eligible for residential state supplement payments, all of the following must be the case:

(1) Except as provided by division (G) of this section, the individual must reside in one of the following living arrangements:

(a) A residential care facility licensed by the department of health under Chapter 3721. of the Revised Code or an assisted living program as defined in section 173.51 of the Revised Code;

(b) A class two residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code.

(2) If a residential state supplement administrative agency is aware that an individual enrolled in the program has mental health needs, the agency shall refer the individual for an assessment pursuant to division (A) of section 340.091 of the Revised Code.

(3) The an individual satisfies must satisfy all eligibility requirements established by rules adopted under division (E) of
this section.

(4) An individual residing in a living arrangement housing more than sixteen individuals shall not be eligible for inclusion in the program unless the director of mental health and addiction services specifically waives this size limitation with respect to that individual in that living arrangement. An individual with such a waiver as of October 1, 2015, shall remain eligible for the program as long as the individual remains in that living arrangement.

(C) The director of mental health and addiction services and the medicaid director shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement the residential state supplement program, including the requirements that an individual must satisfy to be eligible for payments under the program. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

The rules adopted by the director of mental health and addiction services may establish the method to be used to determine the payment an eligible individual will receive under the program. The amount the general assembly appropriates for the program may be a factor included in the method that director establishes.

To the extent permitted by Title XVI of the "Social Security Act," and any other provision of federal law, the rules adopted by the medicaid director may adopt rules establishing standards for adjusting the eligibility requirements concerning the level of impairment a person an individual must have so that the amount appropriated for the program by the general assembly is adequate for the number of eligible individuals. The rules shall not limit the eligibility of individuals who are disabled persons solely on a basis classifying disabilities as physical or mental. The medicaid director also may adopt rules that establish
eligibility standards for aged, blind, or disabled individuals who reside in one of the homes or facilities specified in division (D)(1) of this section but who, because of their income, do not receive supplemental security income payments. The rules may provide that these individuals may include individuals who receive other types of benefits, including, social security payments or social security disability insurance benefits provided under Title II of the "Social Security Act," 42 U.S.C. 401, et seq. Notwithstanding division (B) of this section, such payments may be made if funds are available for them.

The director of mental health and addiction services may adopt rules establishing the method to be used to determine the amount an eligible individual will receive under the program. The amount the general assembly appropriates for the program may be a factor included in the method that director establishes.

(D) The county department of job and family services of the county in which an applicant for the residential state supplement program resides or the department of medicaid shall determine whether the applicant meets income and resource requirements for the program.

The county department of job and family services or the department of medicaid shall notify each individual who is denied approval for payments under the program of the individual's right to a hearing. On request, the hearing shall be provided in accordance with section 5101.35 of the Revised Code.

(E) An individual in a licensed or certified living arrangement receiving state supplementation on November 15, 1990, under former section 5101.531 of the Revised Code shall not become ineligible for payments under this program solely by reason of the individual's living arrangement as long as the individual remains in the living arrangement in which the individual resided on November 15, 1990.
(H) The county department of job and family services from which the person is receiving benefits or the department of medicaid shall notify each person denied approval for payments under this section of the person's right to a hearing. On request, the hearing shall be provided in accordance with section 5101.35 of the Revised Code.

Sec. 5119.94. (A) Upon receipt of a petition filed under section 5119.93 of the Revised Code and the payment of the appropriate filing fee, if any, the probate court shall examine the petitioner under oath as to the contents of the petition.

(B) If, after reviewing the allegations contained in the petition and examining the petitioner under oath, it appears to the probate court that there is probable cause to believe the respondent may reasonably benefit from treatment, the court shall do all of the following:

(1) Schedule a hearing to be held within seven days to determine if there is clear and convincing evidence that the respondent may reasonably benefit from treatment for alcohol and other drug abuse;

(2) Notify the respondent, the legal guardian, if any and if known, and the spouse, parents, or nearest relative or friend of the respondent concerning the allegations and contents of the petition and of the date and purpose of the hearing;

(3) Notify the respondent that the respondent may retain counsel and, if the person is unable to obtain an attorney, that the respondent may be represented by court-appointed counsel at public expense if the person is indigent. Upon the appointment of an attorney to represent an indigent respondent, the court shall notify the respondent of the name, address, and telephone number of the attorney appointed to represent the respondent.
(4) Notify the respondent that the court shall cause the respondent to be examined not later than twenty-four hours before the hearing date by a physician for the purpose of a physical examination and by a qualified health professional for the purpose of a drug and alcohol addiction assessment and diagnosis. In addition, the court shall notify the respondent that the respondent may have an independent expert evaluation of the person's physical and mental condition conducted at the respondent's own expense.

(5) Cause the respondent to be examined not later than twenty-four hours before the hearing date by a physician for the purpose of a physical examination and by a qualified health professional for the purpose of a drug and alcohol addiction assessment and diagnosis;

(6) Conduct the hearing.

(C) The physician and qualified health professional who examine the respondent pursuant to division (B)(5) of this section or who are obtained by the respondent at the respondent's own expense shall certify their findings to the court within twenty-four hours of the examinations. The findings of each qualified health professional shall include a recommendation for treatment if the qualified health professional determines that treatment is necessary.

(D)(1) If upon completion of the hearing held under this section the probate court finds by clear and convincing evidence that the respondent may reasonably benefit from treatment, the court may order the treatment after considering the qualified health professionals' recommendations for treatment that have been submitted to the court under division (C) of this section. If the court orders the treatment under this division, the court shall order the treatment to be provided through a community addiction services provider or by an individual licensed or certified by the
state medical board under Chapter 4731. of the Revised Code, the chemical dependency professionals board under Chapter 4758. of the Revised Code, the counselor, social worker, and marriage and family therapist state behavioral health and social work board under Chapter 4757. or 4758. of the Revised Code, or a similar board of another state authorized to provide substance abuse treatment.

(2) Failure of a respondent to undergo and complete any treatment ordered pursuant to this division is contempt of court. Any community addiction services provider or person providing treatment under this division shall notify the probate court of a respondent's failure to undergo or complete the ordered treatment.

(E) If, at any time after a petition is filed under section 5119.93 of the Revised Code, the probate court finds that there is not probable cause to continue treatment or if the petitioner withdraws the petition, then the court shall dismiss the proceedings against the respondent.

Sec. 5120.22. (A) The division of business administration shall examine the conditions of all buildings, grounds, and other property connected with the institutions under the control of the department of rehabilitation and correction, the methods of bookkeeping and storekeeping, and all matters relating to the management of such property. The division shall study and become familiar with the advantages and disadvantages of each as to location, freight rates, and efficiency of farm and equipment, for the purpose of aiding in the determination of the local and general requirements both for maintenance and improvements.

(B) The division, with respect to the various types of state-owned housing under jurisdiction of the department, shall adopt, in accordance with section 111.15 of the Revised Code, rules governing maintenance of the housing and its usage by
department personnel. The rules shall include a procedure for determining charges for rent and utilities, which the division shall assess against and collect from department personnel using the housing. All money collected for rent and utilities pursuant to the rules shall be deposited into the property receipts fund, which is hereby created in the state treasury. Money in the fund shall be used for any expenses necessary to provide housing of department employees, including but not limited to expenses for the acquisition, construction, operation, maintenance, repair, reconstruction, or demolition of land and buildings.

(C) The division may enter into a lease or agreement with a state agency, political subdivision of the state, or private entity to use facilities or other property under the jurisdiction of the department that is not being utilized by the department. All money collected for leasing and services performed in accordance with the lease or agreement shall be deposited into the property receipts fund created under division (B) of this section. Money in the fund shall be used for any expenses resulting from the lease or agreement, including, but not limited to, expenses for services performed, construction, maintenance, repair, reconstruction, or demolition of the facilities or other property.

(D) If, after meeting the expenditure obligations required by divisions (B) and (C) of this section, the division determines that the property receipts fund has excess funds, the division may use money in the fund for services performed, construction, maintenance, repair, reconstruction, or demolition of any other facilities or property owned by the department.

Sec. 5120.55. (A) As used in this section, "licensed health professional" means any or all of the following:

(1) A dentist who holds a current, valid license issued under Chapter 4715. of the Revised Code to practice dentistry;
(2) A licensed practical nurse who holds a current, valid
license issued under Chapter 4723. of the Revised Code that
authorizes the practice of nursing as a licensed practical nurse;

(3) An optometrist who holds a current, valid certificate of
licensure issued under Chapter 4725. of the Revised Code that
authorizes the holder to engage in the practice of optometry;

(4) A physician who is authorized under Chapter 4731. of the
Revised Code to practice medicine and surgery, osteopathic
medicine and surgery, or podiatric medicine and surgery;

(5) A psychologist who holds a current, valid license issued
under Chapter 4732. of the Revised Code that authorizes the
practice of psychology as a licensed psychologist;

(6) A registered nurse who holds a current, valid license
issued under Chapter 4723. of the Revised Code that authorizes the
practice of nursing as a registered nurse, including such a nurse
who is also licensed to practice as an advanced practice
registered nurse as defined in section 4723.01 of the Revised
Code.

(B)(1) The department of rehabilitation and correction may
establish a recruitment program under which the department, by
means of a contract entered into under division (C) of this
section, agrees to repay all or part of the principal and interest
of a government or other educational loan incurred by a licensed
health professional who agrees to provide services to inmates of
correctional institutions under the department's administration.

(2)(a) For a physician to be eligible to participate in the
program, the physician must have attended a school that was,
during the time of attendance, a medical school or osteopathic
medical school in this country accredited by the liaison committee
on medical education or the American osteopathic association, a
college of podiatry in this country recognized as being in good
standing under section 4731.53 of the Revised Code, or a medical school, osteopathic medical school, or college of podiatry located outside this country that was acknowledged by the world health organization and verified by a member state of that organization as operating within that state's jurisdiction.

(b) For a nurse to be eligible to participate in the program, the nurse must have attended a school that was, during the time of attendance, a nursing school in this country accredited by the commission on collegiate nursing education or the national league for nursing accrediting commission or a nursing school located outside this country that was acknowledged by the world health organization and verified by a member state of that organization as operating within that state's jurisdiction.

(c) For a dentist to be eligible to participate in the program, the dentist must have attended a school that was, during the time of attendance, a dental college that enabled the dentist to meet the requirements specified in section 4715.10 of the Revised Code to be granted a license to practice dentistry.

(d) For an optometrist to be eligible to participate in the program, the optometrist must have attended a school of optometry that was, during the time of attendance, approved by the state board of optometry vision and hearing professionals board.

(e) For a psychologist to be eligible to participate in the program, the psychologist must have attended an educational institution that, during the time of attendance, maintained a specific degree program recognized by the state board of psychology behavioral health and social work board as acceptable for fulfilling the requirement of division (B)(3) of section 4732.10 of the Revised Code.

(C) The department shall enter into a contract with each licensed health professional it recruits under this section. Each
contract shall include at least the following terms:

(1) The licensed health professional agrees to provide a specified scope of medical, osteopathic medical, podiatric, optometric, psychological, nursing, or dental services to inmates of one or more specified state correctional institutions for a specified number of hours per week for a specified number of years.

(2) The department agrees to repay all or a specified portion of the principal and interest of a government or other educational loan taken by the licensed health professional for the following expenses to attend, for up to a maximum of four years, a school that qualifies the licensed health professional to participate in the program:

(a) Tuition;

(b) Other educational expenses for specific purposes, including fees, books, and laboratory expenses, in amounts determined to be reasonable in accordance with rules adopted under division (D) of this section;

(c) Room and board, in an amount determined to be reasonable in accordance with rules adopted under division (D) of this section.

(3) The licensed health professional agrees to pay the department a specified amount, which shall be no less than the amount already paid by the department pursuant to its agreement, as damages if the licensed health professional fails to complete the service obligation agreed to or fails to comply with other specified terms of the contract. The contract may vary the amount of damages based on the portion of the service obligation that remains uncompleted.

(4) Other terms agreed upon by the parties.
The licensed health professional's lending institution or the Ohio board of regents, may be a party to the contract. The contract may include an assignment to the department of the licensed health professional's duty to repay the principal and interest of the loan.

(D) If the department elects to implement the recruitment program, it shall adopt rules in accordance with Chapter 119. of the Revised Code that establish all of the following:

(1) Criteria for designating institutions for which licensed health professionals will be recruited;

(2) Criteria for selecting licensed health professionals for participation in the program;

(3) Criteria for determining the portion of a loan which the department will agree to repay;

(4) Criteria for determining reasonable amounts of the expenses described in divisions (C)(2)(b) and (c) of this section;

(5) Procedures for monitoring compliance by a licensed health professional with the terms of the contract the licensed health professional enters into under this section;

(6) Any other criteria or procedures necessary to implement the program.

Sec. 5122.01. As used in this chapter and Chapter 5119. of the Revised Code:

(A) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

(B) "Mentally ill person subject to court order" means a mentally ill person who, because of the person's illness:
(1) Represents a substantial risk of physical harm to self as manifested by evidence of threats of, or attempts at, suicide or serious self-inflicted bodily harm;

(2) Represents a substantial risk of physical harm to others as manifested by evidence of recent homicidal or other violent behavior, evidence of recent threats that place another in reasonable fear of violent behavior and serious physical harm, or other evidence of present dangerousness;

(3) Represents a substantial and immediate risk of serious physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's basic physical needs because of the person's mental illness and that appropriate provision for those needs cannot be made immediately available in the community;

(4) Would benefit from treatment for the person's mental illness and is in need of such treatment as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of others or the person;

(5)(a) Would benefit from treatment as manifested by evidence of behavior that indicates all of the following:

(i) The person is unlikely to survive safely in the community without supervision, based on a clinical determination.

(ii) The person has a history of lack of compliance with treatment for mental illness and one of the following applies:

(I) At least twice within the thirty-six months prior to the filing of an affidavit seeking court-ordered treatment of the person under section 5122.111 of the Revised Code, the lack of compliance has been a significant factor in necessitating hospitalization in a hospital or receipt of services in a forensic or other mental health unit of a correctional facility, provided that the thirty-six-month period shall be extended by the length
of any hospitalization or incarceration of the person that occurred within the thirty-six-month period.

   (II) Within the forty-eight months prior to the filing of an affidavit seeking court-ordered treatment of the person under section 5122.111 of the Revised Code, the lack of compliance resulted in one or more acts of serious violent behavior toward self or others or threats of, or attempts at, serious physical harm to self or others, provided that the forty-eight-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred within the forty-eight-month period.

   (iii) The person, as a result of the person's mental illness, is unlikely to voluntarily participate in necessary treatment.

   (iv) In view of the person's treatment history and current behavior, the person is in need of treatment in order to prevent a relapse or deterioration that would be likely to result in substantial risk of serious harm to the person or others.

(b) An individual who meets only the criteria described in division (B)(5)(a) of this section is not subject to hospitalization.

(C)(1) "Patient" means, subject to division (C)(2) of this section, a person who is admitted either voluntarily or involuntarily to a hospital or other place under section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a finding of not guilty by reason of insanity or incompetence to stand trial or under this chapter, who is under observation or receiving treatment in such place.

   (2) "Patient" does not include a person admitted to a hospital or other place under section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code to the extent that the reference in this chapter to patient, or the context in which the reference
occurs, is in conflict with any provision of sections 2945.37 to 2945.402 of the Revised Code.

(D) "Licensed physician" means a person licensed under the laws of this state to practice medicine or a medical officer of the government of the United States while in this state in the performance of the person's official duties.

(E) "Psychiatrist" means a licensed physician who has satisfactorily completed a residency training program in psychiatry, as approved by the residency review committee of the American medical association, the committee on post-graduate education of the American osteopathic association, or the American osteopathic board of neurology and psychiatry, or who on July 1, 1989, has been recognized as a psychiatrist by the Ohio state medical association or the Ohio osteopathic association on the basis of formal training and five or more years of medical practice limited to psychiatry.

(F) "Hospital" means a hospital or inpatient unit licensed by the department of mental health and addiction services under section 5119.33 of the Revised Code, and any institution, hospital, or other place established, controlled, or supervised by the department under Chapter 5119. of the Revised Code.

(G) "Public hospital" means a facility that is tax-supported and under the jurisdiction of the department of mental health and addiction services.

(H) "Community mental health services provider" means an agency, association, corporation, individual, or program that provides community mental health services that are certified by the director of mental health and addiction services under section 5119.36 of the Revised Code.

(I) "Licensed clinical psychologist" means a person who holds a current valid psychologist license issued under section 4732.12
of the Revised Code, and in addition, meets the educational requirements set forth in division (B) of section 4732.10 of the Revised Code and has a minimum of two years' full-time professional experience, or the equivalent as determined by rule of the state behavioral health and social work board of psychology, at least one year of which shall be a predoctoral internship, in clinical psychological work in a public or private hospital or clinic or in private practice, diagnosing and treating problems of mental illness or intellectual disability under the supervision of a psychologist who is licensed or who holds a diploma issued by the American board of professional psychology, or whose qualifications are substantially similar to those required for licensure by the state behavioral health and social work board of psychology when the supervision has occurred prior to enactment of laws governing the practice of psychology.

(J) "Health officer" means any public health physician; public health nurse; or other person authorized or designated by a city or general health district or a board of alcohol, drug addiction, and mental health services to perform the duties of a health officer under this chapter.

(K) "Chief clinical officer" means the medical director of a hospital, community mental health services provider, or board of alcohol, drug addiction, and mental health services, or, if there is no medical director, the licensed physician responsible for the treatment provided by a hospital or community mental health services provider. The chief clinical officer may delegate to the attending physician responsible for a patient's care the duties imposed on the chief clinical officer by this chapter. Within a community mental health services provider, the chief clinical officer shall be designated by the governing body of the services provider and shall be a licensed physician or licensed clinical psychologist who supervises diagnostic and treatment services. A
licensed physician or licensed clinical psychologist designated by the chief clinical officer may perform the duties and accept the responsibilities of the chief clinical officer in the chief clinical officer's absence.

(L) "Working day" or "court day" means Monday, Tuesday, Wednesday, Thursday, and Friday, except when such day is a holiday.

(M) "Indigent" means unable without deprivation of satisfaction of basic needs to provide for the payment of an attorney and other necessary expenses of legal representation, including expert testimony.

(N) "Respondent" means the person whose detention, commitment, hospitalization, continued hospitalization or commitment, or discharge is being sought in any proceeding under this chapter.

(O) "Ohio protection and advocacy system" has the same meaning as in section 5123.60 of the Revised Code.

(P) "Independent expert evaluation" means an evaluation conducted by a licensed clinical psychologist, psychiatrist, or licensed physician who has been selected by the respondent or the respondent's counsel and who consents to conducting the evaluation.

(Q) "Court" means the probate division of the court of common pleas.

(R) "Expunge" means:

(1) The removal and destruction of court files and records, originals and copies, and the deletion of all index references;

(2) The reporting to the person of the nature and extent of any information about the person transmitted to any other person by the court;
(3) Otherwise insuring that any examination of court files and records in question shall show no record whatever with respect to the person;

(4) That all rights and privileges are restored, and that the person, the court, and any other person may properly reply that no such record exists, as to any matter expunged.

(5) "Residence" means a person's physical presence in a county with intent to remain there, except that:

(1) If a person is receiving a mental health service at a facility that includes nighttime sleeping accommodations, residence means that county in which the person maintained the person's primary place of residence at the time the person entered the facility;

(2) If a person is committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, residence means the county where the criminal charges were filed.

When the residence of a person is disputed, the matter of residence shall be referred to the department of mental health and addiction services for investigation and determination. Residence shall not be a basis for a board's denying services to any person present in the board's service district, and the board shall provide services for a person whose residence is in dispute while residence is being determined and for a person in an emergency situation.

(T) "Admission" to a hospital or other place means that a patient is accepted for and stays at least one night at the hospital or other place.

(U) "Prosecutor" means the prosecuting attorney, village solicitor, city director of law, or similar chief legal officer who prosecuted a criminal case in which a person was found not guilty by reason of insanity, who would have had the authority to
prosecute a criminal case against a person if the person had not been found incompetent to stand trial, or who prosecuted a case in which a person was found guilty.

(V)(1) "Treatment plan" means a written statement of reasonable objectives and goals for an individual established by the treatment team, with specific criteria to evaluate progress towards achieving those objectives.

(2) The active participation of the patient in establishing the objectives and goals shall be documented. The treatment plan shall be based on patient needs and include services to be provided to the patient while the patient is hospitalized, after the patient is discharged, or in an outpatient setting. The treatment plan shall address services to be provided. In the establishment of the treatment plan, consideration should be given to the availability of services, which may include but are not limited to all of the following:

(a) Community psychiatric supportive treatment;
(b) Assertive community treatment;
(c) Medications;
(d) Individual or group therapy;
(e) Peer support services;
(f) Financial services;
(g) Housing or supervised living services;
(h) Alcohol or substance abuse treatment;
(i) Any other services prescribed to treat the patient's mental illness and to either assist the patient in living and functioning in the community or to help prevent a relapse or a deterioration of the patient's current condition.

(3) If the person subject to the treatment plan has executed
an advanced directive for mental health treatment, the treatment team shall consider any directions included in such advanced directive in developing the treatment plan.

(W) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(X) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.

(Y) "Local correctional facility" has the same meaning as in section 2903.13 of the Revised Code.

Sec. 5122.32. (A) As used in this section:

(1) "Quality assurance committee" means a committee that is appointed in the central office of the department of mental health and addiction services by the director of mental health and addiction services, a committee of a hospital or community setting program, or a duly authorized subcommittee of a committee of that nature and that is designated to carry out quality assurance program activities.

(2) "Quality assurance program" means a comprehensive program within the department of mental health and addiction services to systematically review and improve the quality of medical and mental health services within the department and its hospitals and community setting programs, the safety and security of persons receiving or administering medical and mental health services within the department and its hospitals and community setting programs, and the efficiency and effectiveness of the utilization of staff and resources in the delivery of medical and mental health services within the department and its hospitals and community setting programs. "Quality assurance program" includes the central office quality assurance committees, morbidity and mortality review committees, quality assurance programs of
community setting programs, quality assurance committees of 73214
hospitals operated by the department of mental health and 73215
addiction services, and the office of licensure and certification 73216
of the department.

(3) "Quality assurance program activities" include collecting 73218
or compiling information and reports required by a quality 73219
assurance committee, receiving, reviewing, or implementing the 73220
recommendations made by a quality assurance committee, and 73221
credentialing, privileging, infection control, tissue review, peer 73222
review, utilization review including access to patient care 73223
records, patient care assessment records, and medical and mental 73224
health records, medical and mental health resource management, 73225
mortality and morbidity review, and identification and prevention 73226
of medical or mental health incidents and risks, whether performed 73227
by a quality assurance committee or by persons who are directed by 73228
a quality assurance committee.

(4) "Quality assurance records" means the proceedings, 73230
discussion, records, findings, recommendations, evaluations, 73231
opinions, minutes, reports, and other documents or actions that 73232
eemanate from quality assurance committees, quality assurance 73233
programs, or quality assurance program activities. "Quality 73234
assurance records" does not include aggregate statistical 73235
information that does not disclose the identity of persons 73236
receiving or providing medical or mental health services in 73237
department of mental health and addiction services hospitals or 73238
community setting programs.

(B)(1) Except as provided in division (E) of this section, 73240
quality assurance records are confidential and are not public 73241
records under section 149.43 of the Revised Code, and shall be 73242
used only in the course of the proper functions of a quality 73243
assurance program.

(2) Except as provided in division (E) of this section, no 73245
person who possesses or has access to quality assurance records and who knows that the records are quality assurance records shall willfully disclose the contents of the records to any person or entity.

(C)(1) Except as provided in division (E) of this section, no quality assurance record shall be subject to discovery, and is not admissible in evidence, in any judicial or administrative proceeding.

(2) Except as provided in division (E) of this section, no member of a quality assurance committee or a person who is performing a function that is part of a quality assurance program shall be permitted or required to testify in a judicial or administrative proceeding with respect to quality assurance records or with respect to any finding, recommendation, evaluation, opinion, or other action taken by the committee, member, or person.

(3) Information, documents, or records otherwise available from original sources are not to be construed as being unavailable for discovery or admission in evidence in a judicial or administrative proceeding merely because they were presented to a quality assurance committee. No person testifying before a quality assurance committee or person who is a member of a quality assurance committee shall be prevented from testifying as to matters within the person's knowledge, but the witness cannot be asked about the witness' testimony before the quality assurance committee or about an opinion formed by the person as a result of the quality assurance committee proceedings.

(D)(1) A person who, without malice and in the reasonable belief that the information is warranted by the facts known to the person, provides information to a person engaged in quality assurance program activities is not liable for damages in a civil action for injury, death, or loss to person or property to any
person as a result of providing the information.

(2) A member of a quality assurance committee, a person engaged in quality assurance program activities, and an employee of the department of mental health and addiction services shall not be liable in damages in a civil action for injury, death, or loss to person or property to any person for any acts, omissions, decisions, or other conduct within the scope of the functions of the quality assurance program.

(3) Nothing in this section shall relieve any institution or individual from liability arising from the treatment of a patient.

(E) Quality assurance records may be disclosed, and testimony may be provided concerning quality assurance records, only to the following persons or entities:

(1) Persons who are employed or retained by the department of mental health and addiction services and who have authority to evaluate or implement the recommendations of a state-operated hospital, community setting program, or central office quality assurance committee;

(2) Public or private agencies or organizations if needed to perform a licensing or accreditation function related to department of mental health and addiction services hospitals or community setting programs, or to perform monitoring of a hospital or program of that nature as required by law.

(F) A disclosure of quality assurance records pursuant to division (E) of this section does not otherwise waive the confidential and privileged status of the disclosed quality assurance records.

(G) Nothing in this section shall limit the access of the Ohio protection and advocacy system to records or personnel as required under section 5123.601 of the Revised Code. Nothing in this section shall limit the admissibility of documentary or
testimonial evidence in an action brought by the Ohio protection and advocacy system in its own name or on behalf of a client.

Sec. 5123.01. As used in this chapter:

(A) "Chief medical officer" means the licensed physician appointed by the managing officer of an institution for persons with intellectual disabilities with the approval of the director of developmental disabilities to provide medical treatment for residents of the institution.

(B) "Chief program director" means a person with special training and experience in the diagnosis and management of persons with developmental disabilities, certified according to division (C) of this section in at least one of the designated fields, and appointed by the managing officer of an institution for persons with intellectual disabilities with the approval of the director to provide habilitation and care for residents of the institution.

(C) "Comprehensive evaluation" means a study, including a sequence of observations and examinations, of a person leading to conclusions and recommendations formulated jointly, with dissenting opinions if any, by a group of persons with special training and experience in the diagnosis and management of persons with developmental disabilities, which group shall include individuals who are professionally qualified in the fields of medicine, psychology, and social work, together with such other specialists as the individual case may require.

(D) "Education" means the process of formal training and instruction to facilitate the intellectual and emotional development of residents.

(E) "Habilitation" means the process by which the staff of the institution assists the resident in acquiring and maintaining those life skills that enable the resident to cope more
effectively with the demands of the resident's own person and of 73339
the resident's environment and in raising the level of the 73340
resident's physical, mental, social, and vocational efficiency. 73341
Habilitation includes but is not limited to programs of formal, 73342
structured education and training.

(F) "Health officer" means any public health physician, 73343
public health nurse, or other person authorized or designated by a 73344
city or general health district.

(G) "Home and community-based services" means medicaid-funded 73345
home and community-based services specified in division (A)(1) of 73346
section 5166.20 of the Revised Code provided under the medicaid 73347
waiver components the department of developmental disabilities 73348
administers pursuant to section 5166.21 of the Revised Code. 73349
Except as provided in section 5123.0412 of the Revised Code, home 73350
and community-based services provided under the medicaid waiver 73351
component known as the transitions developmental disabilities 73352
waiver are to be considered to be home and community-based 73353
services for the purposes of this chapter, and Chapters 5124. and 73354
5126. of the Revised Code, only to the extent, if any, provided by 73355
the contract required by section 5166.21 of the Revised Code 73356
regarding the waiver.

(H) "ICF/IID" has the same meaning as in section 5124.01 of 73357
the Revised Code.

(I) "Indigent person" means a person who is unable, without 73358
substantial financial hardship, to provide for the payment of an 73359
attorney and for other necessary expenses of legal representation, 73360
including expert testimony.

(J) "Institution" means a public or private facility, or a 73361
part of a public or private facility, that is licensed by the 73362
appropriate state department and is equipped to provide 73363
residential habilitation, care, and treatment for persons with 73364
intellectual disabilities.

(K) "Licensed physician" means a person who holds a valid certificate issued under Chapter 4731. of the Revised Code authorizing the person to practice medicine and surgery or osteopathic medicine and surgery, or a medical officer of the government of the United States while in the performance of the officer's official duties.

(L) "Managing officer" means a person who is appointed by the director of developmental disabilities to be in executive control of an institution under the jurisdiction of the department of developmental disabilities.

(M) "Medicaid case management services" means case management services provided to an individual with a developmental disability that the state medicaid plan requires.

(N) "Intellectual disability" means a disability characterized by having significantly subaverage general intellectual functioning existing concurrently with deficiencies in adaptive behavior, manifested during the developmental period.

(O) "Person with an intellectual disability subject to institutionalization by court order" means a person eighteen years of age or older with at least a moderate level of intellectual disability and in relation to whom, because of the person's disability, either of the following conditions exists:

1. The person represents a very substantial risk of physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's most basic physical needs and that provision for those needs is not available in the community;

2. The person needs and is susceptible to significant habilitation in an institution.
(P) "Moderate level of intellectual disability" means the condition in which a person, following a comprehensive evaluation, is found to have at least moderate deficits in overall intellectual functioning, as indicated by a full-scale intelligence quotient test score of fifty-five or below, and at least moderate deficits in adaptive behavior, as determined in accordance with the criteria established in the fifth edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association.

(Q) "Developmental disability" means a severe, chronic disability that is characterized by all of the following:

1. It is attributable to a mental or physical impairment or a combination of mental and physical impairments, other than a mental or physical impairment solely caused by mental illness, as defined in division (A) of section 5122.01 of the Revised Code.

2. It is manifested before age twenty-two.

3. It is likely to continue indefinitely.

4. It results in one of the following:

   a. In the case of a person under three years of age, at least one developmental delay, as defined in rules adopted under section 5123.011 of the Revised Code, or a diagnosed physical or mental condition that has a high probability of resulting in a developmental delay, as defined in those rules;

   b. In the case of a person at least three years of age but under six years of age, at least two developmental delays, as defined in rules adopted under section 5123.011 of the Revised Code;

   c. In the case of a person six years of age or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for the
person's age: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and, if the person is at least sixteen years of age, capacity for economic self-sufficiency.

(5) It causes the person to need a combination and sequence of special, interdisciplinary, or other type of care, treatment, or provision of services for an extended period of time that is individually planned and coordinated for the person.

"Developmental disability" includes intellectual disability.

(R) "State institution" means an institution that is tax-supported and under the jurisdiction of the department of developmental disabilities.

(S) "Residence" and "legal residence" have the same meaning as "legal settlement," which is acquired by residing in Ohio for a period of one year without receiving general assistance prior to July 17, 1995, under former Chapter 5113. of the Revised Code, without receiving financial assistance prior to December 31, 2017, under former Chapter 5115. of the Revised Code, or assistance from a private agency that maintains records of assistance given. A person having a legal settlement in the state shall be considered as having legal settlement in the assistance area in which the person resides. No adult person coming into this state and having a spouse or minor children residing in another state shall obtain a legal settlement in this state as long as the spouse or minor children are receiving public assistance, care, or support at the expense of the other state or its subdivisions. For the purpose of determining the legal settlement of a person who is living in a public or private institution or in a home subject to licensing by the department of job and family services, the department of mental health and addiction services, or the department of developmental disabilities, the residence of the person shall be considered as though the person were residing in the county in
which the person was living prior to the person's entrance into
the institution or home. Settlement once acquired shall continue
until a person has been continuously absent from Ohio for a period
of one year or has acquired a legal residence in another state. A
woman who marries a man with legal settlement in any county
immediately acquires the settlement of her husband. The legal
settlement of a minor is that of the parents, surviving parent,
sole parent, parent who is designated the residential parent and
legal custodian by a court, other adult having permanent custody
awarded by a court, or guardian of the person of the minor,
provided that:

(1) A minor female who marries shall be considered to have
the legal settlement of her husband and, in the case of death of
her husband or divorce, she shall not thereby lose her legal
settlement obtained by the marriage.

(2) A minor male who marries, establishes a home, and who has
resided in this state for one year without receiving general
assistance prior to July 17, 1995, under former Chapter 5113. of
the Revised Code, financial assistance under Chapter 5115. of the
Revised Code, or assistance from a private agency that maintains
records of assistance given shall be considered to have obtained a
legal settlement in this state.

(3) The legal settlement of a child under eighteen years of
age who is in the care or custody of a public or private child
caring agency shall not change if the legal settlement of the
parent changes until after the child has been in the home of the
parent for a period of one year.

No person, adult or minor, may establish a legal settlement
in this state for the purpose of gaining admission to any state
institution.

(T)(1) "Resident" means, subject to division (T)(2) of this
section, a person who is admitted either voluntarily or involuntarily to an institution or other facility pursuant to section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a finding of not guilty by reason of insanity or incompetence to stand trial or under this chapter who is under observation or receiving habilitation and care in an institution.

(2) "Resident" does not include a person admitted to an institution or other facility under section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code to the extent that the reference in this chapter to resident, or the context in which the reference occurs, is in conflict with any provision of sections 2945.37 to 2945.402 of the Revised Code.

(U) "Respondent" means the person whose detention, commitment, or continued commitment is being sought in any proceeding under this chapter.

(V) "Working day" and "court day" mean Monday, Tuesday, Wednesday, Thursday, and Friday, except when such day is a legal holiday.

(W) "Prosecutor" means the prosecuting attorney, village solicitor, city director of law, or similar chief legal officer who prosecuted a criminal case in which a person was found not guilty by reason of insanity, who would have had the authority to prosecute a criminal case against a person if the person had not been found incompetent to stand trial, or who prosecuted a case in which a person was found guilty.

(X) "Court" means the probate division of the court of common pleas.

(Y) "Supported living" and "residential services" have the same meanings as in section 5126.01 of the Revised Code.

Sec. 5123.377. (A) As used in this section:
(1) "Adult services" has the same meaning as in section 5126.01 of the Revised Code.

(2) "Community adult facility" means a facility in which adult services are provided or a facility associated with the provision of adult services.

(3) "Renovation" means work done to a building to restore it to an acceptable condition and to make it functional for use by individuals with developmental disabilities. "Renovation" includes architectural and structural changes and the modernization of mechanical and electrical systems. "Renovation" does not include work that consists primarily of maintenance repairs and replacements necessary due to normal use, wear and tear, or deterioration.

(B) The director of developmental disabilities may change the terms of an agreement entered into with a county board of developmental disabilities or a board of county commissioners pursuant to section 5123.36 of the Revised Code or other statutory authority in effect before July 1, 1980, regarding the construction, acquisition, or renovation of a community adult facility if all of the following apply:

(1) The agreement was entered into during the period beginning January 1, 1976, and ending on or before December 31, 1999.

(2) The agreement requires the county board or board of county commissioners to use the community adult facility for at least forty years.

(3) The county board or board of county commissioners submits to the director an application for a change in the agreement's terms that includes all of the following:

(a) A statement of intent to close the facility and the anticipated date of closure;
(b) The number of individuals with developmental disabilities served in the facility at the time of application;

(c) Identification of alternative providers of services to be offered to those individuals;

(d) A commitment and demonstration that those individuals will receive services from the alternative providers;

(e) A resolution from the county board or board of county commissioners authorizing the application, including a commitment that if the facility is sold, the county board or board of county commissioners will do either of the following:

(i) Reimburse the department of developmental disabilities the proceeds of the sale up to the outstanding balance owed under the agreement;

(ii) Use the proceeds of the sale for the acquisition, renovation, or accessibility modification of housing for individuals with developmental disabilities that complies with the requirements established by the director.

(4) The director may establish a deadline by which the county board or board of county commissioners shall use the proceeds of a sale pursuant to division (B)(3)(e)(ii) of this section. The director may extend the deadline as many times as the director determines necessary.

(C) Agreement terms that may be changed pursuant to division (B) of this section include terms regarding the length of time the facility must be used as a community adult facility.

Sec. 5123.378. (A) As used in this section:

(1) "Community early childhood facility" means a facility in which early childhood services are provided.

(2) "Early childhood services" has the same meaning as in
section 5126.01 of the Revised Code.

(3) "Renovation" means work done to a building to restore it to an acceptable condition and to make it functional for use by individuals with developmental disabilities. "Renovation" includes architectural and structural changes and the modernization of mechanical and electrical systems. "Renovation" does not include work that consists primarily of maintenance repairs and replacements necessary due to normal use, wear and tear, or deterioration.

(B) The director of developmental disabilities may change the terms of an agreement entered into with a county board of developmental disabilities or a board of county commissioners pursuant to section 5123.36 of the Revised Code or other statutory authority in effect before July 1, 1980, regarding the construction, acquisition, or renovation of a community early childhood facility if all of the following apply:

(1) The agreement was entered into during the period beginning January 1, 1976, and ending on or before December 31, 1999.

(2) The agreement requires the county board or board of county commissioners to use the community early childhood facility for at least fifteen years.

(3) The county board or board of county commissioners submits to the director an application for a change in the agreement's terms that includes all of the following:

(a) A statement of intent to close the facility and the anticipated date of closure;

(b) The number of individuals with developmental disabilities served in the facility at the time of application;

(c) A commitment and demonstration that those individuals
will continue to receive services;

(d) A resolution from the county board or board of county commissioners authorizing the application, including a commitment that if the facility is sold, the county board or board of county commissioners will do either of the following:

(i) Reimburse the department of developmental disabilities the proceeds of the sale up to the outstanding balance owed under the agreement;

(ii) Use the proceeds of the sale for the acquisition, renovation, or accessibility modification of housing for individuals with developmental disabilities that complies with the requirements established by the director.

(4) The director may establish a deadline by which the county board or board of county commissioners shall use the proceeds of a sale pursuant to division (B)(3)(d)(ii) of this section. The director may extend the deadline as many times as the director determines necessary.

(C) Agreement terms that may be changed pursuant to division (B) of this section include terms regarding the length of time the facility must be used as a community early childhood facility.

Sec. 5123.38. (A) Except as provided in division (B) of this section, if an individual receiving supported living or home and community-based services funded by a county board of developmental disabilities is committed to a state-operated ICF/IID pursuant to sections 5123.71 to 5123.76 of the Revised Code, the county board of developmental disabilities of the county from which the individual was ordered institutionalized is responsible for the nonfederal share of medicaid expenditures for the individual's care in the state-operated ICF/IID. The department of developmental disabilities shall collect the amount of the
nonfederal share from the county board by either withholding that amount from funds the department has otherwise allocated to the county board or submitting an invoice for payment of that amount to the county board.

(B) Division (A) of this section does not apply under any of the following circumstances:

(1) The county board, not later than ninety one hundred eighty days after the date of the commitment of a person receiving supported living an individual, commences funding of supported living for an individual who resides in a state-operated ICF/IID on the date of the commitment or another eligible individual designated by the department the county board arranges for the provision of alternative services for the individual, and the individual is discharged from the ICF/IID.

(2) The county board, not later than ninety days after the date of the commitment of a person receiving home and community-based services, commences funding of home and community-based services for an individual who resides in a state-operated ICF/IID on the date of the commitment or another eligible individual designated by the department.

(3) The director of developmental disabilities, after determining that circumstances warrant granting a waiver in an individual's case, grants the county board a waiver that exempts the county board from responsibility for the nonfederal share for that case.

Sec. 5123.46. All rules adopted under sections 5123.41 to 5123.45 and section 5123.452 of the Revised Code shall be adopted in consultation with the board of nursing, the Ohio nurses association, the Ohio respiratory care state medical board, and the Ohio society for respiratory care. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.
Sec. 5123.47. (A) As used in this section:

(1) "In-home care" means the supportive services provided within the home of an individual with a developmental disability who receives funding for the services through a county board of developmental disabilities, including any recipient of residential services funded as home and community-based services, family support services provided under section 5126.11 of the Revised Code, or supported living provided in accordance with sections 5126.41 to 5126.47 of the Revised Code. "In-home care" includes care that is provided outside an individual's home in places incidental to the home, and while traveling to places incidental to the home, except that "in-home care" does not include care provided in the facilities of a county board of developmental disabilities or care provided in schools.

(2) "Parent" means either parent of a child, including an adoptive parent but not a foster parent.

(3) "Unlicensed in-home care worker" means an individual who provides in-home care but is not a health care professional.

(4) "Family member" means a parent, sibling, spouse, son, daughter, grandparent, aunt, uncle, cousin, or guardian of the individual with a developmental disability if the individual with a developmental disability lives with the person and is dependent on the person to the extent that, if the supports were withdrawn, another living arrangement would have to be found.

(5) "Health care professional" means any of the following:

(a) A dentist who holds a valid license issued under Chapter 4715. of the Revised Code;

(b) A registered or licensed practical nurse who holds a valid license issued under Chapter 4723. of the Revised Code;

(c) An optometrist who holds a valid license issued under
Chapter 4725. of the Revised Code;

(d) A pharmacist who holds a valid license issued under Chapter 4729. of the Revised Code;

(e) A person who holds a valid license or certificate issued under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited brand of medicine;

(f) A physician assistant who holds a valid license issued under Chapter 4730. of the Revised Code;

(g) An occupational therapist or occupational therapy assistant or a physical therapist or physical therapist assistant who holds a valid license issued under Chapter 4755. of the Revised Code;

(h) A respiratory care professional who holds a valid license issued under Chapter 4761. of the Revised Code.

(6) "Health care task" means a task that is prescribed, ordered, delegated, or otherwise directed by a health care professional acting within the scope of the professional's practice. "Health care task" includes the administration of oral and topical prescribed medications; administration of nutrition and medications through gastrostomy and jejunostomy tubes that are stable and labeled; administration of oxygen and metered dose inhaled medications; administration of insulin through subcutaneous injections, inhalation, and insulin pumps; and administration of prescribed medications for the treatment of metabolic glycemic disorders through subcutaneous injections.

(B) Except as provided in division (E) of this section, a family member of an individual with a developmental disability may authorize an unlicensed in-home care worker to perform health care tasks as part of the in-home care the worker provides to the individual, if all of the following apply:
(1) The family member is the primary supervisor of the care.

(2) The unlicensed in-home care worker has been selected by the family member or the individual receiving care and is under the direct supervision of the family member.

(3) The unlicensed in-home care worker is providing the care through an employment or other arrangement entered into directly with the family member and is not otherwise employed by or under contract with a person or government entity to provide services to individuals with developmental disabilities.

(4) The health care task is completed in accordance with standard, written instructions.

(5) Performance of the health care task requires no judgment based on specialized health care knowledge or expertise.

(6) The outcome of the health care task is reasonably predictable.

(7) Performance of the health care task requires no complex observation of the individual receiving the care.

(8) Improper performance of the health care task will result in only minimal complications that are not life-threatening.

(C) A family member shall obtain a prescription, if applicable, and written instructions from a health care professional for the care to be provided to the individual. The family member shall authorize the unlicensed in-home care worker to provide the care by preparing a written document granting the authority. The family member shall provide the unlicensed in-home care worker with appropriate training and written instructions in accordance with the instructions obtained from the health care professional. The family member or a health care professional shall be available to communicate with the unlicensed in-home care worker either in person or by telecommunication while the in-home care worker is providing the care.
care worker performs a health care task.

(D) A family member who authorizes an unlicensed in-home care worker to administer oral and topical prescribed medications or perform other health care tasks retains full responsibility for the health and safety of the individual receiving the care and for ensuring that the worker provides the care appropriately and safely. No entity that funds or monitors the provision of in-home care may be held liable for the results of the care provided under this section by an unlicensed in-home care worker, including such entities as the county board of developmental disabilities and the department of developmental disabilities.

An unlicensed in-home care worker who is authorized under this section by a family member to provide care to an individual may not be held liable for any injury caused in providing the care, unless the worker provides the care in a manner that is not in accordance with the training and instructions received or the worker acts in a manner that constitutes willful or wanton misconduct.

(E) A county board of developmental disabilities may evaluate the authority granted by a family member under this section to an unlicensed in-home care worker at any time it considers necessary and shall evaluate the authority on receipt of a complaint. If the board determines that a family member has acted in a manner that is inappropriate for the health and safety of the individual receiving the care, the authorization granted by the family member to an unlicensed in-home care worker is void, and the family member may not authorize other unlicensed in-home care workers to provide the care. In making such a determination, the board shall use appropriately licensed health care professionals and shall provide the family member an opportunity to file a complaint under section 5126.06 of the Revised Code.
Sec. 5123.60. (A) As used in this section and section 5123.601 of the Revised Code, "Ohio protection and advocacy system" means the nonprofit entity designated by the governor in accordance with Am. Sub. H.B. 153 of the 129th general assembly to serve as the state's protection and advocacy system and client assistance program.

(B) The Ohio protection and advocacy system shall provide both of the following:


(C) The Ohio protection and advocacy system may establish any guidelines necessary for its operation.

Sec. 5124.01. As used in this chapter:

(A) "Affiliated operator" means an operator affiliated with either of the following:

(1) The exiting operator for whom the affiliated operator is to assume liability for the entire amount of the exiting operator's debt under the medicaid program or the portion of the debt that represents the franchise permit fee the exiting operator owes;

(2) The entering operator involved in the change of operator with the exiting operator specified in division (A)(1) of this section.
(B) "Allowable costs" means an ICF/IID's costs that the department of developmental disabilities determines are reasonable. Fines paid under section 5124.99 of the Revised Code are not allowable costs.

(C) "Capital costs" means an ICF/IID's costs of ownership and costs of nonextensive renovation fair rental value determined under section 5124.17 of the Revised Code.

(D) "Case-mix score" means the measure determined under section 5124.192 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to an ICF/IID resident.

(E) "Change of operator" means an entering operator becoming the operator of an ICF/IID in the place of the exiting operator.

(1) Actions that constitute a change of operator include the following:

(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship;

(b) A transfer of all the exiting operator's ownership interest in the operation of the ICF/IID to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the ICF/IID is also transferred;

(c) A lease of the ICF/IID to the entering operator or the exiting operator's termination of the exiting operator's lease;

(d) If the exiting operator is a partnership, dissolution of the partnership;

(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:

(i) The change in composition does not cause the
partnership's dissolution under state law.

(ii) The partners agree that the change in composition does not constitute a change in operator.

(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation.

(2) The following, alone, do not constitute a change of operator:

(a) A contract for an entity to manage an ICF/IID as the operator's agent, subject to the operator's approval of daily operating and management decisions;

(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with an ICF/IID if an entering operator does not become the operator in place of an exiting operator;

(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.

(F) "Cost center" means the following:

(1) Capital costs;

(2) Direct care costs;

(3) Indirect care costs;

(4) Other protected costs.

(G) "Costs of nonextensive renovations" means the actual expense incurred by an ICF/IID for depreciation or amortization and interest on renovations that are not extensive renovations.

(H)(1) "Costs of ownership" means the actual expenses
incurred by an ICF/IID for all of the following:

(a) Subject to division (H)(2) of this section, depreciation and interest on any capital assets that cost five hundred dollars or more per item, including the following:

(i) Buildings;

(ii) Building improvements that are not approved as nonextensive renovations under section 5124.17 of the Revised Code;

(iii) Equipment;

(iv) Extensive renovations;

(v) Transportation equipment.

(b) Amortization and interest on land improvements and leasehold improvements;

(c) Amortization of financing costs;

(d) Except as provided in division (Z) of this section, lease and rent of land, building, and equipment.

(2) The costs of capital assets of less than five hundred dollars per item may be considered costs of ownership in accordance with an ICF/IID provider's practice.

(I)(1) "Date of licensure" means the following:

(a) In the case of an ICF/IID that was originally licensed as a nursing home under Chapter 3721. of the Revised Code, the date that it was originally so licensed, regardless that it was subsequently licensed as a residential facility under section 5123.19 of the Revised Code;

(b) In the case of an ICF/IID that was originally licensed as a residential facility under section 5123.19 of the Revised Code, the date it was originally so licensed;

(c) In the case of an ICF/IID that was not required by law to
be licensed as a nursing home or residential facility when it was originally operated as a residential facility, the date it first was operated as a residential facility, regardless of the date the ICF/IID was first licensed as a nursing home or residential facility.

(2) If, after an ICF/IID's original date of licensure, more residential facility beds are added to the ICF/IID or all or part of the ICF/IID undergoes an extensive renovation, the ICF/IID has a different date of licensure for the additional beds or extensively renovated portion of the ICF/IID. This does not apply, however, to additional beds when both of the following apply:

(a) The additional beds are located in a part of the ICF/IID that was constructed at the same time as the continuing beds already located in that part of the ICF/IID.

(b) The part of the ICF/IID in which the additional beds are located was constructed as part of the ICF/IID at a time when the ICF/IID was not required by law to be licensed as a nursing home or residential facility.

(3) The definition of "date of licensure" in this section applies in determinations of ICFs/IID's medicaid payment rates but does not apply in determinations of ICFs/IID's franchise permit fees under sections 5168.60 to 5168.71 of the Revised Code.

[H] "Desk-reviewed" means that an ICF/IID's costs as reported on a cost report filed under section 5124.10 or 5124.101 of the Revised Code have been subjected to a desk review under section 5124.108 of the Revised Code and preliminarily determined to be allowable costs.

[I] "Developmental center" means a residential facility that is maintained and operated by the department of developmental disabilities.

[J] "Direct care costs" means all of the following costs...
incurred by an ICF/IID:

(1) Costs for registered nurses, licensed practical nurses, and nurse aides employed by the ICF/IID;

(2) Costs for direct care staff, administrative nursing staff, medical directors, respiratory therapists, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, speech therapists, audiologists, habilitation staff (including habilitation supervisors), qualified intellectual disability professionals, program directors, social services staff, activities staff, off-site day programming, psychologists, psychology assistants, social workers, counselors, and other persons holding degrees qualifying them to provide therapy;

(3) Costs of purchased nursing services;

(4) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5124.03 of the Revised Code, for personnel listed in divisions (1), (2), and (3) of this section;

(5) Costs of quality assurance;

(6) Costs of consulting and management fees related to direct care;

(7) Allocated direct care home office costs;

(8) Costs of other direct-care resources that are specified as direct care costs in rules adopted under section 5124.03 of the Revised Code.

(M)(K) "Downsized ICF/IID" means an ICF/IID that permanently reduced its medicaid-certified capacity pursuant to a plan approved by the department of developmental disabilities under...
section 5123.042 of the Revised Code.

(N) "Effective date of a change of operator" means the day the entering operator becomes the operator of the ICF/IID.

(M) "Effective date of a facility closure" means the last day that the last of the residents of the ICF/IID resides in the ICF/IID.

(N) "Effective date of an involuntary termination" means the date the department of medicaid terminates the operator's provider agreement for the ICF/IID or the last day that such a provider agreement is in effect when the department cancels or refuses to revalidate it.

(O) "Effective date of a voluntary termination" means the day the ICF/IID ceases to accept medicaid recipients.

(P) "Entering operator" means the person or government entity that will become the operator of an ICF/IID when a change of operator occurs or following an involuntary termination.

(Q) "Exiting operator" means any of the following:

1. An operator that will cease to be the operator of an ICF/IID on the effective date of a change of operator;
2. An operator that will cease to be the operator of an ICF/IID on the effective date of a facility closure;
3. An operator of an ICF/IID that is undergoing or has undergone a voluntary termination;
4. An operator of an ICF/IID that is undergoing or has undergone an involuntary termination.

(T)(P) "Extensive renovation" means the following:

(a) An ICF/IID's betterment, improvement, or restoration to which both of the following apply:

(i) It was started before July 1, 1993.
(ii) It meets the definition of "extensive renovation" established in rules that were adopted by the director of job and family services and in effect on December 22, 1992.

(b) An ICF/IID's betterment, improvement, or restoration to which all of the following apply:

(i) It was started on or after July 1, 1993.

(ii) Except as provided in division (T)(2) of this section, it costs more than sixty-five per cent and not more than eighty-five per cent of the cost of constructing a new bed.

(iii) It extends the useful life of the assets for at least ten years.

(2) The department of developmental disabilities may treat a renovation that costs more than eighty-five per cent of the cost of constructing new beds as an extensive renovation if the department determines that the renovation is more prudent than construction of new beds.

(3) For the purpose of division (T)(1)(b)(ii) of this section, the cost of constructing a new bed shall be considered to be forty thousand dollars, adjusted for the estimated rate of inflation from January 1, 1993, to the end of the calendar year during which the extensive renovation is completed, using the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics.

(U)(R)(1) Subject to divisions (U)(R)(2) and (3) of this section, "facility closure" means either of the following:

(a) Discontinuance of the use of the building, or part of the building, that houses the facility as an ICF/IID that results in the relocation of all of the facility's residents;

(b) Conversion of the building, or part of the building, that
houses an ICF/IID to a different use with any necessary license or
other approval needed for that use being obtained and one or more
of the facility's residents remaining in the facility to receive
services under the new use.

(2) A facility closure occurs regardless of any of the
following:

(a) The operator completely or partially replacing the
ICF/IID by constructing a new ICF/IID or transferring the
ICF/IID's license to another ICF/IID;

(b) The ICF/IID's residents relocating to another of the
operator's ICFs/IID;

(c) Any action the department of health takes regarding the
ICF/IID's medicaid certification that may result in the transfer
of part of the ICF/IID's survey findings to another of the
operator's ICFs/IID;

(d) Any action the department of developmental disabilities
takes regarding the ICF/IID's license under section 5123.19 of the
Revised Code.

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

(V) "Fiscal year" means the fiscal year of this state, as
specified in section 9.34 of the Revised Code.

(W) "Franchise permit fee" means the fee imposed by
sections 5168.60 to 5168.71 of the Revised Code.

(X) "Home and community-based services" has the same
meaning as in section 5123.01 of the Revised Code.

(Y) "ICF/IID services" has the same meaning as in 42
C.F.R. 440.150.
(Z)-(W)(1) "Indirect care costs" means all reasonable costs incurred by an ICF/IID other than capital costs, direct care costs, and other protected costs, ownership costs, and renovation costs. "Indirect care costs" includes costs of habilitation supplies, pharmacy consultants, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, liability insurance, bookkeeping, purchasing department, human resources, communications, travel, dues, license fees, subscriptions, home office costs not otherwise allocated, legal services, accounting services, minor equipment, maintenance and repair expenses, help-wanted advertising, informational advertising, start-up costs, organizational expenses, other interest, property insurance, employee training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs, as specified in rules adopted under section 5124.03 of the Revised Code, for personnel listed in this division. Notwithstanding division (H) of this section, "indirect" "Indirect care costs" also means the cost of equipment, including vehicles, acquired by operating lease executed before December 1, 1992, if the costs are reported as administrative and general costs on the ICF/IID's cost report for the cost reporting period ending December 31, 1992.

(2) For the purpose of division (Z)-(W)(1) of this section, an operating lease shall be construed in accordance with generally accepted accounting principles.

(XX) "Inpatient days" means both of the following:

(1) All days during which a resident, regardless of payment source, occupies a bed in an ICF/IID that is included in the ICF/IID's medicaid-certified capacity;

(2) All days for which payment is made under section 5124.34.
of the Revised Code.

(BB) "Intermediate care facility for individuals with intellectual disabilities" and "ICF/IID" mean an intermediate care facility for the mentally retarded as defined in the "Social Security Act," section 1905(d), 42 U.S.C. 1396d(d).

(CC) "Involuntary termination" means the department of medicaid's termination of, cancellation of, or refusal to revalidate the operator's provider agreement for the ICF/IID when such action is not taken at the operator's request.

(DD) "Maintenance and repair expenses" means, except as provided in division (WW)(2)(b) of this section, expenditures that are necessary and proper to maintain an asset in a normally efficient working condition and that do not extend the useful life of the asset two years or more. "Maintenance and repair expenses" includes the costs of ordinary repairs such as painting and wallpapering.

(EE) "Medicaid-certified capacity" means the number of an ICF/IID's beds that are certified for participation in medicaid as ICF/IID beds.

(FF) "Medicaid days" means both of the following:

(1) All days during which a resident who is a medicaid recipient eligible for ICF/IID services occupies a bed in an ICF/IID that is included in the ICF/IID's medicaid-certified capacity;

(2) All days for which payment is made under section 5124.34 of the Revised Code.

(GG) (DD) (1) "New ICF/IID" means an ICF/IID for which the provider obtains an initial provider agreement following the director of health's medicaid certification of the ICF/IID, including such an ICF/IID that replaces one or more ICFs/IID for
which a provider previously held a provider agreement.

(2) "New ICF/IID" does not mean either of the following:

(a) An ICF/IID for which the entering operator seeks a provider agreement pursuant to section 5124.511 or 5124.512 or (pursuant to section 5124.515) section 5124.07 of the Revised Code;

(b) A downsized ICF/IID or partially converted ICF/IID.

(HH)(EE) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.

(II)(FF) "Operator" means the person or government entity responsible for the daily operating and management decisions for an ICF/IID.

(JJ)(GG) "Other protected costs" means costs incurred by an ICF/IID for medical supplies; real estate, franchise, and property taxes; natural gas, fuel oil, water, electricity, sewage, and refuse and hazardous medical waste collection; allocated other protected home office costs; and any additional costs defined as other protected costs in rules adopted under section 5124.03 of the Revised Code.

(KK)(HH)(1) "Owner" means any person or government entity that has at least five per cent ownership or interest, either directly, indirectly, or in any combination, in any of the following regarding an ICF/IID:

(a) The land on which the ICF/IID is located;

(b) The structure in which the ICF/IID is located;

(c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure on or in which the ICF/IID is located;

(d) Any lease or sublease of the land or structure on or in which the ICF/IID is located.
(2) "Owner" does not mean a holder of a debenture or bond related to an ICF/IID and purchased at public issue or a regulated lender that has made a loan related to the ICF/IID unless the holder or lender operates the ICF/IID directly or through a subsidiary.

(II)(1) "Ownership costs" means the actual expenses incurred by an ICF/IID for all of the following:

(a) Subject to division (II)(2) of this section, depreciation and interest on any capital assets that cost five hundred dollars or more per item, including the following:

(i) Buildings;

(ii) Equipment;

(iii) Transportation equipment.

(b) Amortization and interest on land improvements and leasehold improvements;

(c) Amortization of financing costs;

(d) Except as provided in division (W) of this section, lease and rent of land, building, and equipment.

(2) The costs of capital assets of less than five hundred dollars per item may be considered ownership costs in accordance with an ICF/IID provider's practice.

(JJ) "Partially converted ICF/IID" means an ICF/IID that converted some, but not all, of its beds to providing home and community-based services under the individual options waiver pursuant to section 5124.60 or 5124.61 of the Revised Code.

(KK) "Peer group 1" means each ICF/IID with a medicaid-certified capacity exceeding eight sixteen.

(LL) "Peer group 2" means each ICF/IID with a medicaid-certified capacity not exceeding eight, other than an
ICF/IID that is in peer group 3 but not exceeding sixteen.

(OO)(MM) "Peer group 3" means each ICF/IID with a medicaid-certified capacity of eight.

(NN) "Peer group 4" means each ICF/IID with a medicaid-certified capacity not exceeding seven, other than an ICF/IID that is in peer group 5.

(OO) "Peer group 5" means each ICF/IID to which all of the following apply:

(1) The ICF/IID is first certified as an ICF/IID after July 1, 2014;

(2) The ICF/IID has a medicaid-certified capacity not exceeding six;

(3) The ICF/IID has a contract with the department of developmental disabilities that is for fifteen years and includes a provision for the department to approve all admissions to, and discharges from, the ICF/IID;

(4) The ICF/IID's residents are admitted to the ICF/IID directly from a developmental center or have been determined by the department to be at risk of admission to a developmental center.

(PP)(1) Except as provided in divisions (PP)(2) and (3) of this section, "per diem" means an the following:

(1) In the case of an ICF/IID's direct care costs and other protected costs, the ICF/IID's desk-reviewed, actual, allowable direct care costs and other protected costs in a given cost center in a cost reporting period, divided by the facility's inpatient days for that cost reporting period.

(2) When determining capital costs for the purpose of section 5124.17 of the Revised Code, "per diem" means an ICF/IID's actual, allowable capital costs in a cost reporting period divided by the
greater of the facility's inpatient days for that period or the number of inpatient days the ICF/IID would have had during that period if its occupancy rate had been ninety-five per cent.

(3) When determining In the case of an ICF/IID's indirect care costs for the purpose of section 5124.21 of the Revised Code, "per diem" means an the ICF/IID's actual, allowable indirect care costs in a cost reporting period divided by the greater of the ICF/IID's inpatient days for that period or the number of inpatient days the ICF/IID would have had during that period if its occupancy rate had been eighty-five per cent.

(QQ) "Provider" means an operator with a valid provider agreement.

(RR) "Provider agreement" means a provider agreement, as defined in section 5164.01 of the Revised Code, that is between the department of medicaid and the operator of an ICF/IID for the provision of ICF/IID services under the medicaid program.

(SS) "Purchased nursing services" means services that are provided in an ICF/IID by registered nurses, licensed practical nurses, or nurse aides who are not employees of the ICF/IID.

(TT) "Reasonable" means that a cost is an actual cost that is appropriate and helpful to develop and maintain the operation of resident care facilities and activities, including normal standby costs, and that does not exceed what a prudent buyer pays for a given item or services. Reasonable costs may vary from provider to provider and from time to time for the same provider.

(UU) "Related party" means an individual or organization that, to a significant extent, has common ownership with, is associated or affiliated with, has control of, or is controlled by, a provider.

(1) An individual who is a relative of an owner is a related party.
(2) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the provider and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the provider and another organization from which the provider purchases or leases real property.

(3) Control exists when an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization.

(4) An individual or organization that supplies goods or services to a provider shall not be considered a related party if all of the following conditions are met:

(a) The supplier is a separate bona fide organization.

(b) A substantial part of the supplier's business activity of the type carried on with the provider is transacted with others than the provider and there is an open, competitive market for the types of goods or services the supplier furnishes.

(c) The types of goods or services are commonly obtained by other ICFs/IID from outside organizations and are not a basic element of resident care ordinarily furnished directly to residents by the ICFs/IID.

(d) The charge to the provider is in line with the charge for the goods or services in the open market and no more than the charge made under comparable circumstances to others by the supplier.

(VV) "Relative of owner" means an individual who is related to an owner of an ICF/IID by one of the following relationships:
(1) Spouse;  

(2) Natural parent, child, or sibling;  

(3) Adopted parent, child, or sibling;  

(4) Stepparent, stepchild, stepbrother, or stepsister;  

(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;  

(6) Grandparent or grandchild;  

(7) Foster caregiver, foster child, foster brother, or foster sister.  

(WW)(1) "Renovation" means the following:  

(a) An ICF/IID's betterment, improvement, or restoration to which both of the following apply:  

(i) It was started before July 1, 1993.  

(ii) It meets the definition of "renovation" established in rules that were adopted by the director of job and family services and in effect on December 22, 1992.  

(b) An ICF/IID's betterment, improvement, or restoration to which both of the following apply:  

(i) It was started on or after July 1, 1993.  

(ii) It betters, improves, or restores the ICF/IID beyond its current functional capacity through a structural change that costs at least five hundred dollars per bed.  

(2) A renovation started on or after July 1, 1993, may include both of the following:  

(a) A betterment, improvement, restoration, or replacement of assets that are affixed to a building and have a useful life of at least five years;  

(b) Costs that otherwise would be considered maintenance and
repair expenses if they are an integral part of the structural change that makes up the renovation project.

(3) "Renovation" does not mean construction of additional space for beds that will be added to an ICF/IID's licensed capacity or medicaid-certified capacity.

(XX) "Renovation costs" means the actual expenses incurred by an ICF/IID for depreciation or amortization and interest on renovations.

(YY) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.

(YY) (ZZ) "Sponsor" means an adult relative, friend, or guardian of an ICF/IID resident who has an interest or responsibility in the resident's welfare.

(ZZ) (AAA) "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396, et seq.

(AAA) (BBB) "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395, et seq.

(BBB) (CCC) "Voluntary termination" means an operator's voluntary election to terminate the participation of an ICF/IID in the medicaid program but to continue to provide service of the type provided by a residential facility as defined in section 5123.19 of the Revised Code.

Sec. 5124.101. (A) The provider of an ICF/IID in peer group 1 or peer group 2, peer group 3, or peer group 4 that becomes a downsized ICF/IID or partially converted ICF/IID on or after July 1, 2013, or becomes a new ICF/IID on or after that date, may file with the department of developmental disabilities a cost report covering the period specified in division (B) of this section if the following applies to the ICF/IID:

(1) In the case of an ICF/IID that becomes a downsized
ICF/IID or partially converted ICF/IID, the ICF/IID has either of the following on the day it becomes a downsized ICF/IID or partially converted ICF/IID:

(a) A medicaid-certified capacity that is at least ten percent less than its medicaid-certified capacity on the day immediately preceding the day it becomes a downsized ICF/IID or partially converted ICF/IID;

(b) At least five fewer beds certified as ICF/IID beds than it has on the day immediately preceding the day it becomes a downsized ICF/IID or partially converted ICF/IID.

(2) In the case of a new ICF/IID, the ICF/IID's beds are from a downsized ICF/IID and the downsized ICF/IID has either of the following on the day it becomes a downsized ICF/IID:

(a) A medicaid-certified capacity that is at least ten percent less than its medicaid-certified capacity on the day immediately preceding the day it becomes a downsized ICF/IID;

(b) At least five fewer beds certified as ICF/IID beds than it has on the day immediately preceding the day it becomes a downsized ICF/IID.

(B) A cost report filed under division (A) of this section shall cover the period that begins and ends as follows:

(1) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID:

(a) The period begins with the day that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID.

(b) The period ends on the last day of the last month of the first three full months of operation as a downsized ICF/IID or partially converted ICF/IID.

(2) In the case of a new ICF/IID:

(a) The period begins with the day that the provider
agreement for the ICF/IID takes effect.

(b) The period ends on the last day of the last month of the first three full months that the provider agreement is in effect.

(C)(1) If the department accepts a cost report filed under division (A) of this section for an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID on or before the first day of October of a calendar year, the provider also shall do both of the following:

(a) File with the department a cost report for the ICF/IID in accordance with division (A) of section 5124.10 of the Revised Code;

(b) File with the department another cost report for the ICF/IID that covers the portion of the initial calendar year that the ICF/IID operated as a downsized ICF/IID or partially converted ICF/IID.

(2) If the department accepts a cost report filed under division (A) of this section for an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID after the first day of October of a calendar year, the provider is not required to file a cost report that covers that calendar year in accordance with division (A) of section 5124.10 of the Revised Code. Instead, the provider shall file a cost report for the ICF/IID in accordance with division (A) of section 5124.10 of the Revised Code covering the immediately following calendar year.

(3) If the department accepts a cost report filed under division (A) of this section for a new ICF/IID that has a provider agreement that takes effect on or before the first day of October of a calendar year, the provider also shall file a cost report for the ICF/IID in accordance with division (A) of section 5124.10 of the Revised Code covering the portion of that calendar year that the provider agreement was in effect.
(4) If the department accepts a cost report filed under division (A) of this section for a new ICF/IID that has a provider agreement that takes effect after the first day of October of a calendar year, the provider is not required to file a cost report that covers that calendar year in accordance with division (A) of section 5124.10 of the Revised Code. The provider shall file a cost report for the ICF/IID in accordance with division (A) of section 5124.10 of the Revised Code covering the immediately following calendar year.

(D) The department shall refuse to accept a cost report filed under division (A) or (C)(1)(b) of this section if either of the following apply:

(1) Except as provided in division (E) of section 5124.10 of the Revised Code, the provider fails to file the cost report with the department not later than ninety days after the last day of the period the cost report covers;

(2) The cost report is incomplete or inadequate.

(E) If the department accepts a cost report filed under division (A) or (C)(1)(b) of this section, the department shall use that cost report, rather than the cost report that otherwise would be used pursuant to section 5124.17, 5124.19, 5124.21, or 5124.23 of the Revised Code, to determine the ICF/IID's medicaid payment rate in accordance with this chapter for ICF/IID services the ICF/IID provides during the period that begins and ends as follows:

(1) For a cost report filed under division (A) of this section, the period begins on the following:

(a) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID:

(i) The day that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID if that day is the first day of a
month;

(ii) The first day of the month immediately following the month that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID if division (E)(1)(a)(i) of this section does not apply.

(b) In the case of a new ICF/IID, the day that the ICF/IID's provider agreement takes effect.

(2) For a cost report filed under division (A) of this section, the period ends on the following:

(a) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID:

(i) The last day of the fiscal year that immediately precedes the fiscal year for which the ICF/IID is paid a rate determined using a cost report filed under division (C)(1)(b) of this section if the ICF/IID became a downsized ICF/IID or partially converted ICF/IID on or before the first day of October of a calendar year;

(ii) The last day of the fiscal year that immediately precedes the fiscal year for which the ICF/IID begins to be paid a rate determined using a cost report that division (C)(2) of this section requires be filed in accordance with division (A) of section 5124.10 of the Revised Code if the ICF/IID became a downsized ICF/IID or partially converted ICF/IID after the first day of October of a calendar year.

(b) In the case of a new ICF/IID, the last day of the fiscal year that immediately precedes the fiscal year for which the ICF/IID begins to be paid a rate determined using a cost report that division (C)(3) or (4) of this section requires be filed in accordance with division (A) of section 5124.10 of the Revised Code.

(3) For a cost report filed under division (C)(1)(b) of this
section, the period begins on the day immediately following the day specified in division (E)(2)(a)(i) of this section.

(4) For a cost report filed under division (C)(1)(b) of this section, the period ends on the last day of the fiscal year that immediately precedes the fiscal year for which the ICF/IID begins to be paid a rate determined using the cost report filed with the department in accordance with division (A) of section 5124.10 of the Revised Code that covers the calendar year that immediately follows the initial calendar year that the ICF/IID operated as a downsized ICF/IID or partially converted ICF/IID.

(F) If the department accepts a cost report filed under division (A) or (C)(1)(b) of this section, the following modifications shall be made for the purpose of determining the medicaid payment rate for ICF/IID services the ICF/IID provides during the period specified in division (E) of this section:

(1) In place of the annual average case mix score otherwise used in determining the ICF/IID's per medicaid day payment rate for direct care costs under division (A) of section 5124.19 of the Revised Code, the ICF/IID's case mix score in effect on the last day of the calendar quarter that ends during the period the cost report covers (or, if more than one calendar quarter ends during that period, the last of those calendar quarters) shall be used to determine the ICF/IID's per medicaid day payment rate for direct care costs under division (A) of section 5124.19 of the Revised Code in place of the annual average case mix score otherwise used in determining the ICF/IID's per medicaid day payment rate for direct care costs.

(2) If the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID:

(a) The ICF/IID shall not be subject to the limit on the costs of ownership per diem payment rate specified in divisions
(B) and (C) of section 5124.17 of the Revised Code.

(b) The ICF/IID shall not be subject to the limit on the payment rate for per diem capitalized costs of nonextensive renovations specified in division (E)(1) of section 5124.17 of the Revised Code.

(c) The ICF/IID shall be subject to the limit on the total payment rate for costs of ownership, capitalized costs of nonextensive renovations, and the efficiency incentive specified in division (H) of section 5124.17 of the Revised Code regardless of whether the ICF/IID is in peer group 1 or peer group 2.

Sec. 5124.15. (A) Except as otherwise provided by section 5124.101 of the Revised Code, sections 5124.151 to 5124.155 of the Revised Code, and divisions (B) and (C) of this section, the total per medicaid day payment rate that the department of developmental disabilities shall pay to an ICF/IID provider for ICF/IID services the provider's ICF/IID provides during a fiscal year shall equal the sum of all of the following:

(1) The per medicaid day payment rate for capital costs determined for the ICF/IID under section 5124.17 of the Revised Code;

(2) The per medicaid day payment rate for direct care costs determined for the ICF/IID under section 5124.19 of the Revised Code;

(3) The per medicaid day payment rate for indirect care costs determined for the ICF/IID under section 5124.21 of the Revised Code;

(4) The per medicaid day payment rate for other protected costs determined for the ICF/IID under section 5124.23 of the Revised Code;

(5) Beginning with fiscal year 2020, the per medicaid day
quality incentive payment rate add on determined for the ICF/IID under section 5124.25 of the Revised Code.

(B) The total per medicaid day payment rate for an ICF/IID in peer group 3 or 5 shall not exceed the average total per medicaid day payment rate in effect on July 1, 2013, for developmental centers.

(C) The department shall adjust the total rate otherwise determined under division (A) of this section as directed by the general assembly through the enactment of law governing medicaid payments to ICF/IID providers.

(D) In addition to paying an ICF/IID provider the total rate determined for the provider's ICF/IID under divisions (A), (B), and (C) of this section for a fiscal year, the department, in accordance with section 5124.25 5124.26 of the Revised Code, may pay the provider a rate add-on for pediatric ventilator-dependent outlier ICF/IID services if the rate add-on is to be paid under that section and the department approves the provider's application for the rate add-on. The rate add-on is not to be part of the ICF/IID's total rate.

Sec. 5124.151. (A) The total per medicaid day payment rate determined under section 5124.15 of the Revised Code shall not be the initial rate for ICF/IID services provided by a new ICF/IID. Instead, the initial total per medicaid day payment rate for ICF/IID services provided by a new ICF/IID shall be determined in accordance with this section.

(B) The initial total medicaid day payment rate for ICF/IID services provided by a new ICF/IID in peer group 1 or peer group 2, peer group 3, or peer group 4 shall be determined in the following manner:

(1) The initial rate for capital costs shall be the median rate for the new ICF/IID's peer group determined for the fiscal
year under section 5124.17 of the Revised Code using the greater of the new ICF/IID's actual inpatient days or an imputed occupancy rate of eighty per cent.

(2) The initial rate for direct care costs shall be determined as follows:

(a) If there are no cost or resident assessment data for the new ICF/IID as necessary to determine a rate under section 5124.19 of the Revised Code, the rate shall be determined as follows:

(i) Determine the median cost per case-mix unit under division (B) of section 5124.19 of the Revised Code for the new ICF/IID's peer group for the calendar year immediately preceding the fiscal year in which the rate will be paid;

(ii) Multiply the amount determined under division (B)(2)(a)(i) of this section by the median annual average case-mix score for the new ICF/IID's peer group for that period;

(iii) Adjust the product determined under division (B)(2)(a)(ii) of this section by the rate of inflation estimated under division (D) of section 5124.19 of the Revised Code.

(b) If the new ICF/IID is a replacement ICF/IID and the ICF/IID or ICFs/IID that are being replaced are in operation immediately before the new ICF/IID opens, the rate shall be the same as the rate for the replaced ICF/IID or ICFs/IID, proportionate to the number of ICF/IID beds in each replaced ICF/IID.

(c) If the new ICF/IID is a replacement ICF/IID and the ICF/IID or ICFs/IID that are being replaced are not in operation immediately before the new ICF/IID opens, the rate shall be determined under division (B)(2)(a) of this section.

(3) The initial rate for indirect care costs shall be the maximum rate for the new ICF/IID's peer group as determined for
the fiscal year in accordance with division (C) of section 5124.21 of the Revised Code.

(4) The initial rate for other protected costs shall be one hundred fifteen per cent of the median rate for ICFs/IID determined for the fiscal year under section 5124.23 of the Revised Code.

(C) The initial total medicaid day payment rate for ICF/IID services provided by a new ICF/IID in peer group 3 shall be determined in the following manner:

(1) The initial rate for capital costs shall be $29.61 the median rate for the peer group as determined under section 5124.17 of the Revised Code.

(2) The initial rate for direct care costs shall be $264.09 the median rate for the peer group as determined under section 5124.19 of the Revised Code.

(3) The initial rate for indirect care costs shall be $59.85 the median rate for the peer group as determined under section 5124.21 of the Revised Code.

(4) The initial rate for other protected costs shall be $25.99 the median rate for the peer group as determined under section 5124.23 of the Revised Code.

(D)(1) Except as provided in division (D)(2) of this section, the department shall adjust a new ICF/IID's initial total per medicaid day payment rate determined under this section effective the first day of July, to reflect new rate determinations for all ICFs/IID under this chapter.

(2) If the department accepts, under division (A) of section 5124.101 of the Revised Code, a cost report filed by the provider of a new ICF/IID, the department shall adjust the ICF/IID's initial total per medicaid day payment rate in accordance with
sections (E) and (F) of that section rather than division (D)(1) of this section.

Sec. 5124.155. The total per medicaid day payment rate for ICF/IID services an ICF/IID in peer group 1 or peer group 2 provides to a medicaid recipient who is admitted as a resident to the ICF/IID on or after July 1, 2015, and is placed in the chronic behaviors and typical adaptive needs classification or the typical adaptive needs and non-significant behaviors infrequent need for assistance classification established for the grouper methodology prescribed in rules authorized by section 5124.192 of the Revised Code shall be the lesser of the following:

(A) The rate determined for the ICF/IID under section 5124.15 of the Revised Code;

(B) The following rate:

(1) $206.90 for ICF/IID services the ICF/IID provides to a medicaid recipient in the chronic behaviors and typical adaptive needs classification;

(2) $174.88 for ICF/IID services the ICF/IID provides to a medicaid recipient in the typical adaptive needs and non-significant behaviors classification $179.06.

Sec. 5124.17. (A) For each fiscal year, the department of developmental disabilities shall determine each ICF/IID's per medicaid day payment rate for reasonable capital costs. Except as otherwise provided in this chapter, an ICF/IID's rate shall be determined prospectively and based on the ICF/IID's capital costs for the calendar year preceding the fiscal year in which the rate will be paid. Subject to section 5124.28 of the Revised Code, an ICF/IID's rate shall equal the sum of the following:

(1) The ICF/IID's desk-reviewed, actual, allowable, per diem costs of ownership for the immediately preceding cost reporting
period, limited as provided in divisions (B), (C), and (D) of this
section;

(2) The ICF/IID's per medicaid day payment for the ICF/IID's
per diem capitalized costs of nonextensive renovations determined
under division (E)(1) of this section if the ICF/IID qualifies for
a payment for such costs as specified in division (E)(2) of this
section;

(3) The ICF/IID's per medicaid day efficiency incentive
determined under division (F) of this section.

(B) The costs of ownership per diem payment rates for
ICFs/IID in peer group 1 shall not exceed the following limits as
adjusted for inflation in accordance with division (G) of this
section:

(1) For ICFs/IID with dates of licensure prior to January 1,
1958, not exceeding two dollars and fifty cents;

(2) For ICFs/IID with dates of licensure after December 31,
1957, but prior to January 1, 1968, not exceeding:

(a) Three dollars and fifty cents if the cost of construction
was three thousand five hundred dollars or more per bed;

(b) Two dollars and fifty cents if the cost of construction
was less than three thousand five hundred dollars per bed.

(3) For ICFs/IID with dates of licensure after December 31,
1967, but prior to January 1, 1976, not exceeding:

(a) Four dollars and fifty cents if the cost of construction
was five thousand one hundred fifty dollars or more per bed;

(b) Three dollars and fifty cents if the cost of construction
was less than five thousand one hundred fifty dollars per bed, but
exceeds three thousand five hundred dollars per bed;

(c) Two dollars and fifty cents if the cost of construction
was three thousand five hundred dollars or less per bed.
(4) For ICFs/IID with dates of licensure after December 31, 1975, but prior to January 1, 1979, not exceeding:

(a) Five dollars and fifty cents if the cost of construction was six thousand eight hundred dollars or more per bed;

(b) Four dollars and fifty cents if the cost of construction was less than six thousand eight hundred dollars per bed but exceeds five thousand one hundred fifty dollars per bed;

(c) Three dollars and fifty cents if the cost of construction was five thousand one hundred fifty dollars or less per bed, but exceeds three thousand five hundred dollars per bed;

(d) Two dollars and fifty cents if the cost of construction was three thousand five hundred dollars or less per bed.

(5) For ICFs/IID with dates of licensure after December 31, 1978, but prior to January 1, 1980, not exceeding:

(a) Six dollars if the cost of construction was seven thousand six hundred twenty-five dollars or more per bed;

(b) Five dollars and fifty cents if the cost of construction was less than seven thousand six hundred twenty-five dollars per bed but exceeds six thousand eight hundred dollars per bed;

(c) Four dollars and fifty cents if the cost of construction was six thousand eight hundred dollars or less per bed but exceeds five thousand one hundred fifty dollars per bed;

(d) Three dollars and fifty cents if the cost of construction was five thousand one hundred fifty dollars or less but exceeds three thousand five hundred dollars per bed;

(e) Two dollars and fifty cents if the cost of construction was three thousand five hundred dollars or less per bed.

(6) For ICFs/IID with dates of licensure after December 31, 1979, but prior to January 1, 1981, not exceeding:
(a) Twelve dollars if the beds were originally licensed as residential facility beds by the department of developmental disabilities;

(b) Six dollars if the beds were originally licensed as nursing home beds by the department of health.

(7) For ICFs/IID with dates of licensure after December 31, 1980, but prior to January 1, 1982, not exceeding:

(a) Twelve dollars if the beds were originally licensed as residential facility beds by the department of developmental disabilities;

(b) Six dollars and forty-five cents if the beds were originally licensed as nursing home beds by the department of health.

(8) For ICFs/IID with dates of licensure after December 31, 1981, but prior to January 1, 1983, not exceeding:

(a) Twelve dollars if the beds were originally licensed as residential facility beds by the department of developmental disabilities;

(b) Six dollars and seventy-nine cents if the beds were originally licensed as nursing home beds by the department of health.

(9) For ICFs/IID with dates of licensure after December 31, 1982, but prior to January 1, 1984, not exceeding:

(a) Twelve dollars if the beds were originally licensed as residential facility beds by the department of developmental disabilities;

(b) Seven dollars and nine cents if the beds were originally licensed as nursing home beds by the department of health.

(10) For ICFs/IID with dates of licensure after December 31, 1983, but prior to January 1, 1985, not exceeding:
(a) Twelve dollars and twenty-four cents if the beds were originally licensed as residential facility beds by the department of developmental disabilities;

(b) Seven dollars and twenty-three cents if the beds were originally licensed as nursing home beds by the department of health.

(11) For ICFs/IID with dates of licensure after December 31, 1984, but prior to January 1, 1986, not exceeding:

(a) Twelve dollars and fifty-three cents if the beds were originally licensed as residential facility beds by the department of developmental disabilities;

(b) Seven dollars and forty cents if the beds were originally licensed as nursing home beds by the department of health.

(12) For ICFs/IID with dates of licensure after December 31, 1985, but prior to January 1, 1987, not exceeding:

(a) Twelve dollars and seventy cents if the beds were originally licensed as residential facility beds by the department of developmental disabilities;

(b) Seven dollars and fifty cents if the beds were originally licensed as nursing home beds by the department of health.

(13) For ICFs/IID with dates of licensure after December 31, 1986, but prior to January 1, 1988, not exceeding:

(a) Twelve dollars and ninety-nine cents if the beds were originally licensed as residential facility beds by the department of developmental disabilities;

(b) Seven dollars and sixty-seven cents if the beds were originally licensed as nursing home beds by the department of health.

(14) For ICFs/IID with dates of licensure after December 31, 1987, but prior to January 1, 1989, not exceeding thirteen dollars
and twenty-six cents;

(15) For ICFs/IID with dates of licensure after December 31, 1988, but prior to January 1, 1990, not exceeding thirteen dollars and forty-six cents;

(16) For ICFs/IID with dates of licensure after December 31, 1989, but prior to January 1, 1991, not exceeding thirteen dollars and sixty cents;

(17) For ICFs/IID with dates of licensure after December 31, 1990, but prior to January 1, 1992, not exceeding thirteen dollars and forty-nine cents;

(18) For ICFs/IID with dates of licensure after December 31, 1991, but prior to January 1, 1993, not exceeding thirteen dollars and sixty-seven cents;

(19) For ICFs/IID with dates of licensure after December 31, 1992, not exceeding fourteen dollars and twenty-eight cents.

(C)(1) The costs of ownership per diem payment rate for an ICF/IID in peer group 2 shall not exceed the following limits:

(a) Eighteen dollars and thirty cents as adjusted for inflation pursuant to division (C)(2) of this section if any of the following apply to the ICF/IID:

(i) The ICF/IID has a date of licensure, or was granted project authorization by the department of developmental disabilities, before July 1, 1993.

(ii) The ICF/IID has a date of licensure, or was granted project authorization by the department, on or after July 1, 1993, and the provider demonstrates that the provider made substantial commitments of funds for the ICF/IID before that date.

(iii) The ICF/IID has a date of licensure, or was granted project authorization by the department, on or after July 1, 1993, the provider made no substantial commitment of funds for the
ICF/IID before that date, and the department of job and family
services or department of developmental disabilities gave prior
approval for the ICF/IID's construction.

(b) If division (C)(1)(a) of this section does not apply to
the ICF/IID, the amount that would apply to the ICF/IID under
division (B) of this section if it were in peer group 1.

(2) The eighteen-dollar and thirty-cent payment rate
specified in division (C)(1)(a) of this section shall be increased
as follows:

(a) For the period beginning June 30, 1990, and ending July
1, 1993, by the change in the "Dodge building cost indexes,
northeastern and north central states," published by Marshall and
Swift;

(b) For each fiscal year thereafter, in accordance with
division (G) of this section.

(D) The costs of ownership per diem payment rate for an
ICF/IID in peer group 3 shall not exceed the amount that is used
for the purpose of division (C)(1)(a) of this section and is in
effect on July 1, 2014. That rate shall be increased each fiscal
year that begins after the effective date of this section
September 15, 2014, in accordance with division (G) of this
section.

(E)(1) Beginning January 1, 1981, regardless of the original
date of licensure, the payment rate for the per diem capitalized
costs of nonextensive renovations made after January 1, 1981, to a
qualifying ICF/IID, shall not exceed six dollars per medicaid day
using 1980 as the base year and adjusting the amount annually
until June 30, 1993, for fluctuations in construction costs
calculated by the department using the "Dodge building cost
indexes, northeastern and north central states," published by
Marshall and Swift. The payment rate shall be further adjusted in
accordance with division (G) of this section. The payment provided for in this division is the only payment that shall be made for an ICF/IID's capitalized costs of nonextensive renovations. Costs of nonextensive renovations shall not be included in costs of ownership and shall not affect the date of licensure for purposes of division (B) or (C) of this section. This division applies to nonextensive renovations regardless of whether they are made by an owner or a lessee. If the tenancy of a lessee that has made nonextensive renovations ends before the depreciation expense for the costs of nonextensive renovations has been fully reported, the former lessee shall not report the undepreciated balance as an expense.

(2) An ICF/IID qualifies for a payment for costs of nonextensive renovations if all of the following apply:

(a) Either of the following applies:

(i) The ICF/IID is in peer group 1 and either the department approved the nonextensive renovation before July 1, 2013, or the nonextensive renovation is part of a project that results in the ICF/IID becoming a downsized ICF/IID or partially converted ICF/IID.

(ii) The ICF/IID is in peer group 2 or peer group 3.

(b) At least five years have elapsed since the ICF/IID's date of licensure or date of an extensive renovation of the portion of the ICF/IID that is proposed to be nonextensively renovated, unless the nonextensive renovation is necessary to meet the requirements of federal, state, or local statutes, ordinances, rules, or policies.

(c) The provider of the ICF/IID does both of the following:

(i) Submits to the department a plan that describes in detail the changes in capital assets to be accomplished by means of the nonextensive renovation and the timetable for completing the
project, which shall be not more than eighteen months after the
nonextensive renovation begins;

(ii) Obtains prior approval from the department for the
nonextensive renovation.

(3) The director of developmental disabilities shall adopt
rules under section 5124.03 of the Revised Code that specify
criteria and procedures for prior approval of nonextensive
renovation and extensive renovation projects. No provider shall
separate a project with the intent to evade the characterization
of the project as a nonextensive renovation or as an extensive
renovation. No provider shall increase the scope of a project
after it is approved by the department unless the increase in
scope is approved by the department.

(F)(1) Subject to division (F)(2) of this section, an
ICF/IID's per medicaid day efficiency incentive payment rate shall
equal the following percentage of the difference between the
ICF/IID's desk-reviewed, actual, allowable per diem costs of
ownership and the applicable limit on costs of ownership payment
rates established by division (B) of this section:

(a) In the case of an ICF/IID in peer group 1, the following
percentage:

(i) Fifty per cent if the provider of the ICF/IID obtains the
department's approval to become a downsized ICF/IID and the
approval is conditioned on the downsizing being completed not
later than July 1, 2018;

(ii) Twenty-five per cent if division (F)(1)(a)(i) of this
section does not apply;

(b) In the case of an ICF/IID in peer group 2 or peer group
3, fifty per cent.

(2) The efficiency incentive payment rate for an ICF/IID in
peer group 2 or peer group 3 shall not exceed three dollars per medicaid day, adjusted annually in accordance with division (G) of this section. For the purpose of determining an ICF/IID's efficiency incentive payment rate, both of the following apply:

(a) Depreciation for costs paid or reimbursed by any government agency shall be considered as a cost of ownership;

(b) The applicable limit under division (B) of this section shall apply to all ICFs/IID regardless of which peer group they are in.

(G) The amounts specified in divisions (B), (C), (D), (E), and (F) of this section shall be adjusted beginning on the first day of each fiscal year for the estimated inflation rate for the twelve-month period beginning on the first day of July of the calendar year immediately preceding the calendar year that immediately precedes the fiscal year for which rate will be paid and ending on the thirtieth day of the following June, using the consumer price index for shelter costs for all urban consumers for the midwest region, as published by the United States bureau of labor statistics.

(H) Notwithstanding divisions (C) and (E) of this section, the total payment rate for costs of ownership, capitalized costs of nonextensive renovations, and the efficiency incentive for an ICF/IID in peer group 2 shall not exceed the sum of the limitations specified in divisions (C) and (E) of this section. Notwithstanding divisions (D) and (E) of this section, the total payment rate for costs of ownership, capitalized costs of nonextensive renovations, and the efficiency incentive for an ICF/IID in peer group 3 shall not exceed the sum of the limitations specified in divisions (D) and (E) of this section.

(I)(1) For the purpose of determining ICFs/IID's medicaid payment rates for capital costs:
(a) Buildings shall be depreciated using the straight line method over forty years or over a different period approved by the department.

(b) Components and equipment shall be depreciated using the straight line method over a period designated by the director of developmental disabilities in rules adopted under section 5124.03 of the Revised Code, consistent with the guidelines of the American hospital association, or over a different period approved by the department.

(2) Any rules authorized by division (I)(1) of this section that specify useful lives of buildings, components, or equipment apply only to assets acquired on or after July 1, 1993.

Depreciation for costs paid or reimbursed by any government agency shall not be included in costs of ownership or costs of nonextensive renovations unless that part of the payment under this chapter is used to reimburse the government agency.

(J)(1) Except as provided in division (J)(2) of this section, if a provider leases or transfers an interest in an ICF/IID to another provider who is a related party, the related party's allowable costs of ownership shall include the lesser of the following:

(a) The annual lease expense or actual cost of ownership, whichever is applicable;

(b) The reasonable cost to the lessor or provider making the transfer.

(2) If a provider leases or transfers an interest in an ICF/IID to another provider who is a related party, regardless of the date of the lease or transfer, the related party's allowable cost of ownership shall include the annual lease expense or actual cost of ownership, whichever is applicable, subject to the limitations specified in divisions (B) to (I) of this section, if
all of the following conditions are met:

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

(b) In the case of a lease, if the lessor retains any ownership interest, it is, except as provided in division (J)(2)(d)(ii) of this section, in only the real property and any improvements on the real property;

(c) In the case of a transfer, the provider making the transfer retains, except as provided in division (J)(2)(d)(iv) of this section, no ownership interest in the ICF/IID;

(d) The department determines that the lease or transfer is an arm's length transaction pursuant to rules adopted under section 5124.03 of the Revised Code. The rules shall provide that a lease or transfer is an arm's length transaction if all of the following, as applicable, apply:

(i) In the case of a lease, once the lease goes into effect, the lessor has no direct or indirect interest in the lessee or, except as provided in division (J)(2)(b) of this section, the ICF/IID itself, including interest as an owner, officer, director, employee, independent contractor, or consultant, but excluding interest as a lessor.

(ii) In the case of a lease, the lessor does not reacquire an interest in the ICF/IID except through the exercise of a lessor's rights in the event of a default. If the lessor reacquires an interest in the ICF/IID in this manner, the department shall treat the ICF/IID as if the lease never occurred when the department determines its payment rate for capital costs.

(iii) In the case of a transfer, once the transfer goes into effect, the provider that made the transfer has no direct or indirect interest in the provider that acquires the ICF/IID or the ICF/IID itself, including interest as an owner, officer, director, employee, independent contractor, or consultant, but excluding...
interest as a creditor.

(iv) In the case of a transfer, the provider that made the transfer does not reacquire an interest in the ICF/IID except through the exercise of a creditor's rights in the event of a default. If the provider reacquires an interest in the ICF/IID in this manner, the department shall treat the ICF/IID as if the transfer never occurred when the department determines its payment rate for capital costs.

(v) The lease or transfer satisfies any other criteria specified in the rules.

(e) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a lessor or provider making the transfer who is at least sixty-five years of age, not less than twenty years have elapsed since, for the same ICF/IID, allowable cost of ownership was determined most recently under this division.

**Sec. 5124.19.** (A)(1) For each fiscal year, the department of developmental disabilities shall determine each ICF/IID's per medicaid day payment rate for direct care costs as follows:

(a) Multiply the lesser of the following by the ICF/IID's annual average case-mix score determined or assigned under section 5124.192 of the Revised Code for the calendar year immediately preceding the fiscal year for which the rate will be paid:

(i) The ICF/IID's cost per case-mix unit for the calendar year immediately preceding the fiscal year for which the rate will be paid, as determined under division (B) of this section;

(ii) The maximum cost per case-mix unit for the ICF/IID's peer group for the fiscal year for which the rate will be paid, as set under division (C) of this section;

(b) Adjust the product determined under division (A)(1)(a) of
this section by the inflation rate estimated under division (D)(1) of this section and modified under division (D)(2) of this section.

(2) Except as otherwise directed by law enacted by the general assembly, the department shall determine each ICF/IID's rate for direct care costs prospectively.

(B) To determine an ICF/IID's cost per case-mix unit for the calendar year immediately preceding the fiscal year in which the rate will be paid, the department shall divide the ICF/IID's desk-reviewed, actual, allowable, per diem direct care costs for that calendar year by its annual average case-mix score determined under section 5124.192 of the Revised Code for the same calendar year.

(C)(1) For each fiscal year for which a rate will be paid, the department shall set the maximum cost per case-mix unit for ICFs/IID an ICF/IID in peer group 1 at a percentage, peer group 2, peer group 3, or peer group 4 shall be seven per cent above the cost per case-mix unit determined under division (B) of this section for the ICF/IID in peer group 1 that has the peer group's that is the median number of medicaid days cost per case-mix unit for the ICF/IID's peer group for the calendar year immediately preceding the fiscal year in which the rate will be paid. The percentage shall be no less than twenty-two and forty-six hundredths per cent.

(2) For each fiscal year for which a rate will be paid, the department shall set the maximum cost per case-mix unit for ICFs/IID in peer group 2 at a percentage above the cost per case-mix unit determined under division (B) of this section for the ICF/IID in peer group 2 that has the peer group's median number of medicaid days for the calendar year immediately preceding the fiscal year in which the rate will be paid. The percentage shall be no less than eighteen and eight-tenths per
For each fiscal year for which a rate will be paid, the department shall set the maximum cost per case-mix unit for ICFs/IID in peer group 3 at the ninety-fifth percentile of all ICFs/IID in peer group 3 for the calendar year immediately preceding the fiscal year in which the rate will be paid.

In determining the maximum cost per case-mix unit under divisions (C)(1) and (2) of this section for peer group 1 and peer group 2, the department shall exclude from its determinations the cost per case-mix unit of any ICF/IID in peer group 1 or peer group 2 that participated in the Medicaid program under the same provider for less than twelve months during the calendar year immediately preceding the fiscal year in which the rate will be paid.

The department shall not reset a peer group's maximum cost per case-mix unit for a fiscal year under division (C)(1), (2), or (3) of this section based on additional information that it receives after it sets the maximum for that fiscal year. The department shall reset a peer group's maximum cost per case-mix unit for a fiscal year only if it made an error in setting the maximum for that fiscal year based on information available to the department at the time it originally sets the maximum for that fiscal year.

The department shall estimate the rate of inflation for the eighteen-month period beginning on the first day of July of the calendar year preceding the fiscal year in which a rate will be paid and ending on the thirty-first day of December of the fiscal year in which the rate will be paid, using the following:

Subject to division (D)(1)(b) of this section, the employment cost index for total compensation, health care and social assistance component, published by the United States bureau...
of labor statistics;

(b) If the United States bureau of labor statistics ceases to publish the index specified in division (D)(1)(a) of this section, the index that is subsequently published by the bureau and covers the staff costs of ICFs/IID.

(2) If the estimated inflation rate for the eighteen-month period specified in division (D)(1) of this section is different from the actual inflation rate for that period, as measured using the same index, the difference shall be added to or subtracted from the inflation rate estimated under division (D)(1) of this section for the following fiscal year.

Sec. 5124.191. Each calendar quarter, each ICF/IID provider shall compile complete assessment data for each resident of each of the provider's ICFs/IID, regardless of payment source, who is in the ICF/IID, or on hospital or therapeutic leave a temporary absence from the ICF/IID that qualifies for payments under section 5124.34 of the Revised Code, on the last day of the quarter. A resident assessment instrument specified in rules adopted under section 5124.03 of the Revised Code shall be used to compile the resident assessment data. Each provider shall submit the resident assessment data to the department of developmental disabilities not later than fifteen days after the end of the calendar quarter for which the data is compiled, unless the most recently submitted resident assessment data remains accurate for each resident. The resident assessment data shall be submitted to the department through the medium or media specified in rules adopted under section 5124.03 of the Revised Code.

Sec. 5124.21. (A) For each fiscal year, the department of developmental disabilities shall determine each ICF/IID's per medicaid day payment rate for indirect care costs. Except as
otherwise provided in this chapter, an ICF/IID's rate shall be determined prospectively. Subject to section 5124.28 of the Revised Code, an ICF/IID's rate shall be the lesser of the individual rate determined under division (B) of this section and the maximum rate determined for the ICF/IID's peer group under division (C) of this section.

(B) An ICF/IID's individual rate is the sum of the following:

1. The ICF/IID's desk-reviewed, actual, allowable, per diem indirect care costs from the calendar year immediately preceding the fiscal year in which the rate will be paid, adjusted for the inflation rate estimated under division (E)(1) of this section;

2. Subject to division (D) of this section, an efficiency incentive equal to the difference between the amount of the per diem indirect care costs determined for the ICF/IID under division (B)(1) of this section for the fiscal year in which the rate will be paid and the maximum rate established for the ICF/IID's peer group under division (C) of this section for that fiscal year.

(C)(1) The maximum rate for indirect care costs for each ICF/IID in peer group 1 shall be determined as follows:

(a) For each fiscal year ending in an even-numbered calendar year, the maximum rate for ICFs/IID in peer group 1 shall be the rate that is no less than twelve three and four-tenths one-half per cent above the median desk-reviewed, actual, allowable, per diem indirect care cost for all ICFs/IID in peer group 1 (excluding ICFs/IID in peer group 1 whose indirect care costs for that period are more than three standard deviations from the mean desk-reviewed, actual, allowable, per diem indirect care cost for all ICFs/IID in peer group 1) for the calendar year immediately preceding the fiscal year in which the rate will be paid, adjusted by the inflation rate estimated under division (E)(1) of this section.
(b) For each fiscal year ending in an odd-numbered calendar year, the maximum rate for ICFs/IID in peer group 1 is the maximum rate for ICFs/IID in peer group 1 for the previous fiscal year, adjusted for the inflation rate estimated under division (E)(2) of this section.

(2) The maximum rate for indirect care costs for ICFs/IID in peer group 2, peer group 3, peer group 4, or peer group 5 shall be determined as follows:

(a) For each fiscal year ending in an even-numbered calendar year, the maximum rate for ICFs/IID in peer group 2 or peer group 3 shall be the rate that is no less than ten and three-tenths seven per cent above the median desk-reviewed, actual, allowable, per diem indirect care cost for all ICFs/IID in the ICF/IID's peer group 2 or peer group 3 (excluding ICFs/IID in peer group 2 or peer group 3 whose indirect care costs are more than three standard deviations from the mean desk-reviewed, actual, allowable, per diem indirect care cost for all ICFs/IID in each peer group 2 or peer group 3) for the calendar year immediately preceding the fiscal year in which the rate will be paid, adjusted by the inflation rate estimated under division (E)(1) of this section.

(b) For each fiscal year ending in an odd-numbered calendar year, the maximum rate for ICFs/IID in peer group 2 or peer group 3 is the maximum rate for ICFs/IID in peer group 2 or peer group 3 for the previous fiscal year, adjusted for the inflation rate estimated under division (E)(2) of this section.

(3) The department shall not redetermine a maximum rate for indirect care costs under division (C)(1) or (2) of this section based on additional information that it receives after the maximum rate is set. The department shall redetermine the maximum rate for indirect care costs only if it made an error in computing the maximum rate based on the information available to the department.
at the time of the original calculation.

(D)(1) The efficiency incentive for an ICF/IID in peer group 1 or peer group 2 shall not exceed the following:

(a) For fiscal year 2014, seven 2019, the following amount:

(i) Two and one-tenth one-half per cent of the maximum rate established for ICFs/IID in the ICF/IID's peer group under division (C) of this section;

(b) For fiscal year 2015, the following amount:

(i) The amount calculated for fiscal year 2014 under division (D)(1)(a) of this section if the provider of the ICF/IID obtains the department's approval to become a downsized or partially converted ICF/IID and the approval is conditioned on the downsizing or conversion being completed not later than July 1, 2018;

(ii) One-half One and one-quarter per cent of the amount calculated for fiscal year 2014 maximum rate established for the ICF/IID's peer group under division (D)(1)(a)(C) of this section if division (D)(1)(b)(a)(i) of this section does not apply to the ICF/IID.

(b) For fiscal year 2016 (2020) and each fiscal year thereafter ending in an even-numbered calendar year, the following percentages two and one-half per cent of the maximum rate established for ICFs/IID in the ICF/IID's peer group under division (C) of this section:

(i) Seven and one-tenth per cent if the provider of the ICF/IID obtains the department's approval to become a downsized ICF/IID and the approval is conditioned on the downsizing being completed not later than July 1, 2018;

(ii) Three and fifty-five hundredths per cent if division (D)(1)(c)(i) of this section does not apply to the ICF/IID.
(d) For fiscal year 2017 and each fiscal year thereafter ending in an odd-numbered calendar year, the amount calculated for the immediately preceding fiscal year under division (D)(1)(c) of this section.

(2) The efficiency incentive for an ICF/IID in peer group 2 or peer group 3 shall not exceed the following:

(a) For each fiscal year ending in an even-numbered calendar year, seven two and one-half per cent of the maximum rate established for ICFs/IID in peer group 2 or peer group 3 under division (C) of this section;

(b) For each fiscal year ending in an odd-numbered calendar year, the amount calculated for the immediately preceding fiscal year under division (D)(2)(a) of this section.

(3) The efficiency incentive for an ICF/IID in peer group 4 or peer group 5 shall not exceed five per cent of the maximum rate established for the ICF/IID's peer group under division (C) of this section.

(E)(1) When adjusting rates for inflation under divisions (B)(1), (C)(1)(a), and (C)(2)(a) of this section, the department shall estimate the rate of inflation for the eighteen-month period beginning on the first day of July of the calendar year immediately preceding the fiscal year in which the rate will be paid and ending on the thirty-first day of December of the fiscal year in which the rate will be paid. To estimate the rate of inflation, the department shall use the following:

(a) Subject to division (E)(1)(b) of this section, the consumer price index for all items for all urban consumers for the midwest region, published by the United States bureau of labor statistics;

(b) If the United States bureau of labor statistics ceases to publish the index specified in division (E)(1)(a) of this section,
a comparable index that the bureau publishes and the department determines is appropriate.

(2) When adjusting rates for inflation under divisions (C)(1)(b) and (C)(2)(b) of this section, the department shall estimate the rate of inflation for the twelve-month period beginning on the first day of January of the fiscal year immediately preceding the fiscal year in which the rate will be paid and ending on the thirty-first day of December of the fiscal year in which the rate will be paid. To estimate the rate of inflation, the department shall use the following:

(a) Subject to division (E)(2)(b) of this section, the consumer price index for all items for all urban consumers for the midwest region, published by the United States bureau of labor statistics;

(b) If the United States bureau of labor statistics ceases to publish the index specified in division (E)(2)(a) of this section, a comparable index that the bureau publishes and the department determines is appropriate.

(3) If an inflation rate estimated under division (E)(1) or (2) of this section is different from the actual inflation rate for the relevant time period, as measured using the same index, the difference shall be added to or subtracted from the inflation rate estimated pursuant to this division for the following fiscal year.

Sec. 5124.25. (A) For fiscal year 2020 and each fiscal year thereafter, the department of developmental disabilities shall determine a per medicaid day quality incentive payment rate add on for each ICF/IID that qualifies for the add on for the fiscal year.

(B) To qualify for a quality incentive payment rate add on
for fiscal year 2020, an ICF/IID must do all of the following in accordance with rules authorized by this section:

(1) Beginning January 1, 2018, participate in the collection of data;

(2) Submit to the department a report of the data not later than June 30, 2018;

(3) Earn for the fiscal year at least one point for meeting quality indicators established in rules authorized by this section.

(C) To qualify for a quality incentive payment rate add on for fiscal year 2021 and each subsequent fiscal year, an ICF/IID must earn for the fiscal year for which the add on is to be paid at least one point for meeting quality indicators established in rules authorized by this section.

(D) For fiscal year 2020 and each subsequent fiscal year, each ICF/IID's quality incentive payment rate add on shall equal the product of the following:

(1) The relative point value determined under division (E) of this section for the fiscal year;

(2) The number of quality indicator points the ICF/IID earns for the fiscal year.

(E) The relative point value for a fiscal year shall be determined as follows:

(1) For each ICF/IID, determine the product of the following:

(a) The number of inpatient days the ICF/IID would have had for the reporting period if its occupancy rate had been one hundred per cent;

(b) The number of quality indicator points the ICF/IID earns for the fiscal year.
(2) Determine the sum of the products determined under division (E)(1) of this section for all ICFs/IID;

(3) Divide the total amount of funds available for quality incentive payments for the fiscal year by the sum determined under division (E)(2) of this section.

(F) The director of developmental disabilities shall adopt rules under section 5124.03 of the Revised Code as necessary to implement this section. The rules shall do both of the following:

(1) For the purpose of division (B) of this section, specify the data to be collected and the medium through which the report of the data is to be submitted to the department;

(2) For the purpose of divisions (B)(3) and (C) of this section, establish or specify all of the following:

(a) Quality indicators;

(b) The method by which ICFs/IID earn points for meeting the quality indicators;

(c) The medium through which an ICF/IID is to submit to the department satisfactory evidence that the ICF/IID has met the quality indicators.

Sec. 5124.25 5124.26. (A) Subject to division (D) of this section, the department of developmental disabilities may pay a medicaid rate add-on to an ICF/IID provider for outlier ICF/IID services the ICF/IID provides to qualifying ventilator-dependent residents on or after the effective date of this section September 29, 2013, if the provider applies to the department of developmental disabilities to receive the rate add-on and the department approves the application. The department of developmental disabilities may approve a provider's application if both of the following apply:

(1) The provider submits to the department of developmental
disabilities a best practices protocol for providing outlier
ICF/IID services under this section and the department of
developmental disabilities determines that the protocol is
acceptable;

(2) The provider and ICF/IID meet all other eligibility
requirements for the rate add-on established in rules authorized
by this section.

(B) An ICF/IID that has been approved by the department of
developmental disabilities to provider outlier ICF/IID services
under this section shall provide the services in accordance with
both of the following:

(1) The best practices protocol the department of
developmental disabilities determined is acceptable;

(2) Requirements regarding the services established in rules
authorized by this section.

(C) To qualify to receive outlier ICF/IID services from an
ICF/IID under this section, a resident of the ICF/IID must be a
medicaid recipient, be under twenty-two years of age, be dependent
on a ventilator, and meet all other eligibility requirements
established in rules authorized by this section.

(D) The department of developmental disabilities shall
negotiate the amount of the medicaid payment rate add-on, if any,
to be paid under this section, or the method by which that amount
is to be determined, with the department of medicaid. The
department of developmental disabilities shall not pay the rate
add-on unless the department of medicaid has approved the amount
of the rate add-on or method by which the amount is to be
determined.

Sec. 5124.30. Except as provided in section 5124.17 of the
Revised Code, the The costs of goods, services, and facilities,
furnished to an ICF/IID provider by a related party are includable in the allowable costs of the provider at the reasonable cost to the related party.

Sec. 5124.38. (A) The director of developmental disabilities shall establish a process under which an ICF/IID provider, or a group or association of ICF/IID providers, may seek reconsideration of medicaid payment rates established under this chapter, including a rate for direct care costs redetermined before the effective date of the rate as a result of an exception review conducted under section 5124.193 of the Revised Code. Except as provided in divisions (B) to (D) of this section, the only issue that a provider, group, or association may raise in the rate reconsideration is whether the rate was calculated in accordance with this chapter and the rules adopted under section 5124.03 of the Revised Code. The provider, group, or association may submit written arguments or other materials that support its position. The provider, group, or association and department shall take actions regarding the rate reconsideration within time frames specified in rules authorized by this section.

If the department determines, as a result of the rate reconsideration, that the rate established for one or more ICFs/IID is less than the rate to which the ICF/IID is entitled, the department shall increase the rate. If the department has paid the incorrect rate for a period of time, the department shall pay the provider of the ICF/IID the difference between the amount the provider was paid for that period for the ICF/IID and the amount the provider should have been paid for the ICF/IID.

(B)(1) The department, through the rate reconsideration process, may increase during a fiscal year the medicaid payment rate determined for an ICF/IID under this chapter if the provider demonstrates that the ICF/IID's actual, allowable costs have
increased because of any of the following extreme circumstances:

(a) A natural disaster;

(b) A nonextensive renovation approved change of twenty-five per cent or greater between the ICF/IID's most recent case-mix score and the ICF/IID's case-mix score for the immediately preceding calendar quarter determined under division (E) of section 5124.17 5124.192 of the Revised Code;

(c) If the ICF/IID has an appropriate claims management program, an increase in the ICF/IID's workers' compensation experience rating of greater than five per cent;

(d) If the ICF/IID is an inner-city ICF/IID, increased security costs;

(e) A change of ownership that results from bankruptcy, foreclosure, or findings by the department of health of violations of medicaid certification requirements;

(f) Other extreme circumstances specified in rules authorized by this section.

(2) An ICF/IID may qualify for a rate increase under this division only if its per diem, actual, allowable costs have increased to a level that exceeds its total rate. An increase under this division is subject to any rate limitations or maximum rates established by this chapter for specific cost centers. Any rate increase granted under this division shall take effect on the first day of the first month after the department receives the request.

(C) The department, through the rate reconsideration process, may increase an ICF/IID's rate as determined under this chapter if the department, in the department's sole discretion, determines that the rate as determined under those sections works an extreme hardship on the ICF/IID.
(D) When beds certified for the medicaid program are added to an existing ICF/IID or replaced at the same site, the department, through the rate reconsideration process, may increase the ICF/IID's rate for capital costs proportionately, as limited by any applicable limitation under section 5124.17 of the Revised Code, to account for the costs of the beds that are added or replaced. If the department makes this increase, it shall make the increase one month after the first day of the month after the department receives sufficient documentation of the costs. Any rate increase granted under this division after June 30, 1993, shall remain in effect until the effective date of a rate for capital costs determined under section 5124.17 of the Revised Code that includes costs incurred for a full calendar year for the bed addition or bed replacement. The ICF/IID shall report double accumulated depreciation in an amount equal to the depreciation included in the rate adjustment on its cost report for the first year of operation. During the term of any loan used to finance a project for which a rate adjustment is granted under this division, if the ICF/IID is operated by the same provider, the provider shall subtract from the interest costs it reports on its cost report an amount equal to the difference between the following:

(1) The actual, allowable interest costs for the loan during the calendar year for which the costs are being reported;

(2) The actual, allowable interest costs attributable to the loan that were used to calculate the rates paid to the provider for the ICF/IID during the same calendar year.

(E) The department's decision at the conclusion of the reconsideration process is not subject to any administrative proceedings under Chapter 119. or any other provision of the Revised Code.

(F) The director of developmental disabilities shall adopt
rules under section 5124.03 of the Revised Code as necessary to implement this section.

Sec. 5124.39. (A) Except as provided in divisions (B) and (C) of this section, if the provider of an ICF/IID in peer group 1 obtained approval from the department of developmental disabilities to become a downsized ICF/IID not later than July 1, 2018, and the ICF/IID does not become a downsized ICF/IID by that date, the department shall recoup from the provider an amount equal to the sum of the following:

(1) The difference between the amount of the efficiency incentive payments the ICF/IID earned under sections 5124.17 and 5124.21 of the Revised Code before July 1, 2018, because the provider obtained such approval and the amount of the efficiency incentive payments the ICF/IID would have earned under those sections before that date had the provider not obtained such approval;

(2) An amount of interest on the difference determined under division (A)(1) of this section.

(B) The department shall exempt an ICF/IID provider from a recoupment otherwise required by this section if the provider voluntarily repays the department the difference determined under division (A)(1) of this section. No interest shall be charged on the amount voluntarily repaid.

(C) The department may exempt an ICF/IID provider from a recoupment otherwise required by this section if both of the following apply:

(1) The provider, on or before July 1, 2018, demonstrates to the department's satisfaction that the provider made a good faith effort to complete the downsizing by July 1, 2018, but the ICF/IID did not become a downsized ICF/IID by that date for reasons beyond
the provider's control;

(2) The ICF/IID becomes a downsized ICF/IID within a period of time after July 1, 2018, that the department determines is reasonable.

(D) An ICF/IID provider subject to a recoupment under division (A) of this section or voluntarily making a repayment under division (B) of this section shall choose one of the following methods by which the recoupment or voluntary repayment shall be made:

(1) In a lump sum payment;

(2) Subject to the department's approval, in installment payments;

(3) In a single deduction from the next available medicaid payment made to the provider if that payment at least equals the total amount of the recoupment or voluntary repayment;

(4) Subject to the department's approval, in installment deductions from medicaid payments made to the provider.

(E) An ICF/IID provider may request that the director of developmental disabilities reconsider either or both of the following:

(1) A decision that the provider is subject to a recoupment under this section;

(2) A determination under this section of the amount to be recouped from the provider.

(F) The director shall adopt rules under section 5124.03 of the Revised Code as necessary to implement this section, including rules specifying how the amount of interest charged under division (A)(2) of this section is to be determined.
correction shall establish and administer the probation improvement grant and the probation incentive grant for common pleas, municipal, and county court probation departments that supervise offenders sentenced by courts of common pleas or municipal courts, or county courts.

(B)(1) The probation improvement grant shall provide funding to common pleas, municipal, and county court probation departments to adopt policies and practices based on the latest research on how to reduce the number of offenders on probation supervision who violate the conditions of their supervision.

(2) The department shall adopt rules for the distribution of the probation improvement grant, including the both of the following:

(a) The formula for the allocation of the subsidy based on the number of offenders placed on probation annually in each jurisdiction;

(b) The allocation of funds for the purpose of offsetting costs incurred by political subdivisions in relation to offenders who are prohibited from serving the term of imprisonment in an institution under the control of the department of rehabilitation and correction pursuant to division (B)(3)(a) of section 2929.34 of the Revised Code.

(C)(1) The probation incentive grant shall provide a performance-based level of funding to common pleas, municipal, and county court probation departments that are successful in reducing the number of offenders on probation supervision whose terms of supervision are revoked.

(2) The department shall calculate annually any cost savings realized by the state from a reduction in the percentage of people who are incarcerated because their terms of supervised probation
were revoked. The cost savings estimate shall be calculated for each jurisdiction served by the probation department eligible for a grant under this section and be based on the difference from fiscal year 2010 the average of such commitments from the five calendar years immediately preceding the calendar year in which application for the grant was made and the fiscal year under examination.

(3) The department shall adopt rules that specify the subsidy amount to be appropriated to common pleas, municipal, and county court probation departments that successfully reduce the percentage of people on probation who are incarcerated because their terms of supervision are revoked.

(D) The following stipulations apply to both the probation improvement grant and the probation incentive grant:

(1) In order to be eligible for the probation improvement grant and the probation incentive grant, common pleas, municipal, and county courts must satisfy all requirements under sections 2301.27 and 2301.30 of the Revised Code. Except for sentencing decisions made by a court when use of the risk assessment tool is discretionary, in order to be eligible for the probation improvement grant and the probation incentive grant, a court must utilize the single validated risk assessment tool selected by the department of rehabilitation and correction under section 5120.114 of the Revised Code.

(2) The department may deny a subsidy under this section to any applicant if the applicant fails to comply with the terms of any agreement entered into pursuant to any of the provisions of this section.

(3) The department shall evaluate or provide for the evaluation of the policies, practices, and programs the common pleas, municipal, or county court probation departments utilize
with the programs of subsidies established under this section and establish means of measuring their effectiveness.

(4) The department shall specify the policies, practices, and programs for which common pleas, municipal, or county court probation departments may use the program subsidy and shall establish minimum standards of quality and efficiency that recipients of the subsidy must follow. The department shall give priority to supporting evidence-based policies and practices, as defined by the department.

Sec. 5160.01. As used in this chapter:

(A) "Dual eligible individual" has the same meaning as in the "Social Security Act," section 1915(h)(2)(B), 42 U.S.C. 1396n(h)(2)(B). A dual eligible individual is a medicare-medicaid enrollee (MME).

(B) "Exchange" has the same meaning as in 45 C.F.R. 155.20.

(C) "Federal financial participation" means the federal government's share of expenditures made by an entity in implementing a medical assistance program.

(D) "Healthcheck" has the same meaning as in section 5164.01 of the Revised Code.

(E) "Medical assistance program" means all of the following:

(1) The medicaid program;

(2) The children's health insurance program;

(3) The refugee medical assistance program;

(4) The program established under section 5160.51 of the Revised Code;

(5) Any other program that provides medical assistance and state statutes authorize the department of medicaid to administer.
"Medical assistance recipient" means a recipient of a medical assistance program. To the extent appropriate in the context, "medical assistance recipient" includes an individual applying for a medical assistance program, a former medical assistance recipient, or both.

"Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.

"Refugee medical assistance program" means the program that the department of medicaid administers pursuant to section 5160.50 of the Revised Code.

**Sec. 5160.052.** The department of medicaid shall collaborate with the superintendent of the bureau of criminal identification and investigation to develop procedures and formats necessary to produce the notices described in division (C)-(D) of section 109.5721 of the Revised Code in a format that is acceptable for use by the department. The medicaid director may adopt rules under section 5160.02 of the Revised Code necessary for such collaboration. Any such rules shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules.

The medicaid director may adopt rules under section 5160.02 of the Revised Code necessary for utilizing the information received pursuant to section 109.5721 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

**Sec. 5160.37.** (A) A medical assistance recipient's enrollment in a medical assistance program gives an automatic right of recovery to the department of medicaid and a county department of job and family services against the liability of a third party for the cost of medical assistance paid on behalf of the recipient.
When an action or claim is brought against a third party by a medical assistance recipient, any payment, settlement or compromise of the action or claim, or any court award or judgment, is subject to the recovery right of the department of medicaid or county department. Except in the case of a medical assistance recipient who receives medical assistance through a medicaid managed care organization, the department's or county department's claim shall not exceed the amount of medical assistance paid by the department or county department on behalf of the recipient. A payment, settlement, compromise, judgment, or award that excludes the cost of medical assistance paid for by the department or county department shall not preclude a department from enforcing its rights under this section.

(B)(1) In the case of a medical assistance recipient who receives medical assistance through a medicaid managed care organization that has a capitation agreement with a provider, the amount of the department's or county department's claim shall be the amount the medicaid managed care organization would have paid in the absence of a capitation agreement.

(2) In the case of a medical assistance recipient who receives medical assistance through a medicaid managed care organization that does not have a capitation agreement with a provider, the amount of the department's or county department's claim shall be the amount the medicaid managed care organization pays for medical assistance rendered to the recipient, even if that amount is more than the amount the department or county department pays to the medicaid managed care organization for the recipient's medical assistance.

(C) A medical assistance recipient, and the recipient's attorney, if any, shall cooperate with the departments. In furtherance of this requirement, the medical assistance recipient, or the recipient's attorney, if any, shall, not later than thirty
days after initiating informal recovery activity or filing a legal recovery action against a third party, provide written notice of the activity or action to the department of medicaid or county department if it has paid for medical assistance under a medical assistance program.

(D) The written notice that must be given under division (C) of this section shall disclose the identity and address of any third party against whom the medical assistance recipient has or may have a right of recovery.

(E) No settlement, compromise, judgment, or award or any recovery in any action or claim by a medical assistance recipient where the department or county department has a right of recovery shall be made final without first giving the department or county department written notice as described in division (C) of this section and a reasonable opportunity to perfect its rights of recovery. If the department or county department is not given the appropriate written notice, the medical assistance recipient and, if there is one, the recipient's attorney, are liable to reimburse the department or county department for the recovery received to the extent of medical assistance payments made by the department or county department.

(F) The department or county department shall be permitted to enforce its recovery rights against the third party even though it accepted prior payments in discharge of its rights under this section if, at the time the department or county department received such payments, it was not aware that additional medical expenses had been incurred but had not yet been paid by the department or county department. The third party becomes liable to the department or county department as soon as the third party is notified in writing of the valid claims for recovery under this section.

(G)(1) Subject to division (G)(2) of this section, the right
of recovery of the department or county department does not apply to that portion of any judgment, award, settlement, or compromise of a claim, to the extent of attorneys' fees, costs, or other expenses incurred by a medical assistance recipient in securing the judgment, award, settlement, or compromise, or to the extent of medical, surgical, and hospital expenses paid by such recipient from the recipient's own resources.

(2) Reasonable attorneys' fees, not to exceed one-third of the total judgment, award, settlement, or compromise, plus costs and other expenses incurred by the medical assistance recipient in securing the judgment, award, settlement, or compromise, shall first be deducted from the total judgment, award, settlement, or compromise. After fees, costs, and other expenses are deducted from the total judgment, award, settlement, or compromise, there shall be a rebuttable presumption that the department of medicaid or county department shall receive no less than one-half of the remaining amount, or the actual amount of medical assistance paid, whichever is less. A party may rebut the presumption in accordance with division (L)(1) or (2) of this section, as applicable.

(H) A right of recovery created by this section may be enforced separately or jointly by the department of medicaid or county department. To enforce its recovery rights, the department or county department may do any of the following:

(1) Intervene or join in any action or proceeding brought by the medical assistance recipient or on the recipient's behalf against any third party who may be liable for the cost of medical assistance paid;

(2) Institute and pursue legal proceedings against any third party who may be liable for the cost of medical assistance paid;

(3) Initiate legal proceedings in conjunction with any injured, diseased, or disabled medical assistance recipient or the
recipient's attorney or representative.

(I) A medical assistance recipient shall not assess attorney fees, costs, or other expenses against the department of medicaid or a county department when the department or county department enforces its right of recovery created by this section.

(J) The right of recovery given to the department under this section includes payments made by a third party under contract with a person having a duty to support.

(K) The department of medicaid may assign to a medical assistance provider the right of recovery given to the department under this section with respect to any claim for which the department has notified the provider that the department intends to recoup the department's prior payment for the claim.

(L)(1) Prior to any payment to the department or a county department pursuant to the department's or county department's right of recovery under this section, a party that desires to rebut the presumption in division (G) of this section shall submit to the department or county department a request for a hearing in accordance with the procedure the department establishes in rules required by division (O) of this section. The amount sought by the department or county department shall be held in escrow or in an interest on lawyers' trust account until the hearing examiner renders a decision or the case is otherwise concluded. A party successfully rebuts the presumption by a showing of clear and convincing evidence that a different allocation is warranted.

(2) A medical assistance recipient who has repaid money, on or after September 29, 2007, to the department or a county department pursuant to the department's or county department's right of recovery under this section, section 5160.38 of the Revised Code, or former section 5101.58 or 5101.59 of the Revised Code may request a hearing to rebut the presumption in division
(G) of this section. The request shall be made in accordance with the procedure the department establishes for this purpose in rules required by division (O) of this section. It must be made not later than one hundred eighty days after the effective date of September 29, 2015, or ninety days after the payment is made, whichever is later. A party successfully rebuts the presumption by a showing of clear and convincing evidence that a different allocation is warranted.

(3) With respect to a hearing requested under division (L)(1) or (2) of this section, all of the following are the case:

(a) The hearing examiner may consider, but is not bound by the allocation of, medical expenses specified in a settlement agreement between the medical assistance recipient and the relevant third party;

(b) The department or county department may raise affirmative defenses during the hearing, including the existence of a prior settlement with the medical assistance recipient, the doctrine of accord and satisfaction, or the common law principle of res judicata;

(c) If the parties agree, live testimony shall not be presented at the hearing;

(d) The hearing may be governed by rules adopted under section 5160.02 of the Revised Code. If such rules are adopted, Chapter 119. of the Revised Code applies to the hearing only to the extent specified in those rules;

(e) The hearing examiner's decision is binding on the department or county department and the medical assistance recipient unless the decision is reversed or modified on appeal to the medicaid director as described in division (M) of this section.

(M)(1) A medical assistance recipient who disagrees with a
hearing examiner's decision under division (L) of this section may file an administrative appeal with the medicaid director in accordance with the procedure the department establishes for this purpose in rules required by division (O) of this section. A hearing is not required during the administrative appeal, but the director or the director's designee shall review the hearing examiner's decision and any prior relevant administrative action. After the review, the director or the director's designee shall affirm, modify, remand, or reverse the hearing decision. A decision made under this division is final and binding on the department or county department and the medical assistance recipient unless it is reversed or modified on appeal to a court of common pleas as described in division (N) of this section.

(2) An administrative appeal may be governed by rules adopted under section 5160.02 of the Revised Code. If such rules are adopted, Chapter 119. of the Revised Code applies to an administrative appeal only to the extent specified in those rules.

(N) A party to an administrative appeal described in division (M) of this section may file an appeal with a court of common pleas in accordance with section 119.12 of the Revised Code.

(O) The medicaid director shall adopt rules under section 5160.02 of the Revised Code as necessary to implement this section, including rules establishing procedures a party may use to request a hearing under division (L)(1) or (2) of this section or an administrative appeal under division (M)(1) of this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(P) Divisions (L) to (N) of this section are remedial in nature and shall be liberally construed by the courts of this state in accordance with section 1.11 of the Revised Code. Those divisions specify the sole remedy available to a party who claims the department or a county department has received or is to
receive more money than entitled to receive under this section, section 5160.38 of the Revised Code, or former section 5101.58 or 5101.59 of the Revised Code.

Sec. 5160.40. (A) As used in this section, "business day" means any day of the week excluding Saturday, Sunday, and a legal holiday, as defined in section 1.14 of the Revised Code.

(B) Subject to divisions (B)(C) and (D) of this section, a third party shall do all of the following:

(1) Accept the department of medicaid's right of recovery under section 5160.37 of the Revised Code and the assignment of rights to the department that are described in section 5160.38 of the Revised Code;

(2) Respond to an inquiry by the department regarding a claim for payment of a medical item or service that was submitted to the third party not later than six years after the date of the provision of such medical item or service;

(3) Respond to the department's request for payment of a claim described in division (B)(2) of this section not later than ninety business days after receipt of written proof of the claim, either by paying the claim or issuing a written denial to the department;

(4) Not charge a fee to do either of the following for a claim described in division (B)(2) of this section:

(a) Determine whether the claim should be paid;

(b) Process the claim.

(5) Pay a claim described in division (B)(2) of this section;

(6) Not deny a claim submitted by the department solely on the basis of the date of submission of the claim, type or format
of the claim form, or a failure by the medical assistance recipient who is the subject of the claim to present proper documentation of coverage at the time of service, if both of the following have occurred:

(a) The claim was submitted by the department not later than six years after the date of the provision of the medical item or service.

(b) An action by the department to enforce its right of recovery under section 5160.37 of the Revised Code on the claim was commenced not later than six years after the department's submission of the claim.

(C) Consider the department's payment of a claim for a medical item or service to be the equivalent of the medical assistance recipient having obtained prior authorization for the item or service from the third party;

(D) Not deny a claim described in division (A)(6)(B)(7) of this section that is submitted by the department solely on the basis of the medical assistance recipient's failure to obtain prior authorization for the medical item or service.

(B)(C) For purposes of the requirements in division (A)(B) of this section, a third party shall treat a medicaid managed care organization as the department for a claim if the individual who is the subject of the claim received a medical item or service through a medicaid managed care organization and the department has assigned its right of recovery for the claim to the medicaid managed care organization. Even if the department assigned its right of recovery to a medicaid managed care organization, the department may, beginning one year from the date the organization paid the claim, recoup from a third party an amount that was assigned to the organization but not collected.

(C)(D) If the department of medicaid, as permitted by
division (K) of section 5160.37 of the Revised Code, assigns to a medical assistance provider the department's right of recovery for a claim for which it has notified the provider that it intends to recoup its prior payment for a claim, a third party shall treat the provider as the department and shall pay the provider the greater of the following:

(1) The amount the department intends to recoup from the provider for the claim.

(2) If the third party and the provider have an agreement that requires the third party to pay the provider at the time the provider presents the claim to the third party, the amount that is to be paid under that agreement.

(D) (E) The time limitations associated with the requirements in divisions (A)(B)(2) and (5)(6) of this section apply only to submissions of claims to, and payments of claims by, a health insurer to which the "Social Security Act," section 1902(a)(25)(I), 42 U.S.C. 1396a(a)(25)(I), applies.

Sec. 5160.401. (A) A payment made by a third party under division (A)(4)(B)(5) of section 5160.40 of the Revised Code on a claim for payment of a medical item or service provided to a medical assistance recipient is final on the date that is two years after the payment was made to the department of medicaid or the applicable medicaid managed care organization. After a claim is final, the claim is subject to adjustment only if an action for recovery of an overpayment was commenced under division (B) of this section before the date the claim became final and the recovery is agreed to by the department or medicaid managed care organization under division (C) of this section.

(B) If a third party determines that it overpaid a claim for payment, the third party may seek to recover all or part of the overpayment by filing a notice of its intent to seek recovery with
the department or medicaid managed care organization, as applicable. The notice of recovery must be filed in writing before the date the payment is final. The notice must specify all of the following:

(1) The full name of the medical assistance recipient who received the medical item or service that is the subject of the claim;

(2) The date or dates on which the medical item or service was provided;

(3) The amount allegedly overpaid and the amount the third party seeks to recover;

(4) The claim number and any other number the department or medicaid managed care organization has assigned to the claim;

(5) The third party's rationale for seeking recovery;

(6) The date the third party made the payment and the method of payment used;

(7) If payment was made by check, the check number;

(8) Whether the third party would prefer to receive the amount being sought by obtaining a payment from the department or medicaid managed care organization, either by check or electronic means, or by offsetting the amount from a future payment to be made to the department or medicaid managed care organization.

(C) If the department or appropriate medicaid managed care organization determines that a notice of recovery was filed before the claim for payment is final and agrees to the amount sought by the third party, the department or medicaid managed care organization, as applicable, shall notify the third party in writing of its determination and agreement. Recovery of the amount shall proceed in accordance with the method specified by the third party pursuant to division (B)(8) of this section.
Sec. 5160.51. (A) As used in this section:

(1) "Cystic fibrosis program" means the cystic fibrosis program the department of health administers pursuant to division (H) of section 3701.023 of the Revised Code.

(2) "Hemophilia program" means the hemophilia program the department of health is required to establish and administer under section 3701.029 of the Revised Code.

(3) "Program for medically handicapped children" means the program for medically handicapped children the department of health administers pursuant to sections 3702.022 to 3702.028 of the Revised Code.

(B) The department of medicaid shall establish a medical assistance program for individuals to whom all of the following apply:

(1) They are ineligible for medicaid and the children's health insurance program.

(2) They are not enrolled in the program for medically handicapped children, cystic fibrosis program, or hemophilia program.

(3) They meet all other eligibility requirements for the program established in rules authorized by this section.

(C) Individuals who meet the eligibility requirements for the program established under this section may begin to enroll in, and receive health care services and items covered by, the program beginning January 1, 2018.

(D) The program established under this section shall cover only the health care services and items that healthcheck covers. The program's coverage of the health care services and items shall be in the same amount, duration, and scope as the healthcheck's coverage of the health care services and items.
(E) The program established under this section shall have a payment rate for the health care services and items it covers that does not exceed the Medicaid program's payment rate for the same health care services and items.

(F) To be eligible to be a provider of health care services and items covered by the program established under this section, a person or government entity must be a Medicaid provider.

(G) The department may contract with other government entities and persons as the department determines necessary for the administration of, and delivery of health care services and items covered by, the program established under this section.

(H) The Medicaid director shall adopt rules under section 5160.02 of the Revised Code as necessary to establish and implement the program under this section. The rules may reference other rules adopted by the director regarding the Medicaid program.

Sec. 5162.12. (A) The Medicaid director shall enter into a contract with one or more persons to receive and process, on the director's behalf, requests for Medicaid recipient or claims payment data, data from reports of audits conducted under section 5165.109 of the Revised Code, or extracts or analyses of any of the foregoing data made by persons who intend to use the items prepared pursuant to the requests for commercial or academic purposes.

(B) At a minimum, a contract entered into under this section shall do both of the following:

(1) Authorize the contracting person to engage in the activities described in division (A) of this section for compensation, which must be stated as a percentage of the fees paid by persons who are provided the items;
(2) Require the contracting person to charge for an item prepared pursuant to a request a fee in an amount equal to one hundred two per cent of the cost the department of medicaid incurs in making the data used to prepare the item available to the contracting person.

(C) Except as required by federal or state law and subject to division (E) of this section, both of the following conditions apply with respect to a request for data described in division (A) of this section:

(1) The request shall be made through a person who has entered into a contract with the medicaid director under this section.

(2) An item prepared pursuant to the request may be provided to the department of medicaid and is confidential and not subject to disclosure under section 149.43 or 1347.08 of the Revised Code.

(D) The medicaid director shall use fees the director receives pursuant to a contract entered into under this section to pay obligations specified in contracts entered under this section. Any money remaining after the obligations are paid shall be deposited in the health care services administration care/medicaid support and recoveries fund created under section 5162.54 5162.52 of the Revised Code.

(E) This section does not apply to requests for medicaid recipient or claims payment data, data from reports of audits conducted under section 5165.109 of the Revised Code, or extracts or analyses of any of the foregoing data that are for any of the following purposes:

(1) Treatment of medicaid recipients;
(2) Payment of medicaid claims;
(3) Establishment or management of medicaid third party
liability pursuant to sections 5160.35 to 5160.43 of the Revised Code;

(4) Compliance with the terms of an agreement the medicaid director enters into for purposes of administering the medicaid program;

(5) Compliance with an operating protocol the executive director of the office of health transformation or the executive director's designee adopts under division (D) of section 191.06 of the Revised Code.

Sec. 5162.16. A government entity that administers one or more components of the medicaid program and has reasonable cause to believe that an instance of fraud, waste, or abuse has occurred in the medicaid program shall inform the department of medicaid. The department shall collect the information in the medicaid data warehouse system established under section 5162.11 of the Revised Code.

Sec. 5162.40. (A) (1) Except as provided in division (B) of this section, if a state agency or political subdivision administers one or more components of the medicaid program that the United States department of health and human services approved, and for which federal financial participation was initially obtained, prior to January 1, 2002, or administers one or more aspects of such a component, the department of medicaid may retain or collect not more than ten per cent of the federal financial participation the state agency or political subdivision obtains through an approved, administrative claim regarding the component or aspect of the component. If the department retains or collects a percentage of such federal financial participation, the percentage the department retains or collects shall be specified in a contract the department enters into with the state agency or
political subdivision under section 5162.35 of the Revised Code.

(2) Except as provided in division (B) of this section, if a state agency or political subdivision administers one or more components of the medicaid program that the United States department of health and human services approved on or after January 1, 2002, or administers one or more aspects of such a component, the department of medicaid shall retain or collect not less than three and not more than ten per cent of the federal financial participation the state agency or political subdivision obtains through an approved, administrative claim regarding the component or aspect of the component. The percentage the department retains or collects shall be specified in a contract the department enters into with the state agency or political subdivision under section 5162.35 of the Revised Code.

(B) All amounts the department retains or collects under this section shall be deposited into the health care services administration care/medicaid support and recoveries fund created under section 5162.54 of the Revised Code.

Sec. 5162.41. The department of medicaid may retain or collect a percentage of the federal financial participation included in a supplemental medicaid payment to one or more medicaid providers owned or operated by a state agency or political subdivision that brings the payment to such provider or providers to the upper payment limit established by 42 C.F.R. 447.272. If the department retains or collects a percentage of that federal financial participation, the medicaid director shall adopt a rule under section 5162.02 of the Revised Code specifying the percentage the department is to retain or collect. All amounts the department retains or collects under this section shall be deposited into the health care services administration care/medicaid support and recoveries fund created under section 5162.54 of the Revised Code.
Sec. 5162.52. (A) The health care/medicaid support and recoveries fund is hereby created in the state treasury. All of the following shall be credited to the fund:

(1) Except as otherwise provided by statute or as authorized by the controlling board, the nonfederal share of all medicaid-related revenues, collections, and recoveries;

(2) Federal reimbursement received for payment adjustments made pursuant to the "Social Security Act," section 1923, 42 U.S.C. 1396r-4, under the medicaid program to state mental health hospitals maintained and operated by the department of mental health and addiction services under division (A) of section 5119.14 of the Revised Code;

(3) Revenues the department of medicaid receives from another state agency for medicaid services pursuant to an interagency agreement, other than such revenues required to be deposited into the health care services administration fund created under section 5162.54 of the Revised Code;

(4) The first seven hundred fifty thousand dollars money the department of medicaid receives in a fiscal year for performing eligibility verification services necessary for compliance with the independent, certified audit requirement of 42 C.F.R. 455.304;

(5) The nonfederal share of all rebates paid by drug manufacturers to the department of medicaid in accordance with a rebate agreement required by the "Social Security Act," section 1927, 42 U.S.C. 1396r-8;

(6) The nonfederal share of all supplemental rebates paid by drug manufacturers to the department of medicaid in accordance with the supplemental drug rebate program established under section 5164.755 of the Revised Code.
(7) Amounts deposited into the fund pursuant to sections 5162.12, 5162.40, and 5162.41 of the Revised Code;

(8) The application fees charged to providers under section 5164.31 of the Revised Code;

(9) The fines collected under section 5165.1010 of the Revised Code;

(10) Amounts from assessments on hospitals under section 5168.06 of the Revised Code and intergovernmental transfers by governmental hospitals under section 5168.07 of the Revised Code that are deposited into the fund in accordance with the law.

(B) The department of medicaid shall use money credited to the health care/medicaid support and recoveries fund to pay for medicaid services and contracts costs associated with the administration of the medicaid program.

Sec. 5162.64 5162.63. (A) There is hereby created in the state treasury the medicaid school program administrative fund.

(B) Both of the following shall be deposited into the medicaid school program administrative fund:

(1) The federal funds the department of education receives for the expenses the department incurs in administering the medicaid school component of the medicaid program created under section 5162.36 of the Revised Code;

(2) The money the department collects from qualified medicaid school providers in the process established in rules authorized by section 5162.363 of the Revised Code.

(C) The department of education shall use money in the medicaid school program administrative fund for both of the following purposes:

(1) Paying for the expenses the department incurs in
administering the medicaid school component of the medicaid program;

(2) Paying a qualified medicaid school provider a refund for any overpayment the provider makes to the department under the process established in rules authorized by section 5162.363 of the Revised Code if the process results in an overpayment.

Sec. 5162.64. There is hereby created in the state treasury the money follows the person enhanced reimbursement fund.

The federal payments made to the state under subsection (e) of section 6071 of the "Deficit Reduction Act of 2005," Public Law 109-171, as amended, shall be deposited into the fund. The Department of Medicaid shall use money deposited into the fund for reform activities related to a money follows the person demonstration project authorized by the United States secretary of health and human services, including the helping Ohioans move expanding (HOME) choice component of the medicaid program operated pursuant to section 5164.90 of the Revised Code.

Sec. 5162.65. There is hereby created in the state treasury the refunds and reconciliation fund.

Money the department of medicaid receives from a refund or reconciliation shall be deposited into the refunds and reconciliation fund if the department does not know the appropriate fund for the money at the time the department receives the money or if the money is to go to another government entity. Money transferred from the department of job and family services under section 5101.074 of the Revised Code also shall be deposited into the refunds and reconciliation fund.

Money in the refunds and reconciliation fund, including money transferred from the department of job and family services, shall be transferred to the appropriate fund once the appropriate fund
is identified or shall be transferred to another government entity, as appropriate.

Sec. 5162.66.  (A) As used in this section, "deficiency" has the same meaning as in section 5165.60 of the Revised Code.

(B) There is hereby created in the state treasury the residents protection fund. All of the following shall be deposited into the fund:

(1) The proceeds of all fines, including interest, collected under sections 5165.60 to 5165.89 of the Revised Code shall be deposited in the state treasury to the credit of the residents protection fund, which is hereby created. The;

(2) The proceeds of all fines, including interest, collected under section 173.42 of the Revised Code shall be deposited in the state treasury to the credit of the residents protection fund;

(3) The portions of civil money penalties and corresponding interest that are dispersed on or after July 1, 2017, to the department of medicaid pursuant to 42 C.F.R. 488.845.

Money (C) Subject to 42 C.F.R. 488.845(g)(2), both of the following apply to the money in the fund:

(1) It shall be used for the all of the following:

(a) The protection of the health or property of residents of nursing facilities in which the department of health finds deficiencies, including payment for the costs of relocation of residents to other facilities, maintenance;  

(b) Maintenance of operation of a facility pending correction of deficiencies or closure, and reimbursement;  

(c) Reimbursement of residents for the loss of money managed by the facility under section 3721.15 of the Revised Code. Money in the fund
(2) It may also be used to make payments under section 5165.78 of the Revised Code.

(D) The fund shall be maintained and administered by the department of medicaid under rules developed in consultation with the departments of health and aging and adopted under section 5162.02 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 5164.01. As used in this chapter:

(A) "Adjudication" has the same meaning as in section 119.01 of the Revised Code.

(B) "Early and periodic screening, diagnostic, and treatment services" has the same meaning as in the "Social Security Act," section 1905(r), 42 U.S.C. 1396d(r).

(C) "Federal financial participation" has the same meaning as in section 5160.01 of the Revised Code.

(D) "Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.

(E) "Healthcheck" means the component of the medicaid program that provides early and periodic screening, diagnostic, and treatment services.

(F) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.

(G) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(H) "ICDS participant" means a dual eligible individual who participates in the integrated care delivery system.

(I) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code.
"Integrated care delivery system" and "ICDS" mean the demonstration project authorized by section 5164.91 of the Revised Code.

"Mandatory services" means the health care services and items that must be covered by the medicaid state plan as a condition of the state receiving federal financial participation for the medicaid program.

"Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.

"Medicaid provider" means a person or government entity with a valid provider agreement to provide medicaid services to medicaid recipients. To the extent appropriate in the context, "medicaid provider" includes a person or government entity applying for a provider agreement, a former medicaid provider, or both.

"Medicaid services" means either or both of the following:

1. Mandatory services;
2. Optional services that the medicaid program covers.

"Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

"Optional services" means the health care services and items that may be covered by the medicaid state plan or a federal medicaid waiver and for which the medicaid program receives federal financial participation.

"Prescribed drug" has the same meaning as in 42 C.F.R. 440.120.

"Provider agreement" means an agreement to which all of the following apply:

1. It is between a medicaid provider and the department of
medicaid;

(2) It provides for the medicaid provider to provide medicaid services to medicaid recipients;

(3) It complies with 42 C.F.R. 431.107(b).

(R) "State plan home and community-based services" means home and community-based services that, as authorized by section 1915(i) of the "Social Security Act," 42 U.S.C. 1396n(i), may be covered by the medicaid program pursuant to an amendment to the medicaid state plan.

(T) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code.

Sec. 5164.10. The medicaid program may cover one or more state plan home and community-based services that the department of medicaid selects for coverage. A medicaid recipient of any age may receive a state plan home and community-based service if the recipient has countable income not exceeding two hundred twenty-five per cent of the federal poverty line, has a medical need for the service, and meets all other eligibility requirements for the service specified in rules adopted under section 5164.02 of the Revised Code. The rules may not require a medicaid recipient to undergo a level of care determination to be eligible for a state plan home and community-based service.

Sec. 5164.29. Not later than December 31, 2018, the department of medicaid shall develop and implement revisions to the system by which persons and government entities become and remain medicaid providers so that there is a single system of records for the system and the persons and government entities do not have to submit duplicate data to the state to become or remain medicaid providers for any component or aspect of a component of the medicaid program, including a component or aspect of a
component administered by another state agency or political subdivision pursuant to a contract entered into under section 5162.35 of the Revised Code. The departments of aging, developmental disabilities, and mental health and addiction services shall participate in the development of the revisions and shall utilize the revised system.

Sec. 5164.31. (A) For the purpose of raising funds necessary to pay the expenses of implementing the provider screening requirements of subpart E of 42 C.F.R. Part 455 and except as provided in division (B) of this section, the department of medicaid shall collect an application fee from a medicaid provider before doing any of the following:

(1) Entering into a provider agreement with a medicaid provider that seeks initial enrollment as a provider;

(2) Entering into a provider agreement with a former medicaid provider that seeks re-enrollment as a provider;

(3) Revalidating a medicaid provider's continued enrollment as a provider.

(B) The department is not to collect an application fee from a medicaid provider that is exempt from paying the fee under 42 C.F.R. 455.460(a).

(C) The application fees shall be deposited into the health care services administration care/medicaid support and recoveries fund created under section 5162.54 5162.52 of the Revised Code. Application fees are nonrefundable when collected in accordance with 42 C.F.R. 455.460(a).

(D) The medicaid director shall adopt rules under section 5164.02 of the Revised Code as necessary to implement this section, including a rule establishing the amount of the application fee to be collected under this section. The amount of
the application fee shall not be set at an amount that is more
than necessary to pay for the expenses of implementing the
provider screening requirements.

Sec. 5164.34. (A) As used in this section:

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

(2) "Disqualifying offense" means any of the offenses listed
or described in divisions (A)(3)(a) to (e) of section 109.572 of
the Revised Code.

(3) "Owner" means a person who has an ownership interest in a
medicaid provider in an amount designated in rules authorized by
this section.

(4) "Person subject to the criminal records check
requirement" means the following:

(a) A medicaid provider who is notified under division (E)(1)
of this section that the provider is subject to a criminal records
check;

(b) An owner or prospective owner, officer or prospective
officer, or board member or prospective board member of a medicaid
provider if, pursuant to division (E)(1)(a) of this section, the
owner or prospective owner, officer or prospective officer, or
board member or prospective board member is specified in
information given to the provider under division (E)(1) of this
section;

(c) An employee or prospective employee of a medicaid
provider if both of the following apply:

(i) The employee or prospective employee is specified,
pursuant to division (E)(1)(b) of this section, in information
given to the provider under division (E)(1) of this section.
(ii) The provider is not prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee.

(5) "Responsible entity" means the following:

(a) With respect to a criminal records check required under this section for a medicaid provider, the department of medicaid or the department's designee;

(b) With respect to a criminal records check required under this section for an owner or prospective owner, officer or prospective officer, board member or prospective board member, or employee or prospective employee of a medicaid provider, the provider.

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

(1) An individual who is subject to a criminal records check under section 3712.09, 3721.121, 5123.081, or 5123.169, or 5164.341 of the Revised Code or any;

(2) An individual who is subject to a database review or criminal records check under section 173.38, 173.381, 3701.881, or 5164.342 of the Revised Code;

(3) An individual who is an applicant or independent provider, both as defined in section 5164.341 of the Revised Code.

(C) The department of medicaid may do any of the following:

(1) Require that any medicaid provider submit to a criminal records check as a condition of obtaining or maintaining a provider agreement;

(2) Require that any medicaid provider require an owner or prospective owner, officer or prospective officer, or board member or prospective board member of the provider submit to a criminal records check as a condition of being an owner, officer, or board member of the provider;

(3) Require that any medicaid provider do the following:
(a) If so required by rules authorized by this section, determine pursuant to a database review conducted under division (F)(1)(a) of this section whether any employee or prospective employee of the provider is included in a database;

(b) Unless the provider is prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee, require the employee or prospective employee to submit to a criminal records check as a condition of being an employee of the provider.

(D)(1) The department or the department's designee shall deny or terminate a medicaid provider's provider agreement if the provider is a person subject to the criminal records check requirement and either of the following applies:

(a) The provider fails to obtain the criminal records check after being given the information specified in division (G)(1) of this section.

(b) Except as provided in rules authorized by this section, the provider is found by the criminal records check to have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the conviction or the date of entry of the guilty plea.

(2) No medicaid provider shall permit a person to be an owner, officer, or board member of the provider if the person is a person subject to the criminal records check requirement and either of the following applies:

(a) The person fails to obtain the criminal records check after being given the information specified in division (G)(1) of this section.

(b) Except as provided in rules authorized by this section, the person is found by the criminal records check to have been convicted of or have pleaded guilty to a disqualifying offense,
regardless of the date of the conviction or the date of entry of
the guilty plea.

(3) No medicaid provider shall employ a person if any of the
following apply:

(a) The person has been excluded from being a medicaid
provider, a medicare provider, or provider for any other federal
health care program.

(b) If the person is subject to a database review conducted
under division (F)(1)(a) of this section, the person is found by
the database review to be included in a database and the rules
authorized by this section regarding the database review prohibit
the provider from employing a person included in the database.

(c) If the person is a person subject to the criminal records
check requirement, either of the following applies:

(i) The person fails to obtain the criminal records check
after being given the information specified in division (G)(1) of
this section.

(ii) Except as provided in rules authorized by this section,
the person is found by the criminal records check to have been
convicted of or have pleaded guilty to a disqualifying offense,
regardless of the date of the conviction or the date of entry of
the guilty plea.

(E)(1) The department or the department's designee shall
inform each medicaid provider whether the provider is subject to a
criminal records check. For providers with valid provider
agreements, the information shall be given at times designated in
rules authorized by this section. For providers applying to be
medicaid providers, the information shall be given at the time of
initial application. When the information is given, the department
or the department's designee shall specify the following:
(a) Which of the provider's owners or prospective owners, officers or prospective officers, or board members or prospective board members are subject to a criminal records check;

(b) Which of the provider's employees or prospective employees are subject to division (C)(3) of this section.

(2) At times designated in rules authorized by this section, a medicaid provider that is a person subject to the criminal records check requirement shall do the following:

(a) Inform each person specified under division (E)(1)(a) of this section that the person is required to submit to a criminal records check as a condition of being an owner, officer, or board member of the provider;

(b) Inform each person specified under division (E)(1)(b) of this section that the person is subject to division (C)(3) of this section.

(F)(1) If a medicaid provider is a person subject to the criminal records check requirement, the department or the department's designee shall require the conduct of a criminal records check by the superintendent of the bureau of criminal identification and investigation. A medicaid provider shall require the conduct of a criminal records check by the superintendent with respect to each of the persons specified under division (E)(1)(a) of this section. With respect to each employee and prospective employee specified under division (E)(1)(b) of this section, a medicaid provider shall do the following:

(a) If rules authorized by this section require the provider to conduct a database review to determine whether the employee or prospective employee is included in a database, conduct the database review in accordance with the rules;

(b) Unless the provider is prohibited by division (D)(3)(b) of this section from employing the employee or prospective
employee, require the conduct of a criminal records check of the
employee or prospective employee by the superintendent.

(2) If a person subject to the criminal records check requirement
does not present proof of having been a resident of
this state for the five-year period immediately prior to the date
the criminal records check is requested or provide evidence that
within that five-year period the superintendent has requested
information about the person from the federal bureau of
investigation in a criminal records check, the responsible entity
shall require the person to request that the superintendent obtain
information from the federal bureau of investigation as part of
the criminal records check of the person. Even if the person
presents proof of having been a resident of this state for the
five-year period, the responsible entity may require that the
person request that the superintendent obtain information from the
federal bureau of investigation and include it in the criminal
records check of the person.

(G) Criminal records checks required by this section shall be
obtained as follows:

(1) The responsible entity shall provide each person subject
to the criminal records check requirement information about
accessing and completing the form prescribed pursuant to division
(C)(1) of section 109.572 of the Revised Code and the standard
impression sheet prescribed pursuant to division (C)(2) of that
section.

(2) The person subject to the criminal records check
requirement shall submit the required form and one complete set of
the person's fingerprint impressions directly to the
superintendent for purposes of conducting the criminal records
check using the applicable methods prescribed by division (C) of
section 109.572 of the Revised Code. The person shall pay all fees
associated with obtaining the criminal records check.
The superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code. The person subject to the criminal records check requirement shall instruct the superintendent to submit the report of the criminal records check directly to the responsible entity. If the department or the department's designee is not the responsible entity, the department or designee may require the responsible entity to submit the report to the department or designee.

(H)(1) A medicaid provider may employ conditionally a person for whom a criminal records check is required by this section prior to obtaining the results of the criminal records check if both of the following apply:

(a) The provider is not prohibited by division (D)(3)(b) of this section from employing the person.

(b) The person submits a request for the criminal records check not later than five business days after the person begins conditional employment.

(2) A medicaid provider that employs a person conditionally under division (H)(1) of this section shall terminate the person's employment if the results of the criminal records check request are not obtained within the period ending sixty days after the date the request is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the person has been convicted of or has pleaded guilty to a disqualifying offense, the provider shall terminate the person's employment unless circumstances specified in rules authorized by this section exist that permit the provider to employ the person and the provider chooses to employ the person.

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

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

(2) The medicaid director and the staff of the department who are involved in the administration of the medicaid program;

(3) The department's designee;

(4) The medicaid provider who required the person who is the subject of the criminal records check to submit to the criminal records check;

(5) An individual receiving or deciding whether to receive, from the subject of the criminal records check, home and community-based services available under the medicaid state plan;

(6) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(a) The denial or termination of a provider agreement;

(b) A person's denial of employment, termination of employment, or employment or unemployment benefits;

(c) A civil or criminal action regarding the medicaid program.

(J) The medicaid director may adopt rules under section 5164.02 of the Revised Code to implement this section. If the director adopts such rules, the rules shall designate the times at which a criminal records check must be conducted under this section. The rules may do any of the following:

(1) Designate the categories of persons who are subject to a criminal records check under this section;

(2) Specify circumstances under which the department or the department's designee may continue a provider agreement or issue a provider agreement when the medicaid provider is found by a
criminal records check to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense;

(3) Specify circumstances under which a medicaid provider may permit a person to be an employee, owner, officer, or board member of the provider when the person is found by a criminal records check conducted pursuant to this section to have been convicted of or have pleaded guilty to a disqualifying offense;

(4) Specify all of the following:

(a) The circumstances under which a database review must be conducted under division (F)(1)(a) of this section to determine whether an employee or prospective employee of a medicaid provider is included in a database;

(b) The procedures for conducting the database review;

(c) The databases that are to be checked;

(d) The circumstances under which a medicaid provider is prohibited from employing a person who is found by the database review to be included in a database.

Sec. 5164.341. (A) As used in this section:

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

"Applicant" means a person who has applied for a provider agreement to provide home and community-based services as an independent provider under a home and community-based medicaid waiver component administered by the department of medicaid.

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

"Disqualifying offense" means any of the offenses listed or

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described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

"Independent provider" means a person who has a provider agreement to provide home and community-based services as an independent provider in a home and community-based services medicaid waiver component administered by the department of medicaid.

(B) The department of medicaid or the department's designee shall deny an applicant's application for a provider agreement and shall terminate an independent provider's provider agreement if either of the following applies:

(1) After the applicant or independent provider is given the information and notification required by divisions (D)(2)(a) and (b) of this section, the applicant or independent provider fails to do either of the following:

(a) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Instruct the superintendent to submit the completed report of the criminal records check required by this section directly to the department or the department's designee.

(2) Except as provided in rules authorized by this section, the applicant or independent provider is found by a criminal records check required by this section either of the following to have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the conviction or the date of entry of the guilty plea:

(a) A criminal records check required by this section;
(b) In the case of an independent provider, a notice provided by the bureau of criminal identification and investigation under division (D) of section 109.5721 of the Revised Code.

(C)(1) The department or the department's designee shall inform each applicant, at the time of initial application for a provider agreement, that the applicant is required to provide a set of the applicant's fingerprint impressions and that a criminal records check is required to be conducted as a condition of the department's approving the application.

(2) Beginning on September 26, 2003 Unless the department elects to receive notices about independent providers from the bureau of criminal identification and investigation pursuant to division (D) of section 109.5721 of the Revised Code, the department or the department's designee shall inform each independent provider on or before the time of the anniversary date of the provider agreement that the independent provider is required to provide a set of the independent provider's fingerprint impressions and that a criminal records check is required to be conducted.

(D)(1) The department or the department's designee shall require an applicant to complete a criminal records check prior to entering into a provider agreement with the applicant. The department or the department's designee shall require an independent provider to complete a criminal records check at least annually unless the department elects to receive notices about independent providers from the bureau of criminal identification and investigation pursuant to division (D) of section 109.5721 of the Revised Code. If an applicant or independent provider for whom a criminal records check is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that
five-year period the superintendent of the bureau of criminal identification and investigation has requested information about the applicant or independent provider from the federal bureau of investigation in a criminal records check, the department or the department's designee shall request that the applicant or independent provider obtain through the superintendent a criminal records request from the federal bureau of investigation as part of the criminal records check of the applicant or independent provider. Even if an applicant or independent provider for whom a criminal records check request is required by this section presents proof of having been a resident of this state for the five-year period, the department or the department's designee may request that the applicant or independent provider obtain information through the superintendent from the federal bureau of investigation in the criminal records check.

(2) The department or the department's designee shall provide the following to each applicant and independent provider for whom a criminal records check is required by this section:

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

(b) Written notification that the applicant or independent provider is to instruct the superintendent to submit the completed report of the criminal records check directly to the department or the department's designee.

(3) Each applicant and independent provider for whom a criminal records check is required by this section shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for the criminal records check conducted of the
applicant or independent provider.

(E) The *neither the* report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under this section nor a notice provided by the bureau under division (D) of section 109.5721 of the Revised Code is not a public record for the purposes of section 149.43 of the Revised Code and. *Such a report or notice* shall not be made available to any person other than the following:

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

(2) The medicaid director and the staff of the department who are involved in the administration of the medicaid program;

(3) The department's designee;

(4) An individual receiving or deciding whether to receive home and community-based services from the person who is the subject of the criminal records check or notice from the bureau;

(5) A court, hearing officer, or other necessary individual involved in a case dealing with either of the following:

(a) A denial or termination of a provider agreement related to the criminal records check or notice from the bureau;

(b) A civil or criminal action regarding the medicaid program.

(F) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section. The rules shall specify circumstances under which the department or the department's designee may either approve an applicant's application or allow an independent provider to maintain an existing provider agreement even though the applicant or
independent provider is found by a criminal records check required by this section either of the following to have been convicted of or have pleaded guilty to a disqualifying offense:

(1) A criminal records check required by this section;

(2) In the case of an independent provider, a notice provided by the bureau of criminal identification and investigation under division (D) of section 109.5721 of the Revised Code.

Sec. 5164.342. (A) As used in this section:

"Applicant" means a person who is under final consideration for employment with a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services.

"Community-based long-term care provider" means a provider as defined in section 173.39 of the Revised Code.

"Community-based long-term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code.

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

"Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

"Employee" means a person employed by a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services.

"Waiver agency" means a person or government entity that provides home and community-based services under a home and community-based services medicaid waiver component administered by the department of medicaid, other than such a person or government entity that is certified under the medicare program.
agency" does not mean an independent provider as defined in section 5164.341 of the Revised Code.

(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 3701.881 of the Revised Code. If a waiver agency also is a community-based long-term care provider or community-based long-term care subcontractor, the waiver agency may provide for applicants and employees to undergo database reviews and criminal records checks in accordance with section 173.38 of the Revised Code rather than this section.

(C) No waiver agency shall employ an applicant or continue to employ an employee in a position that involves providing home and community-based services if any of the following apply:

(1) A review of the databases listed in division (E) of this section reveals any of the following:

(a) That the applicant or employee is included in one or more of the databases listed in divisions (E)(1) to (5) of this section;

(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee abused, neglected, or abused exploited a long-term care facility or residential care facility resident or misappropriated property of such a resident;

(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules authorized by this section and the rules prohibit the waiver agency from employing an applicant or continuing to employ an employee included in such a database in a position that involves providing home and community-based services.

(2) After the applicant or employee is given the information
and notification required by divisions (F)(2)(a) and (b) of this section, the applicant or employee fails to do either of the following:

(a) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Instruct the superintendent to submit the completed report of the criminal records check required by this section directly to the chief administrator of the waiver agency.

(3) Except as provided in rules authorized by this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the conviction or date of entry of the guilty plea.

(D) At the time of each applicant's initial application for employment in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall inform the applicant of both of the following:

(1) That a review of the databases listed in division (E) of this section will be conducted to determine whether the waiver agency is prohibited by division (C)(1) of this section from employing the applicant in the position;

(2) That, unless the database review reveals that the applicant may not be employed in the position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check.

(E) As a condition of employing any applicant in a position that involves providing home and community-based services, the
chief administrator of a waiver agency shall conduct a database review of the applicant in accordance with rules authorized by this section. If rules authorized by this section so require, the chief administrator of a waiver agency shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a position that involves providing home and community-based services. A database review shall determine whether the applicant or employee is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;
(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to the "Social Security Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5;
(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;
(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;
(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;
(6) The state nurse aide registry established under section 3721.32 of the Revised Code;
(7) Any other database, if any, specified in rules authorized by this section.
(F)(1) As a condition of employing any applicant in a position that involves providing home and community-based
services, the chief administrator of a waiver agency shall require the applicant to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules authorized by this section so require, the chief administrator of a waiver agency shall require an employee to request that the superintendent conduct a criminal records check of the employee at times specified in the rules as a condition of continuing to employ the employee in a position that involves providing home and community-based services. However, a criminal records check is not required for an applicant or employee if the waiver agency is prohibited by division (C)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing home and community-based services. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the chief administrator shall require the applicant or employee to request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check. Even if an applicant or employee for whom a criminal records check request is required by this section presents proof of having been a resident of this state for the five-year period, the chief administrator may require the applicant or employee to request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) The chief administrator shall provide the following to each applicant and employee for whom a criminal records check is required by this section:
(a) Information about accessing, completing, and forwarding to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section;

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

(3) A waiver agency shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for any criminal records check required by this section. However, a waiver agency may require an applicant to pay to the bureau the fee for a criminal records check of the applicant. If the waiver agency pays the fee for an applicant, it may charge the applicant a fee not exceeding the amount the waiver agency pays to the bureau under this section if the waiver agency notifies the applicant at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.

(G)(1) A waiver agency may employ conditionally an applicant for whom a criminal records check is required by this section prior to obtaining the results of the criminal records check if both of the following apply:

(a) The waiver agency is not prohibited by division (C)(1) of this section from employing the applicant in a position that involves providing home and community-based services.

(b) The chief administrator of the waiver agency requires the applicant to request a criminal records check regarding the applicant in accordance with division (F)(1) of this section not later than five business days after the applicant begins
conditional employment.

(2) A waiver agency that employs an applicant conditionally under division (G)(1) of this section shall terminate the applicant's employment if the results of the criminal records check, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the date the request for the criminal records check is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the applicant has been convicted of or has pleaded guilty to a disqualifying offense, the waiver agency shall terminate the applicant's employment unless circumstances specified in rules authorized by this section exist that permit the waiver agency to employ the applicant and the waiver agency chooses to employ the applicant.

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

(1) The applicant or employee who is the subject of the criminal records check or the representative of the applicant or employee;

(2) The chief administrator of the waiver agency that requires the applicant or employee to request the criminal records check or the administrator's representative;

(3) The medicaid director and the staff of the department who are involved in the administration of the medicaid program;

(4) The director of aging or the director's designee if the waiver agency also is a community-based long-term care provider or community-based long-term care subcontractor;
(5) An individual receiving or deciding whether to receive home and community-based services from the subject of the criminal records check;

(6) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(a) A denial of employment of the applicant or employee; 
(b) Employment or unemployment benefits of the applicant or employee; 
(c) A civil or criminal action regarding the medicaid program.

(I) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and criminal records checks under this section;
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;
(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The procedures for conducting a database review under this section;
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;
(c) If the rules specify other databases to be checked as
part of a database review, the circumstances under which a waiver
agency is prohibited from employing an applicant or continuing to
employ an employee who is found by the database review to be
included in one or more of those databases;

(d) The circumstances under which a waiver agency may employ
an applicant or employee who is found by a criminal records check
required by this section to have been convicted of or have pleaded
guilty to a disqualifying offense.

(J) The amendments made by H.B. 487 of the 129th general
assembly to this section do not preclude the department of
medicaid from taking action against a person for failure to comply
with former division (H) of this section as that division existed
on the day preceding January 1, 2013.

Sec. 5164.37. (A) As used in this section:

(1) "Independent provider" has the same meaning as in section
5164.341 of the Revised Code.

(2) "Noninstitutional medicaid provider" means any person or
entity with a provider agreement other than a hospital, nursing
facility, or ICF/IID.

(3) "Owner" means any person having at least five per cent
ownership in a noninstitutional medicaid provider.

(B) Notwithstanding any provision of this chapter to the
contrary, the department of medicaid shall take action under this
section against a noninstitutional medicaid provider or its owner,
officer, authorized agent, associate, manager, or employee.

(C) Except as provided in division (D) of this section and in
rules authorized by this section, on receiving notice and a copy
of an indictment that is issued on or after September 29, 2007,
and charges a noninstitutional medicaid provider or its owner,
officer, authorized agent, associate, manager, or employee with
committing an offense specified in division (E) of this section, the department shall suspend the provider agreement held by the noninstitutional medicaid provider. Subject to division (D) of this section, the department shall also terminate medicaid payments to the provider for medicaid services rendered.

The suspension shall continue in effect until the proceedings in the criminal case are completed through dismissal of the indictment or through conviction, entry of a guilty plea, or finding of not guilty. If the department commences a process to terminate the suspended provider agreement, the suspension shall also continue in effect until the termination process is concluded.

When subject to a suspension under this division, a provider, owner, officer, authorized agent, associate, manager, or employee shall not own or provide medicaid services to any other medicaid provider or risk contractor or arrange for, render, or order medicaid services for medicaid recipients during the period of suspension. During the period of suspension, the provider, owner, officer, authorized agent, associate, manager, or employee shall not receive direct payments under the medicaid program or indirect payments of medicaid funds in the form of salary, shared fees, contracts, kickbacks, or rebates from or through any other medicaid provider or risk contractor.

(D)(1) The department shall not suspend a provider agreement or terminate medicaid payments under division (C) of this section if the provider or owner can demonstrate through the submission of written evidence that the provider or owner did not directly or indirectly sanction the action of its authorized agent, associate, manager, or employee that resulted in the indictment.

(2) The termination of medicaid payments applies only to payments for medicaid services rendered subsequent to the date on which the notice required under division (F) of this section is
Claims for payment for medicaid services rendered by the provider prior to the issuance of the notice may be subject to prepayment review procedures whereby the department reviews claims to determine whether they are supported by sufficient documentation, are in compliance with state and federal statutes and rules, and are otherwise complete.

(E)(1) In the case of a noninstitutional medicaid provider that is not an independent provider, the suspension of a provider agreement under division (C) of this section applies when an indictment charges a person with committing an act that would be a felony or misdemeanor under the laws of this state and the act relates to or results from either of the following:

(a) Furnishing or billing for medicaid services under the medicaid program;

(b) Participating in the performance of management or administrative services relating to furnishing medicaid services under the medicaid program.

(2) In the case of a noninstitutional medicaid provider that is an independent provider, the suspension of a provider agreement under division (C) of this section applies when an indictment charges a person with committing an act that would constitute a disqualifying offense as defined in section 5164.34 of the Revised Code.

(F) Not later than five days after suspending a provider agreement under division (C) of this section, the department shall send notice of the suspension to the affected provider or owner. In providing the notice, the department shall do all of the following:

(1) Describe the indictment that was the cause of the suspension, without necessarily disclosing specific information concerning any ongoing civil or criminal investigation;
(2) State that the suspension will continue in effect until the proceedings in the criminal case are completed through dismissal of the indictment or through conviction, entry of a guilty plea, or finding of not guilty and, if the department commences a process to terminate the suspended provider agreement, until the termination process is concluded;

(3) Inform the provider or owner of the opportunity to submit to the department, not later than thirty days after receiving the notice, a request for a reconsideration pursuant to division (G) of this section.

(G)(1) Pursuant to the procedure specified in division (G)(2) of this section, a noninstitutional medicaid provider or owner subject to a suspension under this section may request a reconsideration. The request shall be made not later than thirty days after receipt of the notice provided under division (F) of this section. The reconsideration is not subject to an adjudication hearing pursuant to Chapter 119. of the Revised Code.

(2) In requesting a reconsideration, the provider or owner shall submit written information and documents to the department. The information and documents may pertain to any of the following issues:

(a) Whether the determination to suspend the provider agreement was based on a mistake of fact, other than the validity of the indictment;

(b) Whether any offense charged in the indictment resulted from an offense specified in division (E) of this section;

(c) Whether the provider or owner can demonstrate that the provider or owner did not directly or indirectly sanction the action of its authorized agent, associate, manager, or employee that resulted in the indictment.

(3) The department shall review the information and documents
submitted in a request for reconsideration. After the review, the suspension may be affirmed, reversed, or modified, in whole or in part. The department shall notify the affected provider or owner of the results of the review. The review and notification of its results shall be completed not later than forty-five days after receiving the information and documents submitted in a request for reconsideration.

(H) Rules adopted under section 5164.02 of the Revised Code may specify circumstances under which the department would not suspend a provider agreement pursuant to this section.

Sec. 5164.70. Except as otherwise required by federal statute or regulation, no medicaid payment for any medicaid service provided by a hospital, nursing facility, or ICF/IID shall exceed the following:

(A) If the medicaid provider is a hospital, nursing facility, or ICF/IID, the limits established under Subpart C of 42 C.F.R. Part 447.

(B) If the medicaid provider is other than a provider described in division (A) of this section, the authorized payment limits for the same service under the medicare program.

Sec. 5164.752. In July of every even-numbered year, the department of medicaid shall initiate a confidential survey of the cost of dispensing drugs incurred by terminal distributors of dangerous drugs in this state. The survey shall be used as the basis for establishing the medicaid program's dispensing fees for terminal distributors in accordance with section 5164.753 of the Revised Code. The survey shall be completed and its results published not later than the last day of October November of the year in which it is conducted.

Each terminal distributor that is a provider of drugs under
the medicaid program shall participate in the survey. The department may reduce the dispensing fees paid to a terminal distributor if the terminal distributor fails to participate in the survey. Except as necessary to publish the survey's results, a terminal distributor's responses to the survey are confidential and not a public record under section 149.43 of the Revised Code.

The survey shall be conducted in conformance with the requirements set forth in 42 C.F.R. 447.500 to 447.518. The survey shall include operational data and direct prescription expenses, professional services and personnel costs, and usual and customary overhead expenses of the terminal distributors surveyed. The survey shall compute and report the cost of dispensing on a basis of the usual and customary charges by terminal distributors to their customers for dispensing drugs.

Sec. 5164.753. In December of every even-numbered year, the medicaid director shall establish a dispensing fee fees, effective the following July, for terminal distributors of dangerous drugs that are providers of drugs under the medicaid program. In establishing the dispensing fee fees, the director shall take into consideration the results of the survey conducted under section 5164.752 of the Revised Code. The director may establish fees that vary by terminal distributor, taking into consideration the volume of drugs a terminal distributordispenses under the medicaid program or any other criteria the director considers relevant.

Sec. 5164.7510. (A) There is hereby established the pharmacy and therapeutics committee of the department of medicaid. The committee shall assist the department with developing and maintaining a preferred drug list for the medicaid program.

The committee shall review and recommend to the medicaid director the drugs that should be included on the preferred drug
list. The recommendations shall be made based on the evaluation of competent evidence regarding the relative safety, efficacy, and effectiveness, and cost-effectiveness of prescribed drugs within a class or classes of prescribed drugs.

(B) The committee shall consist of nine members and shall be appointed by the medicaid director. The director shall seek recommendations for membership from relevant professional organizations. A candidate for membership recommended by a professional organization shall have professional experience working with medicaid recipients.

The membership of the committee shall include:

(1) Three pharmacists licensed under Chapter 4729. of the Revised Code;

(2) Two doctors of medicine and two doctors of osteopathy who hold certificates to practice issued under Chapter 4731. of the Revised Code, one of whom is a family practice physician;

(3) A registered nurse licensed under Chapter 4723. of the Revised Code;

(4) A pharmacologist who has a doctoral degree;

(5) A psychiatrist who holds a certificate to practice issued under Chapter 4731. of the Revised Code and specializes in psychiatry.

(C) The committee shall elect from among its members a chairperson. Five committee members constitute a quorum.

The committee shall establish guidelines necessary for the committee's operation.

The committee may establish one or more subcommittees to investigate and analyze issues consistent with the duties of the committee under this section. The subcommittees may submit proposals regarding the issues to the committee and the committee
may adopt, reject, or modify the proposals.

A vote by a majority of a quorum is necessary to make recommendations to the director. In the case of a tie, the chairperson shall decide the outcome.

(D) The director shall act on the committee's recommendations not later than thirty days after the recommendation is posted on the department's web site under division (F) of this section. If the director does not accept a recommendation of the committee, the director shall present the basis for this determination not later than fourteen days after making the determination or at the next scheduled meeting of the committee, whichever is sooner.

(E) An interested party may request, and shall be permitted, to make a presentation or submit written materials to the committee during a committee meeting. The presentation or other materials shall be relevant to an issue under consideration by the committee and any written material, including a transcript of testimony to be given on the day of the meeting, may be submitted to the committee in advance of the meeting.

(F) The department shall post the following on the department's web site:

(1) Guidelines established by the committee under division (C) of this section;

(2) A detailed committee agenda not later than fourteen days prior to the date of a regularly scheduled meeting and not later than seventy-two hours prior to the date of a special meeting called by the committee;

(3) Committee recommendations not later than seven days after the meeting at which the recommendation was approved;

(4) The director's final determination as to the recommendations made by the committee under this section.
Sec. 5164.90. (A) As used in this section, "MFP demonstration project" means a money follows the person demonstration project that the United States secretary of health and human services is authorized to award under section 6071 of the "Deficit Reduction Act of 2005" (Pub. L. No. 109-171, as amended).

(B) To the extent funds are available under an MFP demonstration project awarded to the department of medicaid, the director of medicaid may operate the helping Ohioans move, expanding (HOME) choice demonstration component of the medicaid program to transition qualifying medicaid recipients who qualify for the demonstration component to community settings. In operating the component, the director may do either or both of the following:

(1) Use the following:

(a) Funds that are awarded to the department of medicaid for an MFP demonstration project and appropriated to the department for this purpose, if such funds are available to the department;

(b) State funds appropriated to the department for this purpose, if no funds are available to the department under an MFP demonstration project.

(2) Integrate the component, or one or more aspects of the component, into a home and community-based services medicaid waiver component.

Sec. 5165.1010. (A) Subject to division (D) of this section, the department of medicaid shall fine the provider of a nursing facility if the report of an audit conducted under section 5165.109 of the Revised Code regarding a cost report for the nursing facility includes either of the following:

(1) Adverse findings that exceed three per cent of the total
amount of medicaid-allowable costs reported in the cost report;

(2) Adverse findings that exceed twenty per cent of medicaid-allowable costs for a particular cost center reported in the cost report.

(B) A fine issued under this section shall equal the greatest of the following:

(1) If the adverse findings exceed three per cent but do not exceed ten per cent of the total amount of medicaid-allowable costs reported in the cost report, the greater of three per cent of those reported costs or ten thousand dollars;

(2) If the adverse findings exceed ten per cent but do not exceed twenty per cent of the total amount of medicaid-allowable costs reported in the cost report, the greater of six per cent of those reported costs or twenty-five thousand dollars;

(3) If the adverse findings exceed twenty per cent of the total amount of medicaid-allowable costs reported in the cost report, the greater of ten per cent of those reported costs or fifty thousand dollars;

(4) If the adverse findings exceed twenty per cent but do not exceed twenty-five per cent of medicaid-allowable costs for a particular cost center reported in the cost report, the greater of three per cent of the total amount of medicaid-allowable costs reported in the cost report or ten thousand dollars;

(5) If the adverse findings exceed twenty-five per cent but do not exceed thirty per cent of medicaid-allowable costs for a particular cost center reported in the cost report, the greater of six per cent of the total amount of medicaid-allowable costs reported in the cost report or twenty-five thousand dollars;

(6) If the adverse findings exceed thirty per cent of medicaid-allowable costs for a particular cost center reported in
the cost report, the greater of ten per cent of the total amount of medicaid-allowable costs reported in the cost report or fifty thousand dollars.

(C) Fines paid under this section shall be deposited into the health care services administration care/medicaid support and recoveries fund created under section 5162.54 of the Revised Code.

(D) The department may not collect a fine under this section until all appeal rights relating to the audit report that is the basis for the fine are exhausted.

Sec. 5165.152. The total per medicaid day payment rate determined under section 5165.15 of the Revised Code shall not be paid for nursing facility services provided to low resource utilization residents. Instead, the total rate for such nursing facility services shall be the following:

(A) One hundred fifteen dollars per medicaid day if the department of medicaid is satisfied that the nursing facility's provider is cooperating with the long-term care ombudsman program in efforts to help the nursing facility's low resource utilization residents receive the services that are most appropriate for such residents' level of care needs;

(B) Ninety-one dollars and seventy cents per medicaid day if division (A) of this section does not apply to the nursing facility.

Sec. 5165.157. (A) The medicaid director shall establish an alternative purchasing model for nursing facility services provided by designated discrete units of nursing facilities to medicaid recipients with specialized health care needs. The director shall do all of the following with regard to the model:

(1) Establish criteria that a discrete unit of a nursing
facility must meet to be designated as a unit that, under the alternative purchasing model, may admit and provide nursing facility services to medicaid recipients with specialized health care needs;

(2) Specify the health care conditions that medicaid recipients must have to have specialized health care needs, which may include dependency on a ventilator, severe traumatic brain injury, the need to be admitted to a long-term acute care hospital or rehabilitation hospital if not for nursing facility services, and other serious health care conditions;

(3) For each fiscal year, set

Determine the total per medicaid day payment rate for nursing facility services provided by designated discrete units of nursing facilities under the alternative purchasing model at either of the following:

(a) Sixty per cent of the statewide average of the total per medicaid day payment rate for long-term acute care hospital services as of the first day of the fiscal year;

(b) Another amount determined in accordance with an alternative methodology that includes improved health outcomes as a factor in determining the payment rate established for each such service in rules authorized by section 5165.02 of the Revised Code;

(4) Require, to the extent the director considers necessary, a medicaid recipient to obtain prior authorization for admission to a long-term acute care hospital or rehabilitation hospital as a condition of medicaid payment for long-term acute care hospital or rehabilitation hospital services.

(B) The criteria established under division (A)(1) of this section shall provide for a discrete unit of a nursing facility to be excluded from the alternative purchasing model if the unit is paid for nursing facility services in accordance with section
5165.153, 5165.154, or 5165.156 of the Revised Code. The criteria may require the provider of a nursing facility that has a discrete unit designated for participation in the alternative purchasing model to report health outcome measurement data to the department of medicaid.

(C) A discrete unit of a nursing facility that provides nursing facility services to medicaid recipients with specialized health care needs under the alternative purchasing model shall be paid for those services in accordance with division (A)(3) of this section instead of the total per medicaid day payment rate determined under section 5165.15, 5165.153, 5165.154, or 5165.156 of the Revised Code.

Sec. 5165.192. (A)(1) Except as provided in division (B) of this section and in accordance with the process specified in rules authorized by this section, the department of medicaid shall do all of the following:

(a) Every quarter, determine the following two case-mix scores for each nursing facility:

(i) A quarterly case-mix score that includes each resident who is a medicaid recipient and is not a low resource utilization resident;

(ii) A quarterly case-mix score that includes each resident regardless of payment source.

(b) Every six months, determine a semiannual average case-mix score for each nursing facility by using the quarterly case-mix scores determined for the nursing facility pursuant to division (A)(1)(a)(i) of this section;

(c) After the end of each calendar year, determine an annual average case-mix score for each nursing facility by using the quarterly case-mix scores determined for the nursing facility
pursuant to division (A)(1)(a)(ii) of this section.

(2) When determining case-mix scores under division (A)(1) of this section, the department shall use all of the following:

(a) Data from a resident assessment instrument specified in rules authorized by section 5165.191 of the Revised Code;

(b) Except as provided in rules authorized by this section, the case-mix values established by the United States department of health and human services;

(c) Except as modified in rules authorized by this section, the grouper methodology used on June 30, 1999, by the United States department of health and human services for prospective payment of skilled nursing facilities under the medicare program.

(B)(1) Subject to division (B)(2) of this section, the department, for one or more months of a calendar quarter, may assign to a nursing facility a case-mix score that is five percent less than the nursing facility's case-mix score for the immediately preceding calendar quarter if any of the following apply:

(a) The provider does not timely submit complete and accurate resident assessment data necessary to determine the nursing facility's case-mix score for the calendar quarter;

(b) The nursing facility was subject to an exception review under section 5165.193 of the Revised Code for the immediately preceding calendar quarter;

(c) The nursing facility was assigned a case-mix score for the immediately preceding calendar quarter.

(2) Before assigning a case-mix score to a nursing facility due to the submission of incorrect resident assessment data, the department shall permit the provider to correct the data. The department may assign the case-mix score if the provider fails to
submit the corrected resident assessment data not later than the earlier of the forty-fifth day after the end of the calendar quarter to which the data pertains or the deadline for submission of such corrections established by regulations adopted by the United States department of health and human services under Title XVIII and Title XIX.

(3) If, for more than six months in a calendar year, a provider is paid a rate determined for a nursing facility using a case-mix score assigned to the nursing facility under division (B)(1) of this section, the department may assign the nursing facility a cost per case-mix unit that is five per cent less than the nursing facility's actual or assigned cost per case-mix unit for the immediately preceding calendar year. The department may use the assigned cost per case-mix unit, instead of determining the nursing facility's actual cost per case-mix unit in accordance with section 5165.19 of the Revised Code, to establish the nursing facility's rate for direct care costs for the fiscal year immediately following the calendar year for which the cost per case-mix unit is assigned.

(4) The department shall take action under division (B)(1), (2), or (3) of this section only in accordance with rules authorized by this section. The department shall not take an action that affects rates for prior payment periods except in accordance with sections 5165.41 and 5165.42 of the Revised Code.

(C) The medicaid director shall adopt rules under section 5165.02 of the Revised Code as necessary to implement this section.

(1) The rules shall do all of the following:

(a) Specify the process for determining the semiannual and annual average case-mix scores for nursing facilities;

(b) Adjust the case-mix values specified in division
(A)(2)(b) of this section to reflect changes in relative wage differentials that are specific to this state;

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

(d) Modify the grouper methodology specified in division (A)(2)(c) of this section as follows:

(i) Establish a different hierarchy for assigning residents to case-mix categories under the methodology;

(ii) Prohibit the use of the index maximizer element of the methodology;

(iii) Incorporate changes to the methodology the United States department of health and human services makes after June 30, 1999;

(iv) Make other changes the department determines are necessary.

(e) Establish procedures under which resident assessment data shall be reviewed for accuracy and providers shall be notified of any data that requires correction;

(f) Establish procedures for providers to correct resident assessment data and specify a reasonable period of time by which providers shall submit the corrections. The procedures may limit the content of corrections in the manner required by regulations adopted by the United States department of health and human services under Title XVIII and Title XIX.

(g) Specify when and how the department will assign case-mix scores or costs per case-mix unit to a nursing facility under division (B) of this section if information necessary to calculate the nursing facility's case-mix score is not provided or corrected.
in accordance with the procedures established by the rules.

(2) Notwithstanding any other provision of this chapter, the rules may provide for the exclusion of case-mix scores assigned to a nursing facility under division (B) of this section from the determination of the nursing facility's semiannual or annual average case-mix score and the cost per case-mix unit for the nursing facility's peer group.

Sec. 5166.01. As used in this chapter:

"209(b) option" means the option described in section 1902(f) of the "Social Security Act," 42 U.S.C. 1396a(f), under which the medicaid program's eligibility requirements for aged, blind, and disabled individuals are more restrictive than the eligibility requirements for the supplemental security income program.

"Administrative agency" means, with respect to a home and community-based services medicaid waiver component, the department of medicaid or, if a state agency or political subdivision contracts with the department under section 5162.35 of the Revised Code to administer the component, that state agency or political subdivision.

"Care management system" means the system established under section 5167.03 of the Revised Code.

"Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.

"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.

"Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital services, nursing facility services, or ICF/IID services.

"Hospital" has the same meaning as in section 3727.01 of the
"Hospital long-term care unit" has the same meaning as in section 5168.40 of the Revised Code.

"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.

"ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code.

"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code.

"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/IID services if not for a home and community-based services medicaid waiver component.

"Medicaid buy-in for workers with disabilities program" has the same meaning as in section 5163.01 of the Revised Code.

"Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.

"Medicaid services" has the same meaning as in section 5164.01 of the Revised Code.

"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under the "Social Security Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid waiver component" does not include a care management system established under section 5167.03 of the Revised Code.

"Medically fragile child" means an individual who is under eighteen years of age, has intensive health care needs, and is considered blind or disabled under section 1614(a)(2) or (3) of
the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3).

"Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.

"Ohio home care waiver program" means the home and community-based services medicaid waiver component that is known as Ohio home care and was created pursuant to section 5166.11 of the Revised Code.

"Ohio transitions II aging carve-out program" means the home and community-based services medicaid waiver component that is known as Ohio transitions II aging carve-out and was created pursuant to section 5166.11 of the Revised Code.

"Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.

"Residential treatment facility" means a residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code, or an institution certified by the department of job and family services under section 5103.03 of the Revised Code, that serves children and either has more than sixteen beds or is part of a campus of multiple facilities or institutions that, combined, have a total of more than sixteen beds.

"Skilled nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code.

Sec. 5166.16. (A) As used in this section and section 5166.161 of the Revised Code, "ODA or MCD medicaid waiver component" means all of the following:

(1) The medicaid-funded component of the PASSPORT program,
unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code;

(2) The choices program, unless it is terminated pursuant to division (B) of section 173.53 of the Revised Code;

(3) The medicaid-funded component of the assisted living program, unless it is terminated pursuant to division (C) of section 173.54 of the Revised Code;

(4) The Ohio home care waiver program, unless it is terminated pursuant to section 5166.12 of the Revised Code;

(5) The Ohio transitions II aging carve-out program, unless it is terminated pursuant to section 5166.13 of the Revised Code.

(B) The medicaid director may create a home and community-based services medicaid waiver component as part of the integrated care delivery system. If the ICDS medicaid waiver component is created, both of the following apply:

(1) The department of medicaid shall administer it;

(2) When it begins to accept enrollments, no ICDS participant who is eligible for the ICDS medicaid waiver component shall be enrolled in an ODA or MCD medicaid waiver component regardless of whether the participant prefers to remain or be enrolled in an ODA or MCD medicaid waiver component.

(C) A dual eligible individual who is eligible for an ODA or MCD medicaid waiver component may enroll in the component before the individual becomes an ICDS participant. The dual eligible individual shall disenroll from the ODA or MCD medicaid waiver component and enroll in the ICDS medicaid waiver component once the individual becomes an ICDS participant and it is possible to enroll the individual in the ICDS medicaid waiver component. The disenrollment from the ODA or MCD medicaid waiver component and enrollment into the ICDS medicaid waiver component shall occur
regardless of whether the individual prefers to remain enrolled in the ODA or MCD medicaid waiver component.

(D) An ICDS participant's disenrollment from an ODA or MCD medicaid waiver component and enrollment in the ICDS medicaid waiver component resulting from division (B)(2) or (C) of this section shall be accomplished without a disruption in the participant's services under the components.

**Sec. 5166.30.** (A) As used in sections 5166.30 to 5166.3010 of the Revised Code:

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

(2) "Appropriate director" means the following:

(a) The medicaid director in the context of all both of the following:

(i) The Ohio home care waiver program, unless it is terminated pursuant to section 5166.12 of the Revised Code;

(ii) The Ohio transitions II aging carve-out program, unless it is terminated pursuant to section 5166.13 of the Revised Code;

(iii) The integrated care delivery system medicaid waiver component authorized by section 5166.16 of the Revised Code.

(b) The director of aging in the context of the medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code.

(3) "Authorized representative" means the following:

(a) In the case of a consumer who is a minor, the consumer's parent, custodian, or guardian;

(b) In the case of a consumer who is an adult, an individual selected by the consumer pursuant to section 5166.3010 of the Revised Code.
Revised Code to act on the consumer's behalf for purposes regarding home care attendant services.

(4) "Authorizing health care professional" means a health care professional who, pursuant to section 5166.307 of the Revised Code, authorizes a home care attendant to assist a consumer with self-administration of medication, nursing tasks, or both.

(5) "Consumer" means an individual to whom all of the following apply:

(a) The individual is enrolled in a participating medicaid waiver component.

(b) The individual has a medically determinable physical impairment to which both of the following apply:

(i) It is expected to last for a continuous period of not less than twelve months.

(ii) It causes the individual to require assistance with activities of daily living, self-care, and mobility, including either assistance with self-administration of medication or the performance of nursing tasks, or both.

(c) In the case of an individual who is an adult, the individual is mentally alert and is, or has an authorized representative who is, capable of selecting, directing the actions of, and dismissing a home care attendant.

(d) In the case of an individual who is a minor, the individual has an authorized representative who is capable of selecting, directing the actions of, and dismissing a home care attendant.

(6) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(7) "Custodian" has the same meaning as in section 2151.011 of the Revised Code.
(8) "Gastrostomy tube" means a percutaneously inserted catheter that terminates in the stomach.

(9) "Guardian" has the same meaning as in section 2111.01 of the Revised Code.

(10) "Health care professional" means a physician or registered nurse.

(11) "Home care attendant" means an individual holding a valid provider agreement in accordance with section 5166.301 of the Revised Code that authorizes the individual to provide home care attendant services to consumers.

(12) "Home care attendant services" means all of the following as provided by a home care attendant:

(a) Personal care aide services;

(b) Assistance with the self-administration of medication;

(c) Assistance with nursing tasks.

(13) "Jejunostomy tube" means a percutaneously inserted catheter that terminates in the jejunum.

(14) "Medication" means a drug as defined in section 4729.01 of the Revised Code.

(15) "Minor" means an individual under eighteen years of age.

(16) "Participating medicaid waiver component" means all of the following:

(a) The medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code;

(b) The Ohio home care waiver program, unless it is terminated pursuant to section 5166.12 of the Revised Code;

(c) The Ohio transitions II aging carve-out program, unless it is terminated pursuant to section 5166.13 of the Revised Code;
The integrated care delivery system medicaid waiver component authorized by section 5166.16 of the Revised Code.

(17) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(18) "Practice of nursing as a registered nurse," "practice of nursing as a licensed practical nurse," and "registered nurse" have the same meanings as in section 4723.01 of the Revised Code. "Registered nurse" includes an advanced practice registered nurse, as defined in section 4723.01 of the Revised Code.

(19) "Schedule II," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code.

(B) Participating medicaid waiver components may cover home care attendant services in accordance with sections 5166.30 to 5166.3010 of the Revised Code and rules adopted under section 5166.02 of the Revised Code.

Sec. 5166.40. (A) As used in sections 5166.40 to 5166.409 of the Revised Code:

(1) "Adult" means an individual who is at least eighteen years of age.

(2) "Buckeye account" means a modified health savings account established under section 5166.402 of the Revised Code.

(3) "Contribution" means the amounts that an individual contributes to the individual's buckeye account and are contributed to the account on the individual's behalf under divisions (C) and (D) of section 5166.402 of the Revised Code. "Contribution" does not mean the portion of an individual's buckeye account that consists of medicaid funds deposited under division (B) of section 5166.402 of the Revised Code or section
(4) "Core portion" means the portion of a healthy Ohio program participant's buckeye account that consists of the following:

(a) The amount of contributions to the account;

(b) The amounts awarded to the account under divisions (C) and (D) of section 5166.404 of the Revised Code.

(5) "Eligible employer-sponsored health plan" has the same meaning as in section 5000A(f)(2) of the "Internal Revenue Code of 1986," 26 U.S.C. 5000A(f)(2).

(6) "Healthy Ohio program" means the medicaid waiver component established under sections 5166.40 to 5166.409 of the Revised Code under which medicaid recipients specified in division (B) of this section enroll in comprehensive health plans and contribute to buckeye accounts.

(7) "Healthy Ohio program debit swipe card" means a debit swipe card issued by a managed care organization to a healthy Ohio program participant under section 5166.403 of the Revised Code.

(8) "Not-for-profit organization" means an organization that is exempt from federal income taxation under section 501(a) and (c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 501(a) and (c)(3).

(9) "Ward of the state" means both of the following: an individual who is a ward, as defined in section 2111.01 of the Revised Code.

(10) "Workforce development activity" and "workforce development agency local board" have the same meanings as in section 6301.01 of the Revised Code.

(B) The medicaid director shall establish a medicaid waiver component to be known as the healthy Ohio program. Each adult
medicaid recipient, other than a ward of the state, determined to be eligible for medicaid on the basis of either of the following shall participate in the healthy Ohio program:

(1) On the basis of being included in the category identified by the department of medicaid as covered families and children;

(C) Except as provided in section 5166.406 of the Revised Code, a healthy Ohio program participant shall not receive medicaid services under the fee-for-service component of medicaid or participate in the care management system.

Sec. 5166.408. Each county department of job and family services shall offer to refer to a workforce development agency local board each healthy Ohio program participant who resides in the county served by the county department and is either unemployed or employed for less than an average of twenty hours per week. The referral shall include information about the workforce development activities available from the workforce development agency local board. A participant may refuse to accept the referral and to participate in the workforce development activities without any affect on the participant's eligibility for, or participation in, the healthy Ohio program.

Sec. 5167.18. Each contract the department of medicaid enters into with a managed care organization under section 5167.10 of the Revised Code shall require the managed care organization to do all of the following:

(A) Designate a committee located in this state dedicated solely to conducting internal investigations of fraud, waste, abuse, and overpayments within the medicaid program:
(B) Comply with federal and state efforts to identify fraud, waste, and abuse in the medicaid program.

Sec. 5167.20. (A) Except as provided in division (B) of this section, when a participant in the care management system established under this chapter is enrolled in a medicaid managed care organization and the organization refers authorizes the participant to receive services, other than emergency services provided on or after January 1, 2007, at a hospital that participates in the medicaid program but is not under contract with the organization, the hospital shall provide do both of the following:

1. Provide the authorized service for which the referral was made and shall accept as long as it is medically necessary and covered by medicaid;

2. Accept from the organization, as payment in full, the amount derived from the payment rate used by the department to pay other hospitals of the same type for providing the same service to a medicaid recipient who is not enrolled in a medicaid managed care organization.

(B) A hospital is not subject to division (A) of this section if all of the following are the case:

1. The hospital is located in a county in which participants in the care management system are required before January 1, 2006, to be enrolled in a medicaid managed care organization that is a health insuring corporation;

2. The hospital has entered into a contract before January 1, 2006, with at least one health insuring corporation serving the participants specified in division (B)(1) of this section;

3. The hospital remains under contract with at least one health insuring corporation serving participants in the care
management system who are required to be enrolled in a health insuring corporation. Section 5167.201 of the Revised Code applies to payments for emergency services provided by a hospital that is not under contract with the medicaid managed care organization in which a participant in the care management system is enrolled.

(C) The medicaid director shall may adopt rules under section 5167.02 of the Revised Code specifying the circumstances under which a medicaid managed care organization is permitted to refer a participant in the care management system to a hospital that is not under contract with the organization as necessary to implement this section.

Sec. 5167.30. (A)(1) The department of medicaid shall establish a managed care performance payment program. Under the program, the department may provide payments to medicaid managed care organizations that meet performance standards established by the department.

(2) In establishing performance standards, the department may consult any of the following:

(a) Any quality measurements developed under the pediatric quality measures program established pursuant to the "Social Security Act," section 1139A, 42 U.S.C. 1320b-9a;

(b) Any core set of adult health quality measures for medicaid eligible adults used for purposes of the "Social Security Act," section 1139A, 42 U.S.C. 1320b-9b, and any adult health quality used for purposes of the medicaid quality measurement program when the program is established under that section of the "Social Security Act";

(c) The most recent healthcare effectiveness data and information set and quality measurement tool established by the national committee for quality assurance.
(3) The standards that must be met to receive the payments may be specified in the contract the department enters into with a medicaid managed care organization.

(4) If a medicaid managed care organization meets the performance standards established by the department, the department shall make one or more performance payments to the organization. The amount of each performance payment, the number of payments, and the schedule for making the payments shall be established by the department. The payments shall be discontinued if the department determines that the organization no longer meets the performance standards. The department shall not make or discontinue payments based on any performance standard that has been in effect as part of the organization's contract for less than six months.

(B) For purposes of the program, the department shall establish an amount that is to be withheld each time a premium payment is made to a medicaid managed care organization. The amount shall be established as a percentage of each premium payment. The percentage shall be the same for all medicaid managed care organizations. The sum of all withholdings under this division shall not exceed two five per cent of the total of all premium payments made to all medicaid managed care organizations.

Each medicaid managed care organization shall agree to the withholding as a condition of receiving or maintaining its provider agreement with the department.

When the amount is established and each time the amount is modified thereafter, the department shall certify the amount to the director of budget and management and begin withholding the amount from each premium the department pays to a medicaid managed care organization.

Sec. 5167.34. A medicaid managed care organization, its...
officers, employees, or other persons associated with the managed care organization are not liable in a civil action for damages or other relief for furnishing information to the department of medicaid regarding potential fraud, waste, or abuse in the medicaid program.

Sec. 5168.01. As used in sections 5168.01 to 5168.14 of the Revised Code:

(A) "Bad debt," "charity care," "courtesy care," and "contractual allowances" have the same meanings given these terms in regulations adopted under Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.

(B) "Cost reporting period" means the twelve-month period used by a hospital in reporting costs for purposes of Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.

(C) "Disproportionate share hospital" means a hospital that meets the definition of a disproportionate share hospital in rules adopted under section 5168.02 of the Revised Code.

(D) "Federal poverty line" means the official poverty line defined by the United States office of management and budget based on the most recent data available from the United States bureau of the census and revised by the United States secretary of health and human services pursuant to the "Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 U.S.C. 9902(2).

(E) "Governmental hospital" means a county hospital with more than five hundred registered beds or a state-owned and -operated hospital with more than five hundred registered beds.

(F)(1) "Hospital" means a nonfederal hospital to which either of the following applies:

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

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

(2) "Hospital" does not include a hospital operated by a health insuring corporation that has been issued a certificate of authority under section 1751.05 of the Revised Code or a hospital that does not charge patients for services.

(G) "Indigent care pool" means the sum of the following:

(1) The total of assessments to be paid in a program year by all hospitals under section 5168.06 of the Revised Code, less the assessments deposited into the health care services administration care/medicaid support and recoveries fund created under section 5162.54 5162.52 of the Revised Code;

(2) The total amount of intergovernmental transfers required to be made in the same program year by governmental hospitals under section 5168.07 of the Revised Code, less the amount of transfers deposited into the health care services administration care/medicaid support and recoveries fund created under section 5162.54 5162.52 of the Revised Code;

(3) The total amount of federal matching funds that will be made available in the same program year as a result of funds distributed by the department of medicaid to hospitals under section 5168.09 of the Revised Code.

(H) "Intergovernmental transfer" means any transfer of money by a governmental hospital under section 5168.07 of the Revised Code.

(I) "Medicaid services" has the same meaning as in section
5164.01 of the Revised Code.

(J) "Program year" means a period beginning the first day of October, or a later date designated in rules adopted under section 5168.02 of the Revised Code, and ending the thirtieth day of September, or an earlier date designated in rules adopted under that section.

(K) "Registered beds" means the total number of hospital beds registered with the department of health, as reported in the most recent "directory of registered hospitals" published by the department of health.

(L) "Third-party payer" means any person or government entity that may be liable by law or contract to make payment to or on behalf of an individual for health care services. "Third-party payer" does not include a hospital.

(M) "Total facility costs" means the total costs for all services rendered to all patients, including the direct, indirect, and overhead cost to the hospital of all services, supplies, equipment, and capital related to the care of patients, regardless of whether patients are enrolled in a health insuring corporation, excluding costs associated with providing skilled nursing services in distinct-part nursing facility units, as shown on the hospital's cost report filed under section 5168.05 of the Revised Code. Effective October 1, 1993, if rules adopted under section 5168.02 of the Revised Code so provide, "total facility costs" may exclude costs associated with providing care to recipients of any of the governmental programs listed in division (B) of that section.

(N) "Uncompensated care" means bad debt and charity care.

Sec. 5168.02. (A) The medicaid director shall adopt rules in accordance with Chapter 119. of the Revised Code for the purpose
of administering sections 5168.01 to 5168.14 of the Revised Code, including rules that do all of the following:

(1) Define as a "disproportionate share hospital" any hospital included under the "Social Security Act," section 1923(b), 42 U.S.C. 1396r-4(b), and any other hospital the director determines appropriate;

(2) Prescribe the form for submission of cost reports under section 5168.05 of the Revised Code;

(3) Establish, in accordance with division (A) of section 5168.06 of the Revised Code, the assessment rate or rates to be applied to hospitals under that section;

(4) Establish schedules for hospitals to pay installments on their assessments under section 5168.06 of the Revised Code and for governmental hospitals to pay installments on their intergovernmental transfers under section 5168.07 of the Revised Code;

(5) Establish procedures to notify hospitals of adjustments made under division (B)(2)(b) of section 5168.06 of the Revised Code in the amount of installments on their assessment;

(6) Establish procedures to notify hospitals of adjustments made under division (D) of section 5168.08 of the Revised Code in the total amount of their assessment and to adjust for the remainder of the program year the amount of the installments on the assessments;

(7) Establish, in accordance with section 5168.09 of the Revised Code, the methodology for paying hospitals under that section.

The director shall consult with hospitals when adopting the rules required by divisions (A)(4) and (5) of this section in order to minimize hospitals' cash flow difficulties.
(B) Rules adopted under this section may provide that "total facility costs" excludes costs associated with any of the following:

(1) Medicaid recipients;

(2) Recipients of disability financial assistance provided under Chapter 5115 of the Revised Code;

(3) Recipients of the program for medically handicapped children established under section 3701.023 of the Revised Code;

(4) Medicare beneficiaries;

(5) Recipients of Title V of the "Social Security Act," 42 U.S.C. 701 et seq.;

(6) Any other category of costs deemed appropriate by the director in accordance with Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq., and the rules adopted under that title.

Sec. 5168.06. (A) For the purpose of distributing funds to hospitals under the medicaid program pursuant to sections 5168.01 to 5168.14 of the Revised Code and depositing funds into the health care services administration care/medicaid support and recoveries fund created under section 5162.54 5162.52 of the Revised Code, there is hereby imposed an assessment on all hospitals. Each hospital's assessment shall be based on total facility costs. All hospitals shall be assessed according to the rate or rates established each program year in rules adopted under section 5168.02 of the Revised Code. The department shall assess all hospitals uniformly and in a manner consistent with federal statutes and regulations. During any program year, the department shall not assess any hospital more than two per cent of the hospital's total facility costs.

The department shall establish an assessment rate or rates
each program year that will do both of the following:

(1) Yield funds that, when combined with intergovernmental transfers and federal matching funds, will produce a program of sufficient size to pay a substantial portion of the indigent care provided by hospitals;

(2) Yield funds that, when combined with intergovernmental transfers and federal matching funds, will produce amounts for distribution to disproportionate share hospitals that do not exceed, in the aggregate, the limits prescribed by the United States health care financing administration under the "Social Security Act," section 1923(f), 42 U.S.C. 1396r-4(f).

(B)(1) Except as provided in division (B)(3) of this section, each hospital shall pay its assessment in periodic installments in accordance with a schedule established in rules adopted under section 5168.02 of the Revised Code.

(2) The installments shall be equal in amount, unless either of the following applies:

(a) The department makes adjustments during a program year under division (D) of section 5168.08 of the Revised Code in the total amount of hospitals' assessments;

(b) The medicaid director determines that adjustments in the amounts of installments are necessary for the administration of sections 5168.01 to 5168.14 of the Revised Code and that unequal installments will not create cash flow difficulties for hospitals.

(3) The director may adopt rules under section 5168.02 of the Revised Code establishing alternate schedules for hospitals to pay assessments under this section in order to reduce hospitals' cash flow difficulties.

Sec. 5168.07. (A) The department of medicaid may require governmental hospitals to make intergovernmental transfers each
program year for the purpose of distributing funds to hospitals under the medicaid program pursuant to sections 5168.01 to 5168.14 of the Revised Code and depositing funds into the health care services administration care/medicaid support and recoveries fund created under section 5162.54 5162.52 of the Revised Code. The department shall not require transfers in an amount that, when combined with hospital assessments paid under section 5168.06 of the Revised Code and federal matching funds, produce amounts for distribution to disproportionate share hospitals that, in the aggregate, exceed limits prescribed by the United States health care financing administration under the "Social Security Act," section 1923(f), 42 U.S.C. 1396r-4(f).

(B) Before or during each program year, the department shall notify each governmental hospital of the amount of the intergovernmental transfer it is required to make during the program year. Each governmental hospital shall make intergovernmental transfers as required by the department under this section in periodic installments, executed by electronic fund transfer, in accordance with a schedule established in rules adopted under section 5168.02 of the Revised Code.

Sec. 5168.09. The medicaid director shall adopt rules under section 5168.02 of the Revised Code establishing a methodology to pay hospitals that is sufficient to expend all money in the indigent care pool. Under the rules:

(A) The department of medicaid may classify similar hospitals into groups and allocate funds for distribution within each group.

(B) The department shall establish a method of allocating funds to hospitals, taking into consideration the relative amount of indigent care provided by each hospital or group of hospitals. The amount to be allocated shall be based on any combination of the following indicators of indigent care that the director
considers appropriate:

(1) Total costs, volume, or proportion of services to recipients of the medical assistance program, including recipients enrolled in health insuring corporations;

(2) Total costs, volume, or proportion of services to low-income patients in addition to medicaid recipients, which may include recipients of Title V of the "Social Security Act," 42 U.S.C. 701 et seq., and recipients of disability financial assistance provided under Chapter 5115. of the Revised Code;

(3) The amount of uncompensated care provided by the hospital or group of hospitals;

(4) Other factors that the director considers to be appropriate indicators of indigent care.

(C) The department shall distribute funds to each hospital or group of hospitals in a manner that first may provide for an additional distribution to individual hospitals that provide a high proportion of indigent care in relation to the total care provided by the hospital or in relation to other hospitals. The department shall establish a formula to distribute the remainder of the funds. The formula shall be consistent with the "Social Security Act," section 1923, 42 U.S.C. 1396r-4, and shall be based on any combination of the indicators of indigent care listed in division (B) of this section that the director considers appropriate.

(D) The department shall distribute funds to each hospital in installments not later than ten working days after the deadline established in rules for each hospital to pay an installment on its assessment under section 5168.06 of the Revised Code. In the case of a governmental hospital that makes intergovernmental transfers, the department shall pay an installment under this section not later than ten working days after the earlier of that
deadline or the deadline established in rules for the governmental hospital to pay an installment on its intergovernmental transfer. If the amount in the hospital care assurance program fund created under section 5168.11 of the Revised Code and the portion of the health care - federal fund created under section 5162.50 of the Revised Code that is credited to that fund pursuant to division (B) of section 5168.11 of the Revised Code are insufficient to make the total distributions for which hospitals are eligible to receive in any period, the department shall reduce the amount of each distribution by the percentage by which the amount and portion are insufficient. The department shall distribute to hospitals any amounts not distributed in the period in which they are due as soon as moneys are available in the funds.

Sec. 5168.10. Except for moneys deposited into the health care services administration care/medicaid support and recoveries fund created under section 5162.54 5162.52 of the Revised Code, the department of medicaid shall not use money paid to the department under sections 5168.06 and 5168.07 of the Revised Code or money that the department pays to hospitals under section 5168.09 of the Revised Code to replace any funds appropriated by the general assembly for the medicaid program.

Sec. 5168.11. (A) Except as provided in section 5162.54 5162.52 of the Revised Code, all payments of assessments by hospitals under section 5168.06 of the Revised Code and all intergovernmental transfers under section 5168.07 of the Revised Code shall be deposited in the state treasury to the credit of the hospital care assurance program fund, hereby created. All investment earnings of the hospital care assurance program fund shall be credited to the fund. The department of medicaid shall maintain records that show the amount of money in the hospital care assurance program fund at any time that has been paid by each
hospital and the amount of any investment earnings on that amount. All moneys credited to the hospital care assurance program fund shall be used solely to make payments to hospitals under division (D) of this section and section 5168.09 of the Revised Code.

(B) All federal matching funds received as a result of the department distributing funds from the hospital care assurance program fund to hospitals under section 5168.09 of the Revised Code shall be credited to the health care - federal fund created under section 5162.50 of the Revised Code.

(C) All distributions of funds to hospitals under section 5168.09 of the Revised Code are conditional on:

(1) Expiration of the time for appeals under section 5168.08 of the Revised Code without the filing of an appeal, or on court determinations, in the event of appeals, that the hospital is entitled to the funds;

(2) The sum of the following being sufficient to distribute the funds after the final determination of any appeals:

   (a) The available money in the hospital care assurance program fund;

   (b) The available portion of the money in the health care - federal fund that is credited to that fund pursuant to division (B) of this section.

(3) The hospital's compliance with section 5168.14 of the Revised Code.

(D) If an audit conducted by the department of the amounts of payments made and funds received by hospitals under sections 5168.06, 5168.07, and 5168.09 of the Revised Code identifies amounts that, due to errors by the department, a hospital should not have been required to pay but did pay, should have been required to pay but did not pay, should not have received but did
receive, or should have received but did not receive, the department shall:

(1) Make payments to any hospital that the audit reveals paid amounts it should not have been required to pay or did not receive amounts it should have received;

(2) Take action to recover from a hospital any amounts that the audit reveals it should have been required to pay but did not pay or that it should not have received but did receive.

Payments made under division (D)(1) of this section shall be made from the hospital care assurance program fund. Amounts recovered under division (D)(2) of this section shall be deposited to the credit of that fund. Any hospital may appeal the amount the hospital is to be paid under division (D)(1) or the amount that is to be recovered from the hospital under division (D)(2) of this section to the court of common pleas of Franklin county.

Sec. 5168.14. (A) Each hospital that receives funds distributed under sections 5168.01 to 5168.14 of the Revised Code shall provide, without charge to the individual, basic, medically necessary hospital-level services to individuals who are residents of this state, are not medicaid recipients, and whose income is at or below the federal poverty line. Recipients of disability financial assistance provided under Chapter 5115. of the Revised Code qualify for services under this section. The medicaid director shall adopt rules under section 5168.02 of the Revised Code specifying the hospital services to be provided under this section.

(B) Nothing in this section shall be construed to prevent a hospital from requiring an individual to apply for the medicaid program before the hospital processes an application under this section. Hospitals may bill any third-party payer for services rendered under this section. Hospitals may bill the medicaid
program, in accordance with state statutes governing the medicaid program and rules adopted under those statutes, for medicaid services rendered under this section if the individual becomes a medicaid recipient. Hospitals may bill individuals for services under this section if all of the following apply:

(1) The hospital has an established post-billing procedure for determining the individual's income and canceling the charges if the individual is found to qualify for services under this section.

(2) The initial bill, and at least the first follow-up bill, is accompanied by a written statement that does all of the following:

(a) Explains that individuals with income at or below the federal poverty line are eligible for services without charge;

(b) Specifies the federal poverty line for individuals and families of various sizes at the time the bill is sent;

(c) Describes the procedure required by division (C)(1) of this section.

(3) The hospital complies with any additional rules adopted under section 5168.02 of the Revised Code.

Notwithstanding division (B) of this section, a hospital providing care to an individual under this section is subrogated to the rights of any individual to receive compensation or benefits from any person or governmental entity for the hospital goods and services rendered.

(C) Each hospital shall collect and report to the department of medicaid, in the form and manner prescribed by the department, information on the number and identity of patients served pursuant to this section.

(D) This section applies beginning May 22, 1992, regardless
of whether rules specifying the services to be provided have been adopted. Nothing in this section alters the scope or limits the obligation of any governmental entity or program, including the program awarding reparations to victims of crime under sections 2743.51 to 2743.72 of the Revised Code and the program for medically handicapped children established under section 3701.023 of the Revised Code, to pay for hospital services in accordance with state or local law.

Sec. 5168.26. (A) The medicaid director shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement sections 5168.20 to 5168.28 of the Revised Code, including rules that specify the percentage of hospitals' total facility costs to be used in calculating hospitals' assessments under section 5168.21 of the Revised Code.

(B) The rules adopted under this section may do the following:

(1) Provide that a hospital's total facility costs for the purpose of the assessment under section 5168.21 of the Revised Code exclude any of the following:

(a) A hospital's costs associated with providing care to recipients of any of the following:

(i) The medicaid program;
(ii) The medicare program;
(iii) The disability financial assistance program established under Chapter 5115. of the Revised Code;

(iv) The program for medically handicapped children established under section 3701.023 of the Revised Code;

(v) Services provided under the maternal and child health services block grant established under Title V of the "Social Security Act," 42 U.S.C. 701 et seq.
(b) Any other category of hospital costs the director deems appropriate under federal law and regulations governing the medicaid program.

(2) Subject to division (C) of this section, provide for the percentage of hospitals' total facility costs used in calculating hospitals' assessments to vary for different hospitals.

(C) Before adopting rules authorized by division (B)(2) of this section that establish varied percentages to be used in calculating hospitals' assessments, the director shall obtain a waiver from the United States secretary of health and human services under the "Social Security Act," section 1903(w)(3)(E), 42 U.S.C. 1396b(w)(3)(E), if the varied percentages would cause the assessments to not be imposed uniformly.

Sec. 5168.75. As used in sections 5168.75 to 5168.86 of the Revised Code:

(A) "Basic health care services" means all of the services listed in division (A)(1) of section 1751.01 of the Revised Code.

(B) "Franchise fee" means the fee imposed on health insuring corporations under section 5168.76 of the Revised Code.

(C) "Health insuring corporation" means a health insuring corporation, as defined in section 1751.01 of the Revised Code, that pays for, reimburses, provides, delivers, arranges for, or otherwise makes available basic health care services pursuant to a policy, contract, certificate, or agreement. "Health insuring corporation" does not mean a health insuring corporation that pays for, reimburses, provides, delivers, arranges for, or otherwise makes available only supplemental health care services, or only specialty health care services, pursuant to a policy, contract, certificate, or agreement.

(D) "Indirect guarantee percentage" means the percentage
specified in section 1903(w)(4)(C)(ii) of the "Social Security Act," 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining whether a health care class is indirectly held harmless for any portion of the costs of a broad-based health-care-related tax. If the indirect guarantee percentage changes during a fiscal year, the indirect guarantee percentage is the following:

(1) For the part of the fiscal year before the change takes effect, the percentage in effect before the change;

(2) For the part of the fiscal year beginning with the date the indirect guarantee percentage changes, the new percentage.

(E) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.

(F) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.

(G) "Ohio medicaid member month" means a month in which a medicaid recipient residing in this state is enrolled in a health insuring corporation, except any such month in which either of the following applies:

(1) The recipient is enrolled in an approved health benefits plan pursuant to 5 U.S.C. Pt. III, Subpart G, Chapter 89, and including the month of such enrollment for the purpose of calculating a health insuring corporation's franchise fee would violate 5 U.S.C. 8909(f).

(2) The recipient is enrolled in a medicare advantage plan pursuant to Part C of Title XVIII of the "Social Security Act," 42 U.S.C. 1395w-21 et seq.

(H) "Other Ohio member month" means a month in which a resident of this state who is not a medicaid recipient is enrolled in a health insuring corporation, except any such month in which
either of the following applies:

(1) The resident is enrolled in an approved health benefits plan pursuant to 5 U.S.C. Pt. III, Subpart G, Chapter 89, and including the month of such enrollment for the purpose of calculating a health insuring corporation's franchise fee would violate 5 U.S.C. 8909(f).

(2) The resident is enrolled in a medicare advantage plan pursuant to Part C of Title XVIII of the "Social Security Act," 42 U.S.C. 1395w-21 et seq.

Sec. 5168.76. (A) For the purposes specified in section 5168.85 of the Revised Code and subject to sections 5168.82, 5168.83, and 5168.84 of the Revised Code, a franchise fee is hereby imposed each month beginning with July 2017 on each health insuring corporation.

(B) The amount of a health insuring corporation's franchise fee for a month shall be determined as follows:

(1) Multiply the number of Ohio medicaid member months that the health insuring corporation had for the month by the applicable rate or rates as determined in accordance with division (C) of this section;

(2) Multiply the number of other Ohio member months that the health insuring corporation had for the month by the applicable rate or rates as determined in accordance with division (D) of this section;

(3) Determine the sum of the products determined under divisions (B)(1) and (2) of this section.

(C) The applicable rate or rates to be used in the calculation under division (B)(1) of this section for a health insuring corporation for a month shall depend on the cumulative total number of Ohio medicaid member months the health insuring
corporation had for all of a fiscal year's months that ended before the beginning of the month in which the franchise fee is due.

The following table shows the applicable rate or rates:

<table>
<thead>
<tr>
<th>CUMULATIVE TOTAL NUMBER OF OHIO MEDICAID MEMBER MONTHS</th>
<th>APPLICABLE RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the first 250,000</td>
<td>$56</td>
</tr>
<tr>
<td>For 250,001 to 500,000</td>
<td>$45</td>
</tr>
<tr>
<td>For 500,001 and above</td>
<td>$26</td>
</tr>
</tbody>
</table>

(D) The applicable rate or rates to be used in the calculation under division (B)(2) of this section for a health insuring corporation for a month shall depend on the cumulative total number of other Ohio member months the health insuring corporation had for all of a fiscal year's months that ended before the beginning of the month in which the franchise fee is due.

The following table shows the applicable rate or rates:

<table>
<thead>
<tr>
<th>CUMULATIVE TOTAL NUMBER OF OTHER OHIO MEMBER MONTHS</th>
<th>APPLICABLE RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the first 150,000</td>
<td>$2</td>
</tr>
<tr>
<td>For 150,001 and above</td>
<td>$1</td>
</tr>
</tbody>
</table>

**Sec. 5168.77.** Beginning in August 2017, each health insuring corporation shall do both of the following not later than the fifth business day of each month:

(A) Inform the department of medicaid of both of the following in a manner the department prescribes:

(1) The cumulative total number of Ohio medicaid member months the health insuring corporation had for all of a fiscal year's months that ended before the beginning of the month in which the information is being provided;
(2) The cumulative total number of other Ohio member months the health insuring corporation had for all of a fiscal year's months that ended before the beginning of the month in which the information is being provided.

(B) Pay to the department the amount of its franchise fee for the immediately preceding month.

Sec. 5168.78. The department of medicaid may request that a health insuring corporation provide the department documentation the department needs to verify the health insuring corporation's cumulative total number of Ohio medicaid member months and other Ohio member months. On receipt of the request, the health insuring corporation shall provide the department the requested documentation. The department also may review relevant documentation possessed by other entities for the purpose of making such verifications.

Sec. 5168.79. If the department of medicaid determines that the amount of the franchise fee that a health insuring corporation pays for a month is less than the amount it should have paid, the department shall notify the health insuring corporation. Except as otherwise provided by the results of a reconsideration conducted under section 5168.80 of the Revised Code, the health insuring corporation shall pay the amount due.

Sec. 5168.80. A health insuring corporation may request a reconsideration of a determination made by the department of medicaid under section 5168.79 of the Revised Code. A reconsideration may be requested solely on the grounds that the department made a material error in making the determination. A request for a reconsideration must be received by the department not later than fifteen days after the date the department notifies the health insuring corporation of the department's determination.
and must include written materials setting forth the basis for the reconsideration. If a health insuring corporation requests a reconsideration within the time required, the department shall reconsider the determination and issue a final decision not later than thirty days after the date the department receives the request.

Sec. 5168.81. If a health insuring corporation fails to pay the full amount of a franchise fee when due, the department of medicaid may assess a ten per cent penalty on the amount due for each month or fraction thereof that the franchise fee is overdue.

Sec. 5168.82. The franchise fee shall not be imposed on any health insuring corporation unless there is in effect a waiver authorizing the franchise fee issued by the United States secretary of health and human services pursuant to section 1903(w)(3)(E) of the "Social Security Act," 42 U.S.C. 1396b(w)(3)(E).

Sec. 5168.83. If the total amount of franchise fees imposed on all health insuring corporations under section 5168.76 of the Revised Code during a fiscal year exceeds the indirect guarantee percentage of the net patient revenue for all health insuring corporations for that fiscal year and seventy-five per cent or more of all health insuring corporations receive enhanced medicaid payments or other state payments equal to seventy-five per cent or more of their total franchise fees, the department of medicaid shall refund the excess amount of the franchise fees to the health insuring corporations.

Sec. 5168.84. If the United States centers for medicare and medicaid services determines that the franchise fee is an impermissible health care-related tax under the section 1903(w) of
the "Social Security Act," 42 U.S.C. 1396b(w), the department of medicaid shall do either of the following as appropriate:

(A) Modify the imposition of the franchise fee, including (if necessary) the amount of the franchise fee, in a manner needed for the United States centers to reverse its determination;

(B) Take all necessary actions to cease the imposition of the franchise fee until the determination is reversed.

Sec. 5168.85. (A) There is hereby created in the state treasury the health insuring corporation franchise fee fund. All payments and penalties paid by health insuring corporations under sections 5168.77, 5168.79, and 5168.81 of the Revised Code shall be deposited into the fund. Money in the fund shall be used to make medicaid payments to medicaid providers and medicaid managed care organizations.

(B) Any money remaining in the health insuring corporation franchise fee fund after payments specified in division (A) of this section are made shall be retained in the fund. Any interest or other investment proceeds earned on money in the fund shall be credited to the fund and used to make medicaid payments in accordance with division (A) of this section.

Sec. 5168.86. The medicaid director may adopt rules in accordance with Chapter 119. as necessary to implement sections 5168.75 to 5168.86 of the Revised Code.

Sec. 5168.99. (A) The medicaid director shall impose a penalty for each day that a hospital fails to report the information required under section 5168.05 of the Revised Code on or before the dates specified in that section. The amount of the penalty shall be established by the director in rules adopted under section 5168.02 of the Revised Code.
(B) In addition to any other remedy available to the department of medicaid under law to collect unpaid assessments and transfers under sections 5168.01 to 5168.14 of the Revised Code, the director shall impose a penalty of ten per cent of the amount due on any hospital that fails to pay assessments or make intergovernmental transfers by the dates required by rules adopted under section 5168.02 of the Revised Code.

(C) In addition to any other remedy available to the department of medicaid under law to collect unpaid assessments imposed under section 5168.21 of the Revised Code, the director shall impose a penalty of ten per cent of the amount due on any hospital that fails to pay the assessment by the date it is due.

(D) The director shall waive the penalties provided for in this section for good cause shown by the hospital.

(E) All penalties imposed under this section shall be deposited into the health care administration care/medicaid support and recoveries fund created by section 5162.54 of the Revised Code.

Sec. 5502.13. The department of public safety shall maintain an investigative unit in order to conduct investigations and other enforcement activity authorized by Chapters 4301., 4303., 5101., 5107., and 5108., and sections 2903.12, 2903.13, 2903.14, 2907.09, 2913.46, 2917.11, 2921.13, 2921.31, 2921.32, 2921.33, 2923.12, 2923.121, 2925.11, 2925.13, 2927.02, and 4507.30 of the Revised Code. The director of public safety shall appoint the employees of the unit who are necessary, designate the activities to be performed by those employees, and prescribe their titles and duties.

Sec. 5502.1321. (A) There is hereby created the Ohio investigative unit contingency fund, which shall be in the custody
of the treasurer of state but shall not be part of the state treasury. All money seized during investigations or other enforcement activities of the investigative unit of the department of public safety prior to January 1, 2017 shall be deposited into the fund. The director of public safety shall transfer money upon resolution of all legal proceedings in accordance with Chapter 2981. of the Revised Code.

(B) There is hereby created the Ohio investigative unit custodial fund, which shall be in the custody of the treasurer of state, but shall not be part of the state treasury. All money seized during investigations or other enforcement activities of the investigative unit of the department of public safety on and after January 1, 2017, shall be deposited into the fund. The director of public safety shall transfer money upon resolution of all legal proceedings in accordance with Chapter 2981. of the Revised Code.

Sec. 5575.02. After the board of township trustees has decided to proceed with a road improvement, it shall advertise for bids once, not later than two weeks prior to the date fixed for the letting of contracts, in a newspaper of general circulation within the township. Such notice shall state that copies of the surveys, plans, profiles, cross sections, estimates, and specifications for such improvement are on file with the board, and the time within which bids will be received. The board may let the work as a whole or in convenient sections, as it determines. The contract shall be awarded to the lowest and best bidder who meets the requirements of section 153.54 of the Revised Code, and shall be let upon the basis of lump sum bids, unless the board orders that it be let upon the basis of unit price bids, in which event it shall be let upon such basis.

The board is not required to provide notice of the project
Sec. 5575.03. No contract for any road improvement shall be awarded at a price more than ten per cent in excess of the estimated cost. The bids received shall be opened at the time stated in the notice. If no bids are made that equal one hundred ten per cent of the estimate or less, the board of township trustees shall either readvertise at based upon the original estimate, or request an amended estimate from the county engineer, who shall proceed to make such an estimate as provided in section 5575.01 of the Revised Code, or obtain such an amended estimate and proceed to advertise at based upon the amended estimate. No The board is not required to provide notice of the estimate or amended estimate when readvertising under this section.

No contract shall be awarded for any road improvement without the certification as to funding required under section 5705.41 of the Revised Code. The board may reject all bids.

Sec. 5577.081. (A) Except when transferring unfinished aggregate material between facilities that are under the control of the same owner or operator that is subject to Chapter 1514. of the Revised Code or when unloading or loading finished aggregate product within a ten-mile radius of a surface mining operation that is permitted and regulated under that chapter, all vehicles entering or leaving such an operation that have a gross vehicle weight as defined in division (JJ) of section 4501.01 of the Revised Code that is in excess of sixty-six thousand pounds shall use the specific roads designated pursuant to sections 303.14 and 303.141 or 519.14 and 519.141 of the Revised Code as the primary means of ingress to and egress from the facilities or operation.

(B) The owner or operator of a surface mining operation that is permitted under Chapter 1514. of the Revised Code and that is

(cost estimate when advertising for bids under this section.)
subject to the use of specific roads as the primary means of
 ingress to and egress from the operation pursuant to sections
 303.14 and 303.141 or 519.14 and 519.141 of the Revised Code shall
 post a sign in a conspicuous location to inform the drivers of
 trucks entering and leaving the operation of the roads to use as
 the primary means of ingress to and egress from the operation.

 (C)(1) Whoever violates this section shall receive a written
 warning in such a manner that it becomes a part of the person's
 permanent record that is maintained by the bureau of motor
 vehicles and assists in monitoring violations of this section.

 (2) A person who commits a second offense within one year
 after committing the first offense is guilty of a minor
 misdemeanor.

 (3) A person who commits a third or subsequent offense within
 one year after committing the first offense is guilty of a
 misdemeanor of the fourth degree.

 (D) Fine money that is collected under division (C) of this
 section shall be deposited in the state treasury to the credit of
 the surface mining regulation and safety fund created in section
 1514.06 1513.30 of the Revised Code.

 Sec. 5701.11. The effective date to which this section refers
 is the effective date of this section as amended by S.B. 2 of the
 131st general assembly.

 (A)(1) Except as provided under division (A)(2) or (B) of
 this section, any reference in Title LVII of the Revised Code to
 the Internal Revenue Code, to the Internal Revenue Code "as
 amended," to other laws of the United States, or to other laws of
 the United States, "as amended," means the Internal Revenue Code
 or other laws of the United States as they exist on the effective
date.
(2) This section does not apply to any reference in Title LVII of the Revised Code to the Internal Revenue Code as of a date certain specifying the day, month, and year, or to other laws of the United States as of a date certain specifying the day, month, and year.

(B)(1) For purposes of applying section 5718.01, 5733.04, 5745.01, or 5747.01 of the Revised Code to a taxpayer's taxable year ending after April 1, 2015, and before the effective date, a taxpayer may irrevocably elect to incorporate the provisions of the Internal Revenue Code or other laws of the United States that are in effect for federal income tax purposes for that taxable year if those provisions differ from the provisions that, under division (A) of this section, would otherwise apply. The filing by the taxpayer for that taxable year of a report or return that incorporates the provisions of the Internal Revenue Code or other laws of the United States applicable for federal income tax purposes for that taxable year, and that does not include any adjustments to reverse the effects of any differences between those provisions and the provisions that would otherwise apply, constitutes the making of an irrevocable election under this division for that taxable year.

(2) Elections under prior versions of division (B)(1) of this section remain in effect for the taxable years to which they apply.

Sec. 5703.052. (A) There is hereby created in the state treasury the tax refund fund, from which refunds shall be paid for taxes illegally or erroneously assessed or collected, or for any other reason overpaid, that are levied by or in accordance with Chapter 4301., 4305., 5718., 5726., 5728., 5729., 5731., 5733., 5735., 5736., 5739., 5741., 5743., 5747., 5748., 5749., 5751., or 5753. and sections 3737.71, 3905.35, 3905.36, 4303.33, 5707.03,
5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 of the Revised Code. Refunds for fees or wireless 9-1-1 charges illegally or erroneously assessed or collected, or for any other reason overpaid, that are levied by sections 128.42 or 3734.90 to 3734.9014 of the Revised Code also shall be paid from the fund. Refunds for amounts illegally or erroneously assessed or collected by the tax commissioner, or for any other reason overpaid, that are due under former section 1509.50 of the Revised Code as that section existed before its repeal by ...B... of the 131st general assembly shall be paid from the fund. However, refunds for taxes levied under section 5739.101 of the Revised Code shall not be paid from the tax refund fund, but shall be paid as provided in section 5739.104 of the Revised Code.

(B)(1) Upon certification by the tax commissioner to the treasurer of state of a tax refund, a wireless 9-1-1 charge refund, or another amount refunded, or by the superintendent of insurance of a domestic or foreign insurance tax refund, the treasurer of state shall place the amount certified to the credit of the fund. The certified amount transferred shall be derived from the receipts of the same tax, fee, wireless 9-1-1 charge, or other amount from which the refund arose.

(2) When a refund is for a tax, fee, wireless 9-1-1 charge, or other amount that is not levied by the state or that was illegally or erroneously distributed to a taxing jurisdiction, the tax commissioner shall recover the amount of that refund from the next distribution of that tax, fee, wireless 9-1-1 charge, or other amount that otherwise would be made to the taxing jurisdiction. If the amount to be recovered would exceed twenty-five per cent of the next distribution of that tax, fee, wireless 9-1-1 charge, or other amount, the commissioner may spread the recovery over more than one future distribution, taking into account the amount to be recovered and the amount of the
anticipated future distributions. In no event may the commissioner spread the recovery over a period to exceed thirty-six months.

**Sec. 5703.053.** As used in this section, "postal service" means the United States postal service.

An application to the tax commissioner for a tax refund under section 4307.05, 4307.07, 5718.19, 5726.30, 5727.28, 5727.91, 5728.061, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5736.08, 5739.07, 5741.10, 5743.05, 5743.53, 5745.11, 5749.08, or 5751.08 of the Revised Code or division (B) of section 5703.05 of the Revised Code, or a fee refunded under section 3734.905 of the Revised Code, that is received after the last day for filing under such section shall be considered to have been filed in a timely manner if:

(A) The application is delivered by the postal service and the earliest postal service postmark on the cover in which the application is enclosed is not later than the last day for filing the application;

(B) The application is delivered by the postal service, the only postmark on the cover in which the application is enclosed was affixed by a private postal meter, the date of that postmark is not later than the last day for filing the application, and the application is received within seven days of such last day; or

(C) The application is delivered by the postal service, no postmark date was affixed to the cover in which the application is enclosed or the date of the postmark so affixed is not legible, and the application is received within seven days of the last day for making the application.

**Sec. 5703.0510.** (A) Notwithstanding any other provision of the Revised Code that requires a taxpayer to provide a tax credit certificate to the tax commissioner upon the commissioner's
request, any person claiming a credit against a tax or fee
administered by the commissioner shall provide a copy of any
accompanying certificate issued by the director of development
services or by another state agency, if applicable, demonstrating
the person's eligibility for the credit claimed.

(B) If the commissioner prescribes a form for the purpose of
tracking the credits claimed by a person against any tax or fee
administered by the commissioner, the person shall provide the
completed form and a copy of any certificate described in division
(A) of this section on or before the due date of the return,
report, or schedule for the tax or fee against which the credit is
claimed.

(C) If a person fails to provide a certificate or form as
required under this section, the commissioner shall deny the
credit claimed by the person until such certificate or form is
provided to the commissioner. Any amount denied under this section
may be assessed in the same manner as the underlying tax or fee.

Sec. 5703.19. (A) To carry out the purposes of the laws that
the tax commissioner is required to administer, the commissioner
or any person employed by the commissioner for that purpose, upon
demand, may inspect books, accounts, records, and memoranda of any
person or public utility subject to those laws, and may examine
under oath any officer, agent, or employee of that person or
public utility. Any person other than the commissioner who makes a
demand pursuant to this section shall produce the person's
authority to make the inspection.

(B) If a person or public utility receives at least ten days'
written notice of a demand made under division (A) of this section
and refuses to comply with that demand, a penalty of five hundred
dollars shall be imposed upon the person or public utility for
each day the person or public utility refuses to comply with the


penalties imposed under this division may be assessed and
collected in the same manner as assessments made under Chapter
3769., 4305., 5718., 5727., 5733., 5735., 5736., 5739.,
5743., 5745., 5747., 5749., 5751., or 5753., or sections 3734.90
to 3734.9014, of the Revised Code.

(C) For the purpose of ensuring compliance with divisions
(A)(5) to (8) of section 5749.02 of the Revised Code, the
commissioner or any person employed by the commissioner for that
purpose, upon demand, may perform the same functions referenced in
division (A) of this section for any person involved in the sale,
transfer, or other disposition of oil, gas, condensate, or natural
gas liquids as those terms are defined in section 5749.01 of the
Revised Code.

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) of this section, no agent of the department of taxation, except in
the agent's report to the department or when called on to testify
in any court or proceeding, shall divulge any information acquired
by the agent as to the transactions, property, or business of any
person while acting or claiming to act under orders of the
department. Whoever violates this provision shall thereafter be
disqualified from acting as an officer or employee or in any other
capacity under appointment or employment of the department.

(B) (1) For purposes of an audit pursuant to section 117.15 of
the Revised Code, or an audit of the department pursuant to
Chapter 117. of the Revised Code, or an audit, pursuant to that
chapter, the objective of which is to express an opinion on a
financial report or statement prepared or issued pursuant to
division (A)(7) or (9) of section 126.21 of the Revised Code, the
officers and employees of the auditor of state charged with

conducting the audit shall have access to and the right to examine any state tax returns and state tax return information in the possession of the department to the extent that the access and examination are necessary for purposes of the audit. Any information acquired as the result of that access and examination shall not be divulged for any purpose other than as required for the audit or unless the officers and employees are required to testify in a court or proceeding under compulsion of legal process. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the auditor of state.

(2) For purposes of an internal audit pursuant to section 126.45 of the Revised Code, the officers and employees of the office of internal audit in the office of budget and management charged with directing the internal audit shall have access to and the right to examine any state tax returns and state tax return information in the possession of the department to the extent that the access and examination are necessary for purposes of the internal audit. Any information acquired as the result of that access and examination shall not be divulged for any purpose other than as required for the internal audit or unless the officers and employees are required to testify in a court or proceeding under compulsion of legal process. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the office of internal audit.

(3) As provided by section 6103(d)(2) of the Internal Revenue Code, any federal tax returns or federal tax information that the department has acquired from the internal revenue service, through federal and state statutory authority, may be disclosed to the auditor of state or the office of internal audit solely for purposes of an audit of the department.
(4) For purposes of Chapter 3739. of the Revised Code, an agent of the department of taxation may share information with the division of state fire marshal that the agent finds during the course of an investigation.

(C) Division (A) of this section does not prohibit any of the following:

(1) Divulging information contained in applications, complaints, and related documents filed with the department under section 5715.27 of the Revised Code or in applications filed with the department under section 5715.39 of the Revised Code;

(2) Providing information to the office of child support within the department of job and family services pursuant to section 3125.43 of the Revised Code;

(3) Disclosing to the motor vehicle repair board any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code;

(4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code;

(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code;

(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to rules adopted under section 5718.13 or 5745.16 of the Revised Code;

(7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued
pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account;

(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section;

(9) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the county auditor's county. Unless authorized by law to disclose documents so provided, the county auditor shall not disclose such documents;

(10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code;

(11) Subject to section 4301.441 of the Revised Code, disclosing to the appropriate state agency information in the possession of the department of taxation that is necessary to verify a permit holder's gallonage or noncompliance with taxes levied under Chapter 4301. or 4305. of the Revised Code;

(12) Disclosing to the department of natural resources information in the possession of the department of taxation that is necessary for the department of taxation to verify the taxpayer's compliance with section 5749.02 of the Revised Code or to allow the department of natural resources to enforce Chapter 1509. of the Revised Code;

(13) Disclosing to the department of job and family services, industrial commission, and bureau of workers' compensation information in the possession of the department of taxation solely for the purpose of identifying employers that misclassify employees as independent contractors or that fail to properly
report and pay employer tax liabilities. The department of
taxation shall disclose only such information that is necessary to
verify employer compliance with law administered by those
agencies.

(14) Disclosing to the Ohio casino control commission
information in the possession of the department of taxation that
is necessary to verify a casino operator's compliance with section
5747.063 or 5753.02 of the Revised Code and sections related
thereto;

(15) Disclosing to the state lottery commission information
in the possession of the department of taxation that is necessary
to verify a lottery sales agent's compliance with section 5747.064
of the Revised Code.

(16) Disclosing to the development services agency
information in the possession of the department of taxation that
is necessary to ensure compliance with the laws of this state
governing taxation and to verify information reported to the
development services agency for the purpose of evaluating
potential tax credits, grants, or loans. Such information shall
not include information received from the internal revenue service
the disclosure of which is prohibited by section 6103 of the
Internal Revenue Code. No officer, employee, or agent of the
development services agency shall disclose any information
provided to the development services agency by the department of
taxation under division (C)(16) of this section except when
disclosure of the information is necessary for, and made solely
for the purpose of facilitating, the evaluation of potential tax
credits, grants, or loans.

(17) Disclosing to the department of insurance information in
the possession of the department of taxation that is necessary to
ensure a taxpayer's compliance with the requirements with any tax
credit administered by the development services agency and claimed
by the taxpayer against any tax administered by the superintendent of insurance. No officer, employee, or agent of the department of insurance shall disclose any information provided to the department of insurance by the department of taxation under division (C)(17) of this section.

(18) Disclosing to the division of liquor control information in the possession of the department of taxation that is necessary for the division and department to comply with the requirements of sections 4303.26 and 4303.271 of the Revised Code.

Sec. 5703.26. No person shall knowingly make, present, aid, or assist in the preparation or presentation of a false or fraudulent report, return, schedule, statement, claim, or document authorized or required by law to be filed with the department of taxation, the treasurer of state, a county auditor, a county treasurer, or a county clerk of courts, or knowingly procure, counsel, or advise the preparation or presentation of such report, return, schedule, statement, claim, or document, or knowingly change, alter, or amend, or knowingly procure, counsel, or advise such change, alteration, or amendment of the records upon which such report, return, schedule, statement, claim, or document is based with intent to defraud the state or any of its subdivisions.

If the report, return, schedule, statement, claim, or document involves the application for or renewal of a license, such acts or conduct may result in the denial or revocation of the license.

With respect to such acts or conduct, no conviction shall be had under any other section of the Revised Code.

Sec. 5703.50. As used in sections 5703.50 to 5703.53 of the Revised Code:

(A) "Tax" includes only those taxes imposed on tangible
personal property listed in accordance with Chapter 5711. of the Revised Code and taxes imposed under or in accordance with Chapters 5718., 5733., 5736., 5739., 5741., 5747., and 5751. of the Revised Code.

(B) "Taxpayer" means a person subject to or potentially subject to a tax including an employer required to deduct and withhold any amount under section 5747.06 of the Revised Code.

(C) "Audit" means the examination of a taxpayer or the inspection of the books, records, memoranda, or accounts of a taxpayer for the purpose of determining liability for a tax.

(D) "Assessment" means a notice of underpayment or nonpayment of a tax issued pursuant to section 5711.26, 5711.32, 5718.12, 5733.11, 5736.09, 5739.13, 5741.11, 5741.13, 5747.13, or 5751.09 of the Revised Code.

(E) "County auditor" means the auditor of the county in which the tangible personal property subject to a tax is located.

Sec. 5703.57. (A) As used in this section, "Ohio business gateway" has the same meaning as in section 718.01 of the Revised Code.

(B) There is hereby created the Ohio business gateway steering committee to direct the continuing development of the Ohio business gateway and to oversee its operations. The committee shall provide general oversight regarding operation of the Ohio business gateway and shall recommend to the department of administrative services enhancements that will improve the Ohio business gateway. The committee shall consider all banking, technological, administrative, and other issues associated with the Ohio business gateway and shall make recommendations regarding the type of reporting forms or other tax documents to be filed through the Ohio business gateway.
(C) The committee shall consist of:

(1) The following members, appointed by the governor with the advice and consent of the senate:

(a) Not more than four representatives of the business community;

(b) Not more than three representatives of municipal tax administrators, as defined in section 718.01 of the Revised Code, selected from a list of candidates provided by the Ohio municipal league; and

(c) Not more than two tax practitioners.

(2) The following ex officio members:

(a) The director or other highest officer of each state agency that has tax reporting forms or other tax documents filed with it through the Ohio business gateway or the director's designee;

(b) The secretary of state or the secretary of state's designee;

(c) The treasurer of state or the treasurer of state's designee;

(d) The director of budget and management or the director's designee;

(e) The state chief information officer or the officer's designee;

(f) The tax commissioner or the tax commissioner's designee; and

(g) The director of development or the director's designee;

(h) The governor or the governor's designee.

An appointed member shall serve until the member resigns or is removed by the governor. Vacancies shall be filled in the same
manner as original appointments.

(D) A vacancy on the committee does not impair the right of the other members to exercise all the functions of the committee. The presence of a majority of the members of the committee constitutes a quorum for the conduct of business of the committee. The concurrence of at least a majority of the members of the committee is necessary for any action to be taken by the committee. On request, each member of the committee shall be reimbursed for the actual and necessary expenses incurred in the discharge of the member's duties.

(E) The committee is a part of the department of taxation for administrative purposes.

(F) Each year, the governor shall select a member of the committee to serve as chairperson. The chairperson shall appoint an official or employee of the department of taxation to act as the committee's secretary. The secretary shall keep minutes of the committee's meetings and a journal of all meetings, proceedings, findings, and determinations of the committee.

(G) The committee may hire professional, technical, and clerical staff needed to support its activities.

(H) The committee shall meet as often as necessary to perform its duties.

**Sec. 5703.70.** (A) On the filing of an application for refund under section 3734.905, 4307.05, 4307.07, 5718.19, 5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 5739.071, 5739.104, 5741.10, 5743.05, 5743.53, 5749.08, 5751.08, or 5753.06 of the Revised Code, or an application for compensation under section 5739.061 of the Revised Code, if the tax commissioner determines that the amount of the refund or compensation to which the
applicant is entitled is less than the amount claimed in the application, the commissioner shall give the applicant written notice by ordinary mail of the amount. The notice shall be sent to the address shown on the application unless the applicant notifies the commissioner of a different address. The applicant shall have sixty days from the date the commissioner mails the notice to provide additional information to the commissioner or request a hearing, or both.

(B) If the applicant neither requests a hearing nor provides additional information to the tax commissioner within the time prescribed by division (A) of this section, the commissioner shall take no further action, and the refund or compensation amount denied becomes final.

(C)(1) If the applicant requests a hearing within the time prescribed by division (A) of this section, the tax commissioner shall assign a time and place for the hearing and notify the applicant of such time and place, but the commissioner may continue the hearing from time to time as necessary. After the hearing, the commissioner may make such adjustments to the refund or compensation as the commissioner finds proper, and shall issue a final determination thereon.

(2) If the applicant does not request a hearing, but provides additional information, within the time prescribed by division (A) of this section, the commissioner shall review the information, make such adjustments to the refund or compensation as the commissioner finds proper, and issue a final determination thereon.

(3) The commissioner shall serve a copy of the final determination made under division (C)(1) or (2) of this section on the applicant in the manner provided in section 5703.37 of the Revised Code, and the decision is final, subject to appeal under
section 5717.02 of the Revised Code.

(D) The tax commissioner shall certify to the director of budget and management and treasurer of state for payment from the tax refund fund created by section 5703.052 of the Revised Code, the amount of the refund to be refunded under division (B) or (C) of this section. The commissioner also shall certify to the director and treasurer of state for payment from the general revenue fund the amount of compensation to be paid under division (B) or (C) of this section.

Sec. 5703.75. This section applies to any tax, fee, or charge payable to the state and administered by the tax commissioner. If the total amount of any such tax, fee, or charge shown to be due on a return, amended return, or notice does not exceed one dollar, the taxpayer or person liable for the tax, fee, or charge shall not be required to remit the amount due. If the total amount of a taxpayer's an overpayment of any such tax, fee, or charge does not exceed one dollar, the tax commissioner shall not be required to refund the overpayment.

Sec. 5703.90. If any tax administered by the tax commissioner remains unpaid after the date the tax is due, the commissioner may issue an assessment for the unpaid tax, and for any related penalties and interest, against any person liable for the amount due, including, but not limited to, a person that is jointly and severally liable for the amount under Chapter 5718., 5726. or 5751. of the Revised Code, a partner liable for the tax liability of a partnership, a director liable for the tax liability of a dissolved corporation, or any other person liable for the tax liability of another person under the Revised Code. The commissioner shall issue the assessment in accordance with any other provision of the Revised Code applicable to assessments for the tax for which the person to be assessed is liable.
Sec. 5705.01. As used in this chapter:

(A) "Subdivision" means any county; municipal corporation; township; township police district; joint police district; township fire district; joint fire district; joint ambulance district; joint emergency medical services district; fire and ambulance district; joint recreation district; township waste disposal district; township road district; community college district; technical college district; detention facility district; a district organized under section 2151.65 of the Revised Code; a combined district organized under sections 2152.41 and 2151.65 of the Revised Code; a joint-county alcohol, drug addiction, and mental health service district; a general health district formed under section 3709.10 of the Revised Code; a drainage improvement district created under section 6131.52 of the Revised Code; a lake facilities authority created under Chapter 353. of the Revised Code; a union cemetery district; a county school financing district; a city, local, exempted village, cooperative education, or joint vocational school district; or a regional student education district created under section 3313.83 of the Revised Code.

(B) "Municipal corporation" means all municipal corporations, including those that have adopted a charter under Article XVIII, Ohio Constitution.

(C) "Taxing authority" or "bond issuing authority" means, in the case of any county, the board of county commissioners; in the case of a municipal corporation, the council or other legislative authority of the municipal corporation; in the case of a city, local, exempted village, cooperative education, or joint vocational school district, the board of education; in the case of a community college district, the board of trustees of the district; in the case of a technical college district, the board...
of trustees of the district; in the case of a detention facility district, a district organized under section 2151.65 of the Revised Code, or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, the joint board of county commissioners of the district; in the case of a township, the board of township trustees; in the case of a joint police district, the joint police district board; in the case of a joint fire district, the board of fire district trustees; in the case of a joint recreation district, the joint recreation district board of trustees; in the case of a joint-county alcohol, drug addiction, and mental health service district, the district's board of alcohol, drug addiction, and mental health services; in the case of a general health district that is a subdivision under this section, the board of health of the district; in the case of a joint ambulance district or a fire and ambulance district, the board of trustees of the district; in the case of a union cemetery district, the legislative authority of the municipal corporation and the board of township trustees, acting jointly as described in section 759.341 of the Revised Code; in the case of a drainage improvement district, the board of county commissioners of the county in which the drainage district is located; in the case of a lake facilities authority, the board of directors; in the case of a joint emergency medical services district, the joint board of county commissioners of all counties in which all or any part of the district lies; and in the case of a township police district, a township fire district, a township road district, or a township waste disposal district, the board of township trustees of the township in which the district is located. "Taxing authority" also means the educational service center governing board that serves as the taxing authority of a county school financing district as provided in section 3311.50 of the Revised Code, and the board of directors of a regional student education district created under section 3313.83 of the Revised Code.
(D) "Fiscal officer" in the case of a county, means the county auditor; in the case of a municipal corporation, the city auditor or village clerk, or an officer who, by virtue of the charter, has the duties and functions of the city auditor or village clerk, except that in the case of a municipal university the board of directors of which have assumed, in the manner provided by law, the custody and control of the funds of the university, the chief accounting officer of the university shall perform, with respect to the funds, the duties vested in the fiscal officer of the subdivision by sections 5705.41 and 5705.44 of the Revised Code; in the case of a school district, the treasurer of the board of education; in the case of a county school financing district, the treasurer of the educational service center governing board that serves as the taxing authority; in the case of a township, the township fiscal officer; in the case of a joint police district, the treasurer of the district; in the case of a joint fire district, the clerk of the board of fire district trustees; in the case of a joint ambulance district, the clerk of the board of trustees of the district; in the case of a joint emergency medical services district, the person appointed as fiscal officer pursuant to division (D) of section 307.053 of the Revised Code; in the case of a fire and ambulance district, the person appointed as fiscal officer pursuant to division (B) of section 505.375 of the Revised Code; in the case of a joint recreation district, the person designated pursuant to section 755.15 of the Revised Code; in the case of a union cemetery district, the clerk of the municipal corporation designated in section 759.34 of the Revised Code; in the case of a children's home district, educational service center, general health district, joint-county alcohol, drug addiction, and mental health service district, county library district, detention facility district, district organized under section 2151.65 of the Revised Code, a combined district organized under sections 2152.41
and 2151.65 of the Revised Code, or a metropolitan park district
for which no treasurer has been appointed pursuant to section
1545.07 of the Revised Code, the county auditor of the county
designated by law to act as the auditor of the district; in the
case of a metropolitan park district which has appointed a
treasurer pursuant to section 1545.07 of the Revised Code, that
treasurer; in the case of a drainage improvement district, the
auditor of the county in which the drainage improvement district
is located; in the case of a lake facilities authority, the fiscal
officer designated under section 353.02 of the Revised Code; in
the case of a regional student education district, the fiscal
officer appointed pursuant to section 3313.83 of the Revised Code;
and in all other cases, the officer responsible for keeping the
appropriation accounts and drawing warrants for the expenditure of
the moneys of the district or taxing unit.

(E) "Permanent improvement" or "improvement" means any
property, asset, or improvement with an estimated life or
usefulness of five years or more, including land and interests
therein, and reconstructions, enlargements, and extensions thereof
having an estimated life or usefulness of five years or more.

(F) "Current operating expenses" and "current expenses" mean
the lawful expenditures of a subdivision, except those for
permanent improvements, and except payments for interest, sinking
fund, and retirement of bonds, notes, and certificates of
indebtedness of the subdivision.

(G) "Debt charges" means interest, sinking fund, and
retirement charges on bonds, notes, or certificates of
indebtedness.

(H) "Taxing unit" means any subdivision or other governmental
district having authority to levy taxes on the property in the
district or issue bonds that constitute a charge against the
property of the district, including conservancy districts,
metropolitan park districts, sanitary districts, road districts,
and other districts.

(I) "District authority" means any board of directors,
trustees, commissioners, or other officers controlling a district
institution or activity that derives its income or funds from two
or more subdivisions, such as the educational service center, the
trustees of district children's homes, the district board of
health, a joint-county alcohol, drug addiction, and mental health
service district's board of alcohol, drug addiction, and mental
health services, detention facility districts, a joint recreation
district board of trustees, districts organized under section
2151.65 of the Revised Code, combined districts organized under
sections 2152.41 and 2151.65 of the Revised Code, and other such
boards.

(J) "Tax list" and "tax duplicate" mean the general tax lists
and duplicates prescribed by sections 319.28 and 319.29 of the
Revised Code.

(K) "Property" as applied to a tax levy means taxable
property listed on general tax lists and duplicates.

(L) "Association library district" means a territory, the
boundaries of which are defined by the state library board
pursuant to division (I) of section 3375.01 of the Revised Code,
in which a library association or private corporation maintains a
free public library.

(M) "Library district" means a territory, the boundaries of
which are defined by the state library board pursuant to section
3375.01 of the Revised Code, in which the board of trustees of a
county, municipal corporation, school district, or township public
library maintains a free public library.

(N) "Qualifying library levy" means either of the following:

(1) A levy for the support of a library association or
private corporation that has an association library district with boundaries that are not identical to those of a subdivision;

(2) A levy proposed under section 5705.23 of the Revised Code for the support of the board of trustees of a public library that has a library district with boundaries that are not identical to those of a subdivision.

(O) "School library district" means a school district in which a free public library has been established that is under the control and management of a board of library trustees as provided in section 3375.15 of the Revised Code.

Sec. 5709.17. The following property shall be exempted from taxation:

(A) Real estate held or occupied by an association or corporation, organized or incorporated under the laws of this state relative to soldiers' memorial associations, or monumental building associations, or cemetery associations or corporations, which in the opinion of the trustees, directors, or managers thereof is necessary and proper to carry out the object intended for such association or corporation;

(B) Real estate and tangible personal property held or occupied by a veterans' organization that qualifies for exemption from taxation under section 501(c)(19) or 501(c)(23) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, and is incorporated under the laws of this state or the United States, except real estate held by such an organization for the production of rental income in excess of thirty-six thousand dollars in a tax year, before accounting for any cost or expense incurred in the production of such income. For the purposes of this division, rental income includes only income arising directly from renting the real estate to others for consideration.
(C) Tangible personal property held by a corporation chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in section 501(c)(3) of the Internal Revenue Code, and exempt from taxation under section 501(a) of the Internal Revenue Code shall be exempt from taxation if it is property obtained as described in 112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407.

(D) Real estate held or occupied by a fraternal organization and used primarily for meetings of and the administration of the fraternal organization or for providing, on a not-for-profit basis, educational or health services, except real estate held by such an organization for the production of rental income in excess of thirty-six thousand dollars in a tax year before accounting for any cost or expense incurred in the production of such income. As used in this division, "rental income" has the same meaning as in division (B) of this section, and "fraternal organization" means a domestic fraternal society, order, or association operating under the lodge, council, or grange system that qualifies for exemption from taxation under section 501(c)(5), 501(c)(8), or 501(c)(10) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended; that provides financial support for charitable purposes, as defined in division (B)(12) of section 5739.02 of the Revised Code; and that operates under a state governing body that has been operating in this state for at least eighty-five years.

Sec. 5709.212. (A) With every application for an exempt facility certificate filed pursuant to section 5709.21 of the Revised Code, the applicant shall pay a fee equal to one-half of one per cent of the total exempt facility project cost, not to exceed two thousand dollars. One-half of the fee received with applications for exempt facility certificates shall be credited to the exempt facility administrative fund, which is hereby created in the state treasury, for appropriation to the department of taxation for use in administering sections 5709.20 to 5709.27 of
the Revised Code. If the director of environmental protection is required to provide the opinion for an application, one-half of the fee shall be credited to the non-Title V clean air fund created in section 3704.035 of the Revised Code for use in administering section 5709.211 of the Revised Code, unless the application is for an industrial water pollution control facility. If the application is for an industrial water pollution control facility, one-half of the fee shall be credited to the surface water protection fund created in section 6111.038 of the Revised Code for use in administering section 5709.211 of the Revised Code. If the director of development is required to provide the opinion for an application, one-half of the fee for each exempt facility application shall be credited to the exempt facility inspection fund, which is hereby created in the state treasury, for appropriation to the department of development services agency for use in administering section 5709.211 of the Revised Code.

An applicant is not entitled to any tax exemption under section 5709.25 of the Revised Code until the fee required by this section is paid. The fee required by this section is not refundable, and is due with the application for an exempt facility certificate even if an exempt facility certificate ultimately is not issued or is withdrawn. Any application submitted without payment of the fee shall be deemed incomplete until the fee is paid.

(B) The application fee imposed under division (A) of this section for a jointly owned facility shall be equal to one-half of one per cent of the total exempt facility project cost, not to exceed two thousand dollars for each facility that is the subject of the application.

Sec. 5709.64. (A) If an enterprise has been granted an incentive for the current calendar year under an agreement entered
pursuant to section 5709.62, 5709.63, or 5709.632 of the Revised Code, it may apply, on or before the thirtieth day of April of that year, to the director of development, on a form prescribed by the director, for a tax incentive qualification certificate. The enterprise qualifies for an initial certificate if, on or before the last day of the calendar year immediately preceding that in which application is made, it satisfies all of the following requirements:

(1) The enterprise has established, expanded, renovated, or occupied a facility pursuant to the agreement under section 5709.62, 5709.63, or 5709.632 of the Revised Code.

(2) The enterprise has hired new employees to fill nonretail positions at the facility, at least twenty-five per cent of whom at the time they were employed were at least one of the following:
   (a) Unemployed persons who had resided at least six months in the county in which the enterprise's project site is located;
   (b) JPTA eligible employees who had resided at least six months in the county in which the enterprise's project site is located;
   (c) Participants of the Ohio works first program under Chapter 5107. of the Revised Code or the prevention, retention, and contingency program under Chapter 5108. of the Revised Code or recipients of general assistance under former Chapter 5113. of the Revised Code, financial assistance under former Chapter 5115. of the Revised Code, or unemployment compensation benefits who had resided at least six months in the county in which the enterprise's project site is located;
   (d) Handicapped persons Eligible individuals with disabilities, as defined under division (A) of section 3304.11 of the Revised Code, who had resided at least six months in the county in which the enterprise's project site is located;
(e) Residents for at least one year of a zone located in the county in which the enterprise's project site is located.

The director of development shall, by rule, establish criteria for determining what constitutes a nonretail position at a facility.

(3) The average number of positions attributable to the enterprise in the municipal corporation during the calendar year immediately preceding the calendar year in which application is made exceeds the maximum number of positions attributable to the enterprise in the municipal corporation during the calendar year immediately preceding the first year the enterprise satisfies the requirements set forth in divisions (A)(1) and (2) of this section. If the enterprise is engaged in a business which, because of its seasonal nature, customarily enables the enterprise to operate at full capacity only during regularly recurring periods of the year, the average number of positions attributable to the enterprise in the municipal corporation during each period of the calendar year immediately preceding the calendar year in which application is made must exceed only the maximum number of positions attributable to the enterprise in each corresponding period of the calendar year immediately preceding the first year the enterprise satisfies the requirements of divisions (A)(1) and (2) of this section. The director of development shall, by rule, prescribe methods for determining whether an enterprise is engaged in a seasonal business and for determining the length of the corresponding periods to be compared.

(4) The enterprise has not closed or reduced employment at any place of business in the state for the primary purpose of establishing, expanding, renovating, or occupying a facility. The legislative authority of any municipal corporation or the board of county commissioners of any county that concludes that an enterprise has closed or reduced employment at a place of business
in that municipal corporation or county for the primary purpose of establishing, expanding, renovating, or occupying a facility in a zone may appeal to the director to determine whether the enterprise has done so. Upon receiving such an appeal, the director shall investigate the allegations and make such a determination before issuing an initial or renewal tax incentive qualification certificate under this section.

Within sixty days after receiving an application under this division, the director shall review, investigate, and verify the application and determine whether the enterprise qualifies for a certificate. The application shall include an affidavit executed by the applicant verifying that the enterprise satisfies the requirements of division (A)(2) of this section, and shall contain such information and documents as the director requires, by rule, to ascertain whether the enterprise qualifies for a certificate. If the director finds the enterprise qualified, the director shall issue a tax incentive qualification certificate, which shall bear as its date of issuance the thirtieth day of June of the year of application, and shall state that the applicant is entitled to receive, for the taxable year that includes the certificate's date of issuance, the tax incentives provided under section 5709.65 of the Revised Code with regard to the facility to which the certificate applies. If an enterprise is issued an initial certificate, it may apply, on or before the thirtieth day of April of each succeeding calendar year for which it has been granted an incentive under an agreement entered pursuant to section 5709.62, 5709.63, or 5709.632 of the Revised Code, for a renewal certificate. Subsequent to its initial certification, the enterprise qualifies for up to three successive renewal certificates if, on or before the last day of the calendar year immediately preceding that in which the application is made, it satisfies all the requirements of divisions (A)(1) to (4) of this section, and neither the zone's designation nor the zone's
certification has been revoked prior to the fifteenth day of June of the year in which the application is made. The application shall include an affidavit executed by the applicant verifying that the enterprise satisfies the requirements of division (A)(2) of this section. An enterprise with ten or more supervisory personnel at the facility to which a certificate applies qualifies for any subsequent renewal certificates only if it meets all of the foregoing requirements and, in addition, at least ten per cent of those supervisory personnel are employees who, when first hired by the enterprise, satisfied at least one of the criteria specified in divisions (A)(2)(a) to (e) of this section. If the enterprise qualifies, a renewal certificate shall be issued bearing as its date of issuance the thirtieth day of June of the year of application. The director shall send copies of the initial certificate, and each renewal certificate, by certified mail, to the enterprise, the tax commissioner, the board of county commissioners, and the chief executive of the municipal corporation in which the facility to which the certificate applies is located.

(B) If the director determines that an enterprise is not qualified for an initial or renewal tax incentive qualification certificate, the director shall send notice of this determination, specifying the reasons for it, by certified mail, to the applicant, the tax commissioner, the board of county commissioners, and the chief executive of the municipal corporation in which the facility to which the certificate would have applied is located. Within thirty days after receiving such a notice, an enterprise may request, in writing, a hearing before the director for the purpose of reviewing the application and the reasons for the determination. Within sixty days after receiving a request for a hearing, the director shall afford one and, within thirty days after the hearing, shall issue a redetermination of the enterprise's qualification for a certificate. If the
enterprise is found to be qualified, the director shall proceed in
the manner provided under division (A) of this section. If the
enterprise is found to be unqualified, the director shall send
notice of this finding, by certified mail, to the applicant, the
tax commissioner, the board of county commissioners, and the chief
executive of the municipal corporation in which the facility to
which the certificate would have applied is located. The
director's redetermination that an enterprise is unqualified may
be appealed to the board of tax appeals in the manner provided
under section 5717.02 of the Revised Code.

Sec. 5709.68. (A) On or before the thirty-first day of March
each year, a municipal corporation or county that has entered into
an agreement with an enterprise under section 5709.62, 5709.63, or
5709.632 of the Revised Code shall submit to the director of
development services and the board of education of each school
district of which a municipal corporation or township to which
such an agreement applies is a part a report on all of those
agreements in effect during the preceding calendar year. The
report shall include all of the following information:

(1) The designation, assigned by the director of development
services, of each urban jobs and enterprise zone within the
municipal corporation or county, the date each zone was certified,
the name of each municipal corporation or township within each
zone, and the total population of each zone according to the most
recent data available;

(2) The number of enterprises that are subject to those
agreements and the number of full-time employees subject to those
agreements within each zone, each according to the most recent
data available and identified and categorized by the appropriate
standard industrial code, and the rate of unemployment in the
municipal corporation or county in which the zone is located for
each year since each zone was certified;

(3) The number of agreements approved and executed during the calendar year for which the report is submitted, the total number of agreements in effect on the thirty-first day of December of the preceding calendar year, the number of agreements that expired during the calendar year for which the report is submitted, and the number of agreements scheduled to expire during the calendar year in which the report is submitted. For each agreement that expired during the calendar year for which the report is submitted, the municipal corporation or county shall include the amount of taxes exempted and the estimated dollar value of any other incentives provided under the agreement.

(4) The number of agreements receiving compliance reviews by the tax incentive review council in the municipal corporation or county during the calendar year for which the report is submitted, including all of the following information:

(a) The number of agreements the terms of which an enterprise has complied with, indicating separately for each agreement the value of the real and personal property exempted pursuant to the agreement and a comparison of the stipulated and actual schedules for hiring new employees, for retaining existing employees, for the amount of payroll of the enterprise attributable to these employees, and for investing in establishing, expanding, renovating, or occupying a facility;

(b) The number of agreements the terms of which an enterprise has failed to comply with, indicating separately for each agreement the value of the real and personal property exempted pursuant to the agreement and a comparison of the stipulated and actual schedules for hiring new employees, for retaining existing employees, for the amount of payroll of the enterprise attributable to these employees, and for investing in establishing, expanding, renovating, or occupying a facility;
(c) The number of agreements about which the tax incentive review council made recommendations to the legislative authority of the municipal corporation or county, and the number of those recommendations that have not been followed;

(d) The number of agreements rescinded during the calendar year for which the report is submitted.

(5) The number of enterprises that are subject to agreements that expanded within each zone, including the number of new employees hired and existing employees retained by each enterprise, and the number of new enterprises that are subject to agreements and that established within each zone, including the number of new employees hired by each enterprise;

(6)(a) The number of enterprises that are subject to agreements and that closed or reduced employment at any place of business within the state for the primary purpose of establishing, expanding, renovating, or occupying a facility, indicating separately for each enterprise the political subdivision in which the enterprise closed or reduced employment at a place of business and the number of full-time employees transferred and retained by each such place of business;

(b) The number of enterprises that are subject to agreements and that closed or reduced employment at any place of business outside the state for the primary purpose of establishing, expanding, renovating, or occupying a facility.

(7) For each agreement in effect during any part of the preceding year, the number of employees employed by the enterprise at the project site immediately prior to formal approval of the agreement, the number of employees employed by the enterprise at the project site on the thirty-first day of December of the preceding year, the payroll of the enterprise for the preceding year, the amount of taxes paid on tangible personal property
situated at the project site and the amount of those taxes that were not paid because of the exemption granted under the agreement, and the amount of taxes paid on real property constituting the project site and the amount of those taxes that were not paid because of the exemption granted under the agreement. If an agreement was entered into under section 5709.632 of the Revised Code with an enterprise described in division (B)(2) of that section, the report shall include the number of employee positions at all of the enterprise's locations in this state. If an agreement is conditioned on a waiver issued under division (B) of section 5709.633 of the Revised Code on the basis of the circumstance described in division (B)(3)(a) or (b) of that section, the report shall include the number of employees at the facilities referred to in division (B)(3)(a)(i) or (b)(i) of that section, respectively.

(B) Upon the failure of a municipal corporation or county to comply with division (A) of this section:

(1) Beginning on the first day of April of the calendar year in which the municipal corporation or county fails to comply with that division, the municipal corporation or county shall not enter into any agreements with an enterprise under section 5709.62, 5709.63, or 5709.632 of the Revised Code until the municipal corporation or county has complied with division (A) of this section.

(2) On the first day of each ensuing calendar month until the municipal corporation or county complies with division (A) of this section, the director of development services shall either order the proper county auditor to deduct from the next succeeding payment of taxes to the municipal corporation or county under section 321.31, 321.32, 321.33, or 321.34 of the Revised Code an amount equal to one thousand dollars for each calendar month the municipal corporation or county fails to comply with that
division, or order the county auditor to deduct that amount from
the next succeeding payment to the municipal corporation or county
from the undivided local government fund under section 5747.51 of
the Revised Code. At the time such a payment is made, the county
auditor shall comply with the director's order by issuing a
warrant, drawn on the fund from which the money would have been
paid, to the director of development services, who shall deposit
the warrant into the state enterprise zone program administration
fund created in division (C) of this section.

(C) The director, by rule, shall establish the state's
application fee for applications submitted to a municipal
corporation or county to enter into an agreement under section
5709.62, 5709.63, or 5709.632 of the Revised Code. In establishing
the amount of the fee, the director shall consider the state's
cost of administering the enterprise zone program, including the
cost of reviewing the reports required under division (A) of this
section. The director may change the amount of the fee at the
times and in the increments the director considers necessary. Any
municipal corporation or county that receives an application shall
collect the application fee and remit the fee for deposit in the
state treasury to the credit of the business assistance tax
incentives operating fund created in section 122.174 of the
Revised Code.

(D) On or before the thirtieth day of June each year, the
director of development services shall certify to the tax
commissioner the information described under division (A)(7) of
this section, derived from the reports submitted to the director
under this section.

On the basis of the information certified under this
division, the tax commissioner annually shall submit a report to
the governor, the speaker of the house of representatives, the
president of the senate, and the chairpersons of the ways and
means committees of the respective houses of the general assembly, indicating for each enterprise zone the amount of state and local taxes that were not required to be paid because of exemptions granted under agreements entered into under section 5709.62, 5709.63, or 5709.632 of the Revised Code and the amount of additional taxes paid from the payroll of new employees.

Sec. 5709.92. (A) As used in this section:

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

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

(3) "Total resources" means the sum of the amounts described in divisions (A)(3)(a) to (g) of this section less any reduction required under division (C)(3)(a) of this section.

(a) The state education aid for fiscal year 2015;

(b) The sum of the payments received in fiscal year 2015 for current expense levy losses under division (C)(3) of section 5727.85 and division (C)(12) of section 5751.21 of the Revised Code, as they existed at that time, excluding the portion of such payments attributable to levies for joint vocational school district purposes;

(c) The sum of fixed-sum levy loss payments received by the school district in fiscal year 2015 under division (F)(1) of section 5727.85 and division (E)(1) of section 5751.21 of the Revised Code, as they existed at that time, for fixed-sum levies charged and payable for a purpose other than paying debt charges;
(d) The district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2014, including taxes charged and payable from emergency levies charged and payable under sections 5705.194 to 5705.197 of the Revised Code, excluding taxes levied for joint vocational school district purposes or levied under section 5705.23 of the Revised Code;

(e) The amount certified for fiscal year 2015 under division (A)(2) of section 3317.08 of the Revised Code;

(f) Distributions received during calendar year 2014 from taxes levied under section 718.09 of the Revised Code;

(g) Distributions received during fiscal year 2015 from the gross casino revenue county student fund.

(4)(a) "State education aid" for a school district means the sum of state amounts computed for the district under sections 3317.022 and 3317.0212 of the Revised Code after any amounts are added or subtracted under Section 263.240 of Am. Sub. H.B. 59 of the 130th general assembly, entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

(b) "State education aid" for a joint vocational district means the amount computed for the district under section 3317.16 of the Revised Code after any amounts are added or subtracted under Section 263.250 of Am. Sub. H.B. 59 of the 130th general assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

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

(6) "Capacity quintile" means the capacity measure quintiles determined under division (B) of this section.
(7) "Threshold per cent" means the following:

(a) For a school district in the lowest capacity quintile, one per cent for fiscal year 2016 and two per cent for fiscal year 2017.

(b) For a school district in the second lowest capacity quintile, one and one-fourth per cent for fiscal year 2016 and two and one-half per cent for fiscal year 2017.

(c) For a school district in the third lowest capacity quintile, one and one-half per cent for fiscal year 2016 and three per cent for fiscal year 2017.

(d) For a school district in the second highest capacity quintile, one and three-fourths per cent for fiscal year 2016 and three and one-half per cent for fiscal year 2017.

(e) For a school district in the highest capacity quintile, two per cent for fiscal year 2016 and four per cent for fiscal year 2017.

(f) For a joint vocational school district, two per cent for fiscal year 2016 and four per cent for fiscal year 2017.

(8) "Current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year 2015 for current expense levy losses under division (C)(3) of section 5727.85 and division (C)(12) of section 5751.21 of the Revised Code as they existed at that time, less any reduction required under division (C)(3)(b) of this section.

(9) "Non-current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year 2015 for levy losses under division (C)(3)(c) of section 5727.85 and division (C)(12)(c) of section 5751.21 of the Revised Code, as they existed at that time, and levy losses in fiscal year 2015 under division (H) of section...
5727.84 of the Revised Code as that section existed at that time attributable to levies for and payments received for losses on levies intended to generate money for maintenance of classroom facilities.

(10) "Operating TPP fixed-sum levy losses" means the sum of payments received by a school district in fiscal year 2015 for levy losses under division (E) of section 5751.21 of the Revised Code, excluding levy losses for debt purposes.

(11) "Operating S.B. 3 fixed-sum levy losses" means the sum of payments received by the school district in fiscal year 2015 for levy losses under division (H) of section 5727.84 of the Revised Code, excluding levy losses for debt purposes.

(12) "TPP fixed-sum debt levy losses" means the sum of payments received by a school district in fiscal year 2015 for levy losses under division (E) of section 5751.21 of the Revised Code for debt purposes.

(13) "S.B. 3 fixed-sum debt levy losses" means the sum of payments received by the school district in fiscal year 2015 for levy losses under division (H) of section 5727.84 of the Revised Code for debt purposes.

(14) "Qualifying levies" means qualifying levies described in section 5751.20 of the Revised Code as that section was in effect before July 1, 2015.

(15) "Total taxable value" has the same meaning as in section 3317.02 of the Revised Code.

(B) The department of education shall rank all school districts in the order of districts' capacity measures determined under former section 3317.018 of the Revised Code from lowest to highest, and divide such ranking into quintiles, with the first quintile containing the twenty per cent of school districts having the lowest capacity measure and the fifth quintile containing the
twenty per cent of school districts having the highest capacity measure. This calculation and ranking shall be performed once, in fiscal year 2016.

(C)(1) In fiscal year 2016, payments shall be made to school districts and joint vocational school districts equal to the sum of the amounts described in divisions (C)(1)(a) or (b) and (C)(1)(c) of this section. In fiscal year 2017, payments shall be made to school districts and joint vocational school districts equal to the amount described in division (C)(1)(a) or (b) of this section.

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

(b) If the ratio of the current expense allocation to total resources is greater than the district's threshold per cent, the difference between the current expense allocation and the product of the threshold percentage and total resources;

(c) For fiscal year 2016, the product of the non-current expense allocation multiplied by fifty per cent.

(2) In fiscal year 2018 and subsequent fiscal years, payments shall be made to school districts and joint vocational school districts equal to the difference obtained by subtracting the amount described in division (C)(2)(b) of this section from the amount described in division (C)(2)(a) of this section, provided that such amount is greater than zero.

(a) The sum of the payments received by the district under division (C)(1)(b) or (C)(2) of this section for the immediately preceding fiscal year;

(b) One-sixteenth of one per cent of the average of the total taxable value of the district for tax years 2014, 2015, and 2016.
(3) (a) "Total resources" used to compute payments under division (C)(1) of this section shall be reduced to the extent that payments distributed in fiscal year 2015 were attributable to levies no longer charged and payable for tax year 2014.

(b) "Current expense allocation" used to compute payments under division (C)(1) of this section shall be reduced to the extent that the payments distributed in fiscal year 2015 were attributable to levies no longer charged and payable for tax year 2014.

(4) The department of education shall report to each school district and joint vocational school district the apportionment of the payments under division (C)(1) of this section among the district's funds based on qualifying levies.

(D)(1) Payments in the following amounts shall be made to school districts and joint vocational school districts in tax years 2016 through 2021:

(a) In tax year 2016, the sum of the district's operating TPP fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses.

(b) In tax year 2017, the sum of the district's operating TPP fixed-sum levy losses and eighty per cent of operating S.B. 3 fixed-sum levy losses.

(c) In tax year 2018, the sum of eighty per cent of the district's operating TPP fixed-sum levy losses and sixty per cent of its operating S.B. 3 fixed-sum levy losses.

(d) In tax year 2019, the sum of sixty per cent of the district's operating TPP fixed-sum levy losses and forty per cent of its operating S.B. 3 fixed-sum levy losses.

(e) In tax year 2020, the sum of forty per cent of the district's operating TPP fixed-sum levy losses and twenty per cent of its operating S.B. 3 fixed-sum levy losses.
(f) In tax year 2021, twenty per cent of the district's operating TPP fixed-sum levy losses.

No payment shall be made under division (D)(1) of this section after tax year 2021.

(2) Amounts are payable under division (D) of this section for fixed-sum levy losses only to the extent of such losses for qualifying levies that remain in effect for the current tax year. For this purpose, a qualifying levy levied under section 5705.194 or 5705.213 of the Revised Code remains in effect for the current tax year only if a tax levied under either of those sections is charged and payable for the current tax year for an annual sum at least equal to the annual sum levied by the board of education for tax year 2004 under those sections less the amount of the payment under this division.

(E)(1) For fixed-sum levies for debt purposes, payments shall be made to school districts and joint vocational school districts equal to one hundred per cent of the district's fixed-sum levy loss determined under division (E) of section 5751.20 and division (H) of section 5727.84 of the Revised Code as in effect before July 1, 2015, and paid in tax year 2014. No payment shall be made for qualifying levies that are no longer charged and payable.

(2) Beginning in 2016, by the thirty-first day of January of each year, the tax commissioner shall review the calculation of fixed-sum levy loss for debt purposes determined under division (E) of section 5751.20 and division (H) of section 5727.84 of the Revised Code as in effect before July 1, 2015. If the commissioner determines that a fixed-sum levy that had been scheduled to be reimbursed in the current year is no longer charged and payable, a revised calculation for that year and all subsequent years shall be made.

(F)(1) For taxes levied within the ten-mill limitation for
debt purposes in tax year 1998 in the case of electric company tax
value losses, and in tax year 1999 in the case of natural gas
company tax value losses, payments shall be made to school
districts and joint vocational school districts equal to one
hundred per cent of the loss computed under division (D) of
section 5727.85 of the Revised Code as in effect before July 1, 2015, as if the tax were a fixed-rate levy, but those payments
shall extend through fiscal year 2016.

(2) For taxes levied within the ten-mill limitation for debt
purposes in tax year 2005, payments shall be made to school
districts and joint vocational school districts equal to one
hundred per cent of the loss computed under division (D) of
section 5751.21 of the Revised Code as in effect before July 1, 2015, as if the tax were a fixed-rate levy, but those payments
shall extend through fiscal year 2018.

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

(1) For a merger of two or more districts, fixed-sum levy
losses, total resources, current expense allocation, and
non-current expense allocation of the successor district shall be
the sum of such items for each of the districts involved in the
merger.

(2) If property is transferred from one district to a
previously existing district, the amount of the total resources,
current expense allocation, and non-current expense allocation
that shall be transferred to the recipient district shall be an
amount equal to the total resources, current expense allocation,
and non-current expense allocation of the transferor district times a fraction, the numerator of which is the number of pupils being transferred to the recipient district, measured, in the case of a school district, by formula ADM as defined in section 3317.02 of the Revised Code or, in the case of a joint vocational school district, by formula ADM as defined for a joint vocational school district in that section, and the denominator of which is the formula ADM of the transferor district.

(3) After December 31, 2010, if property is transferred from one or more districts to a district that is newly created out of the transferred property, the newly created district shall be deemed not to have any total resources, current expense allocation, total allocation, or non-current expense allocation.

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

(H) The payments required by divisions (C), (D), (E), and (F) of this section shall be distributed periodically to each school and joint vocational school district by the department of education unless otherwise provided for. Except as provided in division (D) of this section, if a levy that is a qualifying levy is not charged and payable in any year after 2014, payments to the school district or joint vocational school district shall be reduced to the extent that the payments distributed in fiscal year 2015 were attributable to the levy loss of that levy.

Sec. 5715.20. (A) Whenever a county board of revision renders a decision on a complaint filed under section 5715.19 of the
Revised Code or on an application for remission under section 5715.39 of the Revised Code, it shall certify its action by certified mail to the person in whose name the property is listed or sought to be listed and to the complainant, if the complainant or applicant is not the person in whose name the property is listed or sought to be listed, to the complainant or applicant. A person's time to file an appeal under section 5717.01 of the Revised Code commences with the mailing of notice of the decision to that person as provided in this section. The tax commissioner's time to file an appeal under section 5717.01 of the Revised Code commences with the last mailing to a person required to be mailed notice of the decision as provided in this division.

(B) The tax commissioner may order the county auditor to send to the commissioner the decisions of the board of revision rendered on complaints filed under section 5715.19 of the Revised Code or on applications for remission filed under section 5715.39 of the Revised Code in the manner and for the time period that the commissioner prescribes. Nothing in this division extends the commissioner's time to file an appeal under section 5717.01 of the Revised Code.

Sec. 5715.27. (A)(1) Except as provided in division (A)(2) of this section and in section 3735.67 of the Revised Code, the owner, a vendee in possession under a purchase agreement or a land contract, the beneficiary of a trust, or a lessee for an initial term of not less than thirty years of any property may file an application with the tax commissioner, on forms prescribed by the commissioner, requesting that such property be exempted from taxation and that taxes, interest, and penalties be remitted as provided in division (C) of section 5713.08 of the Revised Code.

(2) If the property that is the subject of the application for exemption is any of the following, the application shall be...
filed with the county auditor of the county in which the property is listed for taxation:

(a) A public road or highway;

(b) Property belonging to the federal government of the United States;

(c) Additions or other improvements to an existing building or structure that belongs to the state or a political subdivision, as defined in section 5713.081 of the Revised Code, and that is exempted from taxation as property used exclusively for a public purpose;

(d) Property of the boards of trustees and of the housing commissions of the state universities, the northeastern Ohio universities college of medicine, and of the state to be exempted under section 3345.17 of the Revised Code.

(B) The board of education of any school district may request the tax commissioner or county auditor to provide it with notification of applications for exemption from taxation for property located within that district. If so requested, the commissioner or auditor shall send to the board on a monthly basis reports that contain sufficient information to enable the board to identify each property that is the subject of an exemption application, including, but not limited to, the name of the property owner or applicant, the address of the property, and the auditor's parcel number. The commissioner or auditor shall mail the reports by the fifteenth day of the month following the end of the month in which the commissioner or auditor receives the applications for exemption.

(C) A board of education that has requested notification under division (B) of this section may, with respect to any application for exemption of property located in the district and included in the commissioner's or auditor's most recent report...
provided under that division, file a statement with the commissioner or auditor and with the applicant indicating its intent to submit evidence and participate in any hearing on the application. The statements shall be filed prior to the first day of the third month following the end of the month in which that application was docketed by the commissioner or auditor. A statement filed in compliance with this division entitles the district to submit evidence and to participate in any hearing on the property and makes the district a party for purposes of sections 5717.02 to 5717.04 of the Revised Code in any appeal of the commissioner's or auditor's decision to the board of tax appeals.

(D) The commissioner or auditor shall not hold a hearing on or grant or deny an application for exemption of property in a school district whose board of education has requested notification under division (B) of this section until the end of the period within which the board may submit a statement with respect to that application under division (C) of this section. The commissioner or auditor may act upon an application at any time prior to that date upon receipt of a written waiver from each such board of education, or, in the case of exemptions authorized by section 725.02, 1728.10, 5709.40, 5709.41, 5709.411, 5709.45, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 of the Revised Code, upon the request of the property owner. Failure of a board of education to receive the report required in division (B) of this section shall not void an action of the commissioner or auditor with respect to any application. The commissioner or auditor may extend the time for filing a statement under division (C) of this section.

(E) A complaint may also be filed with the commissioner or auditor by any person, board, or officer authorized by section 5715.19 of the Revised Code to file complaints with the county...
board of revision against the continued exemption of any property
granted exemption by the commissioner or auditor under this
section.

(F) An application for exemption and a complaint against
exemption shall be filed prior to the thirty-first day of December
of the tax year for which exemption is requested or for which the
liability of the property to taxation in that year is requested.
The commissioner or auditor shall consider such application or
complaint in accordance with procedures established by the
commissioner, determine whether the property is subject to
taxation or exempt therefrom, and, if the commissioner makes the
determination, certify the determination to the auditor. Upon
making the determination or receiving the commissioner's
determination, the auditor shall correct the tax list and
duplicate accordingly. If a tax certificate has been sold under
section 5721.32 or 5721.33 of the Revised Code with respect to
property for which an exemption has been requested, the tax
commissioner or auditor shall also certify the findings to the
county treasurer of the county in which the property is located.

(G) Applications and complaints, and documents of any kind
related to applications and complaints, filed with the tax
commissioner or county auditor under this section are public
records within the meaning of section 149.43 of the Revised Code.

(H) If the commissioner or auditor determines that the use of
property or other facts relevant to the taxability of property
that is the subject of an application for exemption or a complaint
under this section has changed while the application or complaint
was pending, the commissioner or auditor may make the
determination under division (F) of this section separately for
each tax year beginning with the year in which the application or
complaint was filed or the year for which remission of taxes under
division (C) of section 5713.08 of the Revised Code was requested,
and including each subsequent tax year during which the 
application or complaint is pending before the commissioner or 
auditor.

Sec. 5715.39. (A) The tax commissioner may remit real 
property taxes, manufactured home taxes, penalties, and interest 
found by the commissioner to have been illegally assessed. The 
commissioner also may remit any penalty charged against any real 
property or manufactured or mobile home that was the subject of an 
application for exemption from taxation under section 5715.27 of 
the Revised Code if the commissioner determines that the applicant 
requested such exemption in good faith. The commissioner shall 
include notice of the remission in the commissioner's 
certification to the county auditor required under that section.

(B) The county auditor, upon consultation with the county 
treasurer, shall remit a penalty for late payment of any real 
property taxes or manufactured home taxes when:

(1) The taxpayer could not make timely payment of the tax 
because of the negligence or error of the county auditor or county 
treasurer in the performance of a statutory duty relating to the 
levy or collection of such tax.

(2) In cases other than those described in division (B)(1) of 
this section, and except as provided in division (B)(5) of this 
section, the taxpayer failed to receive a tax bill or a correct 
tax bill, and the taxpayer made a good faith effort to obtain such 
bill within thirty days after the last day for payment of the tax.

(3) The tax was not timely paid because of the death or 
serious injury of the taxpayer, or the taxpayer's confinement in a 
hospital within sixty days preceding the last day for payment of 
the tax if, in any case, the tax was subsequently paid within 
sixty days after the last day for payment of such tax.
(4) The taxpayer demonstrates that the full payment was properly deposited in the mail in sufficient time for the envelope to be postmarked by the United States postal service on or before the last day for payment of such tax. A private meter postmark on an envelope is not a valid postmark for purposes of establishing the date of payment of such tax.

(5) With respect to the first payment due after a taxpayer fully satisfies a mortgage against a parcel of real property, the mortgagee failed to notify the treasurer of the satisfaction of the mortgage, and the tax bill was not sent to the taxpayer.

(C) If the auditor determines that remission is not required under division (B) of this section, the auditor shall present the application to the board of revision. The board of revision shall review the auditor's determination and remit a penalty for late payment of any real property taxes or manufactured homes taxes if, in cases other than those described in division (B), the board determines that any of divisions (B)(1) to (5) of this section applies or if it determines that the taxpayer's failure to make timely payment of the tax is due to reasonable cause and not willful neglect.

(D) The taxpayer, upon application within sixty days after the mailing of the county auditor's or board of revision's decision, may request the tax commissioner to review the denial of the remission of a penalty by the auditor or board. The application may be filed in person or by certified mail. If the application is filed by certified mail, the date of the United States postmark placed on the sender's receipt by the postal service shall be treated as the date of filing. The commissioner shall consider the application, determine whether the penalty should be remitted, and certify the determination to the taxpayer, to the county treasurer, and to the county auditor, who shall correct the tax list and duplicate accordingly. The commissioner
may issue orders and instructions for the uniform implementation of this section by all county boards of revision, county auditors, and county treasurers, and such orders and instructions shall be followed by such officers and boards.

(E) This section shall not provide to the taxpayer any remedy with respect to any matter that the taxpayer may be authorized to complain of under section 4503.06, 5715.19, 5717.02, or 5727.47 of the Revised Code.

(F) Applications for remission, and documents of any kind related to those applications, filed with the tax commissioner under this section are public records within the meaning of section 149.43 of the Revised Code unless otherwise excepted under that section.

Sec. 5718.01. Except as otherwise expressly provided or clearly appearing from the context, any term used in this chapter that is not otherwise defined in this chapter has the same meaning as when used in a comparable context in laws of the United States relating to federal income taxation or in Title LVII of the Revised Code. If a term used in this chapter that is not otherwise defined in this chapter is used in a comparable context in both the laws of the United States relating to federal income tax and in Title LVII of the Revised Code and the use is not consistent, then the use of the term in the laws of the United States relating to federal income tax shall have control over the use of the term in Title LVII of the Revised Code, unless the term is defined in Chapter 5703. of the Revised Code, in which case the definition in that chapter shall control. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States related to federal income taxes.

As used in this chapter:

(A) "Municipal taxable income" means income apportioned or
sitused to the municipal corporation under section 5718.02 of the
Revised Code, as applicable, reduced by any pre-2017 net operating
loss carryforward available to a taxpayer for the municipal
corporation.

(B) "Income" means the net profit of the taxpayer.

(C) "Exempt income" means all of the following:

(1) (a) Except as provided in division (C)(1)(b) of this
section, intangible income;

(b) A municipal corporation that taxed any type of intangible
income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the
116th general assembly, may continue to tax that type of income if
a majority of the electors of the municipal corporation voting on
the question of whether to permit the taxation of that type of
intangible income after 1988 voted in favor thereof at an election
held on November 8, 1988.

(2) The income of religious, fraternal, charitable,
scientific, literary, or educational institutions to the extent
such income is derived from tax-exempt real estate, tax-exempt
tangible or intangible property, or tax-exempt activities;

(3) Dues, contributions, and similar payments received by
charitable, religious, educational, or literary organizations or
labor unions, lodges, and similar organizations;

(4) Compensation for damages to property from insurance
proceeds or otherwise, excluding compensation paid for lost
salaries or wages or compensation from punitive damages;

(5) Income of a public utility when that public utility is
subject to the tax levied under section 5727.24 or 5727.30 of the
Revised Code. Division (C)(5) of this section does not apply for
purposes of Chapter 5745, of the Revised Code.

(6) Gains from involuntary conversions, interest on federal
obligations, items of income subject to a tax levied by the state and that a municipal corporation is specifically prohibited by law from taxing, and income of a decedent's estate during the period of administration except such income from the operation of a trade or business;

(7)(a) Except as provided in division (C)(7)(b) or (c) of this section, an S corporation shareholder's distributive share of net profits of the S corporation, other than any part of the distributive share of net profits that represents wages as defined in section 3121(a) of the Internal Revenue Code or net earnings from self-employment as defined in section 1402(a) of the Internal Revenue Code;

(b) If, pursuant to division (H) of former section 718.01 of the Revised Code as it existed before March 11, 2004, a majority of the electors of a municipal corporation voted in favor of the question at an election held on November 4, 2003, the municipal corporation may continue after 2002 to tax an S corporation shareholder's distributive share of net profits of an S corporation.

(c) If, on December 6, 2002, a municipal corporation was imposing, assessing, and collecting a tax on an S corporation shareholder's distributive share of net profits of the S corporation to the extent the distributive share would be allocated or apportioned to this state under divisions (B)(1) and (2) of section 5733.05 of the Revised Code if the S corporation were a corporation subject to taxes imposed under Chapter 5733. of the Revised Code, the municipal corporation may continue to impose the tax on such distributive shares to the extent such shares would be so allocated or apportioned to this state only until December 31, 2004, unless a majority of the electors of the municipal corporation voting on the question of continuing to tax such shares after that date voted in favor of that question at an
election held November 2, 2004. If a majority of those electors voted in favor of the question, the municipal corporation may continue after December 31, 2004, to impose the tax on such distributive shares only to the extent such shares would be so allocated or apportioned to this state.

(d) A municipal corporation shall be deemed to have elected to tax S corporation shareholders' distributive shares of net profits of the S corporation in the hands of the shareholders if a majority of the electors of a municipal corporation voted in favor of a question at an election held under division (C)(7)(b) or (c) of this section. The municipal corporation shall specify by resolution or ordinance that the tax applies to the distributive share of a shareholder of an S corporation in the hands of the shareholder of the S corporation.

(8) In the case of a tax administered, collected, and enforced by a municipal corporation pursuant to an agreement with the board of directors of a joint economic development district under section 715.72 of the Revised Code, the net profits of a business exempted from the tax under that section;

(9) Income the taxation of which is prohibited by the constitution or laws of the United States.

Any item of income that is exempt income of a pass-through entity under division (C) of this section is exempt income of each owner of the pass-through entity to the extent of that owner's distributive or proportionate share of that item of the entity's income.

(D)(1) "Net profit" of a person means adjusted federal taxable income reduced by any net operating loss incurred by the person in a taxable year beginning on or after January 1, 2017, subject to the limitations of division (D)(2) of this section.

(2)(a) The amount of such net operating loss shall be
deducted from net profit to the extent necessary to reduce municipal taxable income to zero, with any remaining unused portion of the net operating loss carried forward to not more than five consecutive taxable years following the taxable year in which the loss was incurred, but in no case for more years than necessary for the deduction to be fully utilized.

(b)(i) For taxable years beginning in 2018, 2019, 2020, 2021, or 2022, a person may not deduct, for purposes of an income tax levied by a municipal corporation that levies an income tax before January 1, 2016, more than fifty per cent of the amount of the deduction otherwise allowed by division (D)(2) of this section.

(ii) For taxable years beginning in 2023 or thereafter, a person may deduct, for purposes of an income tax levied by a municipal corporation that levies an income tax before January 1, 2016, the full amount allowed by division (D)(2) of this section without regard to the limitation of division (D)(2)(b)(i) of this section.

(c) Any pre-2017 net operating loss carryforward deduction that is available may be utilized before a taxpayer may deduct any amount pursuant to division (D)(2) of this section.

(d) Nothing in division (D)(2)(b)(i) of this section precludes a person from carrying forward, for use with respect to any return filed for a taxable year beginning after 2018, any amount of net operating loss that was not fully utilized by operation of division (D)(2)(b)(i) of this section. To the extent that an amount of net operating loss that was not fully utilized in one or more taxable years by operation of division (D)(2)(b)(i) of this section is carried forward for use with respect to a return filed for a taxable year beginning in 2019, 2020, 2021, or 2022, the limitation described in division (D)(2)(b)(i) of this section shall apply to the amount carried forward.
(3) For the purposes of this chapter, and notwithstanding division (D)(1) of this section, net profit of a disregarded entity shall not be taxable as against that disregarded entity, but shall instead be included in the net profit of the owner of the disregarded entity.

(4) For the purposes of this chapter, and notwithstanding any other provision of this chapter, the net profit of a publicly traded partnership that makes the election described in division (D)(4) of this section shall be taxed as if the partnership were a C corporation, and shall not be treated as the net profit or income of any owner of the partnership.

A publicly traded partnership that is treated as a partnership for federal income tax purposes and that is subject to tax on its net profits in one or more municipal corporations in this state may elect to be treated as a C corporation for municipal income tax purposes. The publicly traded partnership shall make the election on its annual tax return filed with the tax commissioner under section 5718.05 of the Revised Code.

(E) "Adjusted federal taxable income," for a person required to file as a C corporation, or for a person that has elected to be taxed as a C corporation under division (D)(4) of this section, means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:

(1) Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a trade or business or assets held for the production of income.

(2) Add an amount equal to five per cent of intangible income deducted under division (E)(1) of this section, but excluding that portion of intangible income directly related to the sale,
exchange, or other disposition of property described in section 1221 of the Internal Revenue Code;

(3) Add any losses allowed as a deduction in the computation of federal taxable income if the losses directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code;

(4)(a) Except as provided in division (E)(4)(b) of this section, deduct income and gain included in federal taxable income to the extent the income and gain directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code;

(b) Division (E)(4)(a) of this section does not apply to the extent the income or gain is income or gain described in section 1245 or 1250 of the Internal Revenue Code.

(5) Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income;

(6) In the case of a real estate investment trust or regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors and allowed as a deduction in the computation of federal taxable income;

(7) Deduct, to the extent not otherwise deducted or excluded in computing federal taxable income, any income derived from a transfer agreement or from the enterprise transferred under that agreement under section 4313.02 of the Revised Code;

(8) Deduct exempt income to the extent not otherwise deducted or excluded in computing adjusted federal taxable income;

(9) Deduct any net profit of a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of
corporations includes that net profit in the group's federal
taxable income in accordance with division (E)(3)(b) of section 5718.06 of the Revised Code;

(10) Add any loss incurred by a pass-through entity owned
directly or indirectly by the taxpayer and included in the
taxpayer's federal taxable income unless an affiliated group of
corporations includes that loss in the group's federal taxable
income in accordance with division (E)(3)(b) of section 5718.06 of the Revised Code.

If the taxpayer is not a C corporation, is not a disregarded
entity that has made the election described in division (I)(2) of
this section, and is not a publicly traded partnership that has
made the election described in division (D)(4) of this section,
the taxpayer shall compute adjusted federal taxable income under
this section as if the taxpayer were a C corporation, except
guaranteed payments and other similar amounts paid or accrued to a
partner, former partner, shareholder, former shareholder, member,
or former member shall not be allowed as a deductible expense
unless such payments are in consideration for the use of capital
and treated as payment of interest under section 469 of the
Internal Revenue Code or United States treasury regulations.
Amounts paid or accrued to a qualified self-employed retirement
plan with respect to a partner, former partner, shareholder,
former shareholder, member, or former member of the taxpayer,
amounts paid or accrued to or for health insurance for a partner,
former partner, shareholder, former shareholder, member, or former
member, and amounts paid or accrued to or for life insurance for a
partner, former partner, shareholder, former shareholder, member,
or former member shall not be allowed as a deduction.

Nothing in division (E) of this section shall be construed as
allowing the taxpayer to add or deduct any amount more than once
or shall be construed as allowing any taxpayer to deduct any
amount paid to or accrued for purposes of federal self-employment tax.

(F) "Individual" means any natural person.

(G) "Internal Revenue Code" has the same meaning as in section 5747.01 of the Revised Code.

(H) "Tax return" or "return" means the notifications and reports required to be filed pursuant to this chapter for the purpose of reporting a municipal income tax levied in accordance with this chapter, and includes declarations of estimated tax when so required.

(I)(1) "Taxpayer" means a person, other than an individual, subject to a tax levied on income by a municipal corporation in accordance with this chapter. "Taxpayer" includes a receiver, assignee, or trustee in bankruptcy when such entity is required to assume the role of a taxpayer. "Taxpayer" does not include an entity subject to the tax imposed under Chapter 5745. of the Revised Code or, except as provided in division (I)(2)(a) of this section, a disregarded entity.

(2)(a) A single member limited liability company that is a disregarded entity for federal tax purposes may be a separate taxpayer from its single member in all Ohio municipal corporations in which it either filed as a separate taxpayer or did not file for its taxable year ending in 2003, if all of the following conditions are met:

(i) The limited liability company's single member is also a limited liability company.

(ii) The limited liability company and its single member were formed and doing business in one or more Ohio municipal corporations for at least five years before January 1, 2004.

(iii) Not later than December 31, 2004, the limited liability
company and its single member each made an election to be treated
as a separate taxpayer under division (L) of section 718.01 of the
Revised Code as that section existed on December 31, 2004.

(iv) The limited liability company was not formed for the
purpose of evading or reducing Ohio municipal corporation income
tax liability of the limited liability company or its single
member.

(v) The Ohio municipal corporation that was the primary place
of business of the single member of the limited liability company
consented to the election.

(b) For purposes of division (I)(2)(a)(v) of this section, a
municipal corporation was the primary place of business of a
limited liability company if, for the limited liability company's
taxable year ending in 2003, its income tax liability was greater
in that municipal corporation than in any other municipal
corporation in Ohio, and that tax liability to that municipal
corporation for its taxable year ending in 2003 was at least four
hundred thousand dollars.

(J) "Pass-through entity" means a partnership not treated as
an association taxable as a C corporation for federal income tax
purposes, a limited liability company not treated as an
association taxable as a C corporation for federal income tax
purposes, an S corporation, or any other class of entity from
which the income or profits of the entity are given pass-through
treatment for federal income tax purposes. "Pass-through entity"
does not include a trust, estate, grantor of a grantor trust, or
disregarded entity.

(K) "S corporation" means a person that has made an election
under subchapter S of Chapter 1 of Subtitle A of the Internal
Revenue Code for its taxable year.

(L) "Single member limited liability company" means a limited
liability company that has one direct member.

(M) "Limited liability company" means a limited liability company formed under Chapter 1705. of the Revised Code or under the laws of another state.

(N) "Intangible income" means income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other disposition of intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Chapter 5701. of the Revised Code, and patents, copyrights, trademarks, tradenames, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred compensation. "Intangible income" does not include prizes, awards, or other income associated with any lottery winnings, gambling winnings, or other similar games of chance.

(O) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or the fractional part thereof, upon which the calculation of the taxpayer's adjusted federal taxable income is based pursuant to this chapter. If a taxpayer's taxable year is changed for federal income tax purposes, the taxable year for purposes of this chapter is changed accordingly but may consist of an aggregation of more than one taxable year for federal income tax purposes. The tax commissioner may prescribe, by rule, an appropriate period as the taxable year for a taxpayer that has had a change of its taxable year for federal income tax purposes, for a taxpayer that has two or more short taxable years for federal income tax purposes due to a change of ownership, or for a new taxpayer that would otherwise have no taxable year.

(P) "Employer" means a person that is an employer for federal income tax purposes.
(Q) "Employee" means an individual who is an employee for federal income tax purposes.

(R) "Municipal corporation" includes a joint economic development district or joint economic development zone that levies an income tax under section 715.691, 715.70, 715.71, or 715.72 of the Revised Code.

(S) "Disregarded entity" means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.

(T) "Ohio business gateway" has the same meaning as in section 718.01 of the Revised Code.

(U) "Net operating loss" means a loss incurred by a person in the operation of a trade or business. "Net operating loss" does not include unutilized losses resulting from basis limitations, at-risk limitations, or passive activity loss limitations.

(V) "Related member" means a person that, with respect to the taxpayer during all or any portion of the taxable year, is either a related entity, a component member as defined in section 1563(b) of the Internal Revenue Code, or a person to or from whom there is attribution of stock ownership in accordance with section 1563(e) of the Internal Revenue Code except, for purposes of determining whether a person is a related member under this division, "twenty per cent" shall be substituted for "5 percent" wherever "5 percent" appears in section 1563(e) of the Internal Revenue Code.

(W) "Related entity" means any of the following:

(1) An individual stockholder, or a member of the stockholder's family enumerated in section 318 of the Internal Revenue Code, if the stockholder and the members of the stockholder's family own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent of the
value of the taxpayer's outstanding stock;

(2) A stockholder, or a stockholder's partnership, estate, trust, or corporation, if the stockholder and the stockholder's partnerships, estates, trusts, or corporations own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent of the value of the taxpayer's outstanding stock;

(3) A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under division (W)(4) of this section, provided the taxpayer owns directly, indirectly, beneficially, or constructively, at least fifty per cent of the value of the corporation's outstanding stock;

(4) The attribution rules described in section 318 of the Internal Revenue Code apply for the purpose of determining whether the ownership requirements in divisions (W)(1) to (3) of this section have been met.

(X)(1) "Pre-2017 net operating loss carryforward" means any net operating loss incurred in a taxable year beginning before January 1, 2017, to the extent such loss was permitted, by a resolution or ordinance of the municipal corporation that was adopted by the municipal corporation before January 1, 2016, to be carried forward and utilized to offset income or net profit generated in such municipal corporation in future taxable years.

(2) For the purpose of calculating municipal taxable income, any pre-2017 net operating loss carryforward may be carried forward to any taxable year, including taxable years beginning in 2017 or thereafter, for the number of taxable years provided in the resolution or ordinance or until fully utilized, whichever is earlier.
"Publicly traded partnership" means any partnership, an interest in which is regularly traded on an established securities market. A "publicly traded partnership" may have any number of partners.

Sec. 5718.02. This section applies to any taxpayer engaged in a business or profession in a municipal corporation that imposes an income tax in accordance with this chapter.

(A) Except as otherwise provided in division (B) of this section, net profit from a business or profession conducted both within and without the boundaries of a municipal corporation shall be considered as having a taxable situs in the municipal corporation for purposes of municipal income taxation in the same proportion as the average ratio of the following:

(1) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in the municipal corporation during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated.

As used in the preceding paragraph, tangible personal or real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight;

(2) Wages, salaries, and other compensation paid during the taxable period to individuals employed in the business or profession for services performed in the municipal corporation to wages, salaries, and other compensation paid during the same period to individuals employed in the business or profession, wherever the individual's services are performed, excluding compensation from which taxes are not required to be withheld under section 718.011 of the Revised Code;
(3) Total gross receipts of the business or profession from sales and rentals made and services performed during the taxable period in the municipal corporation to total gross receipts of the business or profession during the same period from sales, rentals, and services, wherever made or performed.

(B)(1) If the apportionment factors described in division (A) of this section do not fairly represent the extent of a taxpayer's business activity in a municipal corporation, the taxpayer may request, or the tax commissioner may require, that the taxpayer use, with respect to all or any portion of the income of the taxpayer, an alternative apportionment method involving one or more of the following:

(a) Separate accounting;

(b) The exclusion of one or more of the factors;

(c) The inclusion of one or more additional factors that would provide for a more fair apportionment of the income of the taxpayer to the municipal corporation;

(d) A modification of one or more of the factors.

(2) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the tax commissioner denies the request in an assessment issued within the period prescribed by division (A) of section 5718.12 of the Revised Code.

(3) The tax commissioner may require a taxpayer to use an alternative apportionment method as described in division (B)(1) of this section only by issuing an assessment to the taxpayer within the period prescribed by division (A) of section 5718.12 of the Revised Code.
(C) As used in division (A)(2) of this section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:

(1) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:

(a) The employer;

(b) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;

(c) A vendor, customer, client, or patient of a person described in division (C)(1)(b) of this section, or a related member of such a vendor, customer, client, or patient.

(2) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for services performed for, or on behalf of, the employer or that the employee's presence at the location directly or indirectly benefits the employer;

(3) Any other location, if the tax commissioner determines that the employer directed the employee to perform the services at the other location in lieu of a location described in division (C)(1) or (2) of this section solely in order to avoid or reduce the employer's municipal income tax liability. If the commissioner makes such a determination, the employer may dispute the determination by establishing, by a preponderance of the evidence, that the commissioner's determination was unreasonable.

(D) For the purposes of division (A)(3) of this section, receipts from sales and rentals made and services performed shall be sitused to a municipal corporation as follows:
(1) Gross receipts from the sale of tangible personal property shall be sitused to the municipal corporation if the property is received in the municipal corporation by the purchaser. In the case of delivery of tangible personal property by common carrier or by other means of transportation, the place at which title to such property is transferred to the buyer shall be considered the place where the purchaser receives the property.

(2) Gross receipts from the sale of services shall be sitused to the municipal corporation to the extent that such services are performed in the municipal corporation.

(3) To the extent included in income, gross receipts from the sale of real property located in the municipal corporation shall be sitused to the municipal corporation.

(4) To the extent included in income, gross receipts from rents and royalties from real property located in the municipal corporation shall be sitused to the municipal corporation.

(5) Gross receipts from rents and royalties from tangible personal property shall be sitused to the municipal corporation based upon the extent to which the tangible personal property is used in the municipal corporation.

(E) Commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be sitused to the municipal corporation in which the real estate is located. Net profit reported by the real estate agent or broker shall be allocated to a municipal corporation based upon the ratio of the commissions the agent or broker received from the sale, purchase, or lease of real estate located in the municipal corporation to the commissions received from the sale, purchase, or lease of real estate everywhere in the taxable year.

(F) If, in computing a taxpayer's adjusted federal taxable income, the taxpayer deducted any amount with respect to a stock
option granted to an employee, and if the employee is not required
to include in the employee's income any such amount or a portion
thereof because it is exempted from taxation under divisions
(C)(9) and (R)(1)(d) of section 718.01 of the Revised Code by a
municipal corporation to which the taxpayer has apportioned a
portion of its net profit, the taxpayer shall add the amount that
is exempt from taxation to the taxpayer's net profit that was
apportioned to that municipal corporation. In no case shall a
taxpayer be required to add to its net profit that was apportioned
to that municipal corporation any amount other than the amount
upon which the employee would be required to pay tax were the
amount related to the stock option not exempted from taxation.

This division applies solely for the purpose of making an
adjustment to the amount of a taxpayer's net profit that was
apportioned to a municipal corporation under this section.

(G) When calculating the ratios described in division (A) of
this section for the purposes of that division or division (B) of
this section, the owner of a disregarded entity shall include in
the owner's ratios the property, payroll, and gross receipts of
such disregarded entity.

Sec. 5718.04. (A)(1) Any tax levied by a municipal
corporation on the income of persons other than individuals or of
persons subject to Chapter 5745. of the Revised Code is subject to
the provisions and limitations of this chapter. A municipal
corporation shall be deemed to levy a tax that is subject to the
provisions and limitations of this chapter if both of the
following conditions are met:

(a) The municipal corporation levied a tax on income of
persons other than individuals in accordance with section 718.04
of the Revised Code before January 1, 2018, or levies a tax on the
income of such persons on or after that date.
(b) The municipal corporation adopts, by resolution or ordinance, the provisions of this chapter.

(2) Any municipal corporation or group of municipal corporations that, on or before January 1, 2018, levy a tax on income pursuant to Chapter 718. of the Revised Code whereby the revenues of the tax are shared with a school district as authorized under section 718.09 or 718.10 of the Revised Code shall also be deemed to levy a corresponding tax in accordance with this chapter, provided that the municipal corporation, by resolution or ordinance, adopts the provisions of this chapter.

(3) Any amendments made by a municipal corporation, by resolution or ordinance, to an item listed in division (A) of section 718.04 of the Revised Code, and any change resulting from a legislative act amending that section, shall be applicable to this chapter.

(B) Any municipal corporation that, on or before March 23, 2015, levies an income tax at a rate in excess of one per cent may continue to levy the tax at the rate specified in the original ordinance or resolution, provided that such rate continues in effect as specified in the original ordinance or resolution.

(C)(1) On or before the thirty-first day of January each year, every municipal corporation imposing a tax on income shall certify to the tax commissioner the rate of the tax in effect on the first day of January of that year. If any municipal corporation fails to certify its income tax rate as required by this division, the commissioner shall notify the director of budget and management, who, upon receiving such notification, shall withhold from each subsequent payment made to the municipal corporation under section 5718.10 of the Revised Code fifty per cent of the payment otherwise due to the municipal corporation under that section. The director shall compute the amount withheld on the basis of the tax rate most recently certified to the
The amounts shall be withheld until the municipal corporation certifies the tax rate in effect on the first day of January of that year.

(2)(a) For the purposes of this section, the tax rate imposed for a taxpayer's taxable year shall be the tax rate in effect in the municipal corporation on the first day of January in that taxable year.

(b) If a taxpayer's taxable year is for a period of less than twelve months that does not include the first day of January, the tax rate imposed under this section for the taxpayer's taxable year shall be the tax rate in effect in the municipal corporation on the first day of January in the preceding taxable year.

(D) No municipal corporation shall adopt an ordinance or resolution that conflicts with the provisions of this chapter.

Sec. 5718.041. (A) The tax commissioner shall enforce and administer this chapter. In addition to any other powers conferred upon the commissioner by law, the commissioner may:

(1) Prescribe all forms necessary to administer this chapter;

(2) Adopt such rules as the commissioner finds necessary to carry out this chapter;

(3) Appoint and employ such personnel as are necessary to carry out the duties imposed upon the commissioner by this chapter.

(B) No municipal corporation may do either of the following:

(1) Carry out any of the powers or duties conferred on the tax commissioner under this chapter;

(2) Levy a tax on the income of a taxpayer contrary to the provisions and limitations specified in this chapter for a taxable year beginning on or after January 1, 2018.
Sec. 5718.05. (A)(1) For each taxable year ending within a calendar year, each taxpayer shall file an annual return with the tax commissioner not later than the fifteenth day of April of the calendar year after the calendar year in which the taxpayer's taxable year or years ended. The taxpayer shall remit with the return the amount of tax due as shown on the return less the amount paid for the taxable year under section 5718.08 of the Revised Code.

(2) If a taxpayer has multiple taxable years ending within one calendar year, the taxpayer shall aggregate the facts and figures necessary to compute the tax due under this chapter, in accordance with sections 5718.01, 5718.02, 5718.04, and, if applicable, 5718.06 of the Revised Code onto its annual return.

(3) The remittance shall be made payable to the treasurer of state and in the form prescribed by the tax commissioner. If the amount payable with the tax return is ten dollars or less, no remittance is required.

(4) Returns or notices required of an estate or a trust shall be completed and filed by the fiduciary of the estate or trust.

(B) The tax commissioner shall immediately forward to the treasurer of state all amounts the commissioner receives pursuant to this chapter. The treasurer shall credit ninety-nine per cent of such amounts to the municipal income tax fund and the remainder to the municipal income tax administrative fund established under section 5745.03 of the Revised Code.

(C)(1) Each return required to be filed under this section shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's identification number. Each return shall be verified by a declaration under penalty of perjury.
(2) (a) The tax commissioner may require a taxpayer to include, with each annual tax return, amended return, or request for refund filed under this chapter, copies of any relevant documents or other information.

(b) A taxpayer that files an annual tax return electronically through the Ohio business gateway or in another manner as prescribed by the tax commissioner shall either submit the documents required under this division electronically as prescribed at the time of filing or, if electronic submission is not available, mail the documents to the tax commissioner. The department of taxation shall publish a method of electronically submitting the documents required under this division through the Ohio business gateway on or before January 1, 2019.

(3) After a taxpayer files a tax return, the tax commissioner may request, and the taxpayer shall provide, any information, statements, or documents required to determine and verify the taxpayer's municipal income tax.

(D) (1) (a) Any taxpayer that has duly requested an automatic extension for filing the taxpayer's federal income tax return shall automatically receive an extension, to the same due date, for the filing of a tax return under this chapter, provided that (i) the taxpayer files with the commissioner a copy of the taxpayer's federal extension request on or before the unextended due date of its annual return, and (ii) the federal extension is beyond the taxpayer's unextended due date for filing a return.

(b) An extension of time to file under division (D) (1) (a) of this section is not an extension of the time to pay any tax due unless the tax commissioner grants an extension of that date.

(2) If the commissioner considers it necessary in order to ensure payment of a tax imposed in accordance with this chapter, the commissioner may require taxpayers to file returns and make
payments otherwise than as provided in this section, including taxpayers not otherwise required to file annual returns.

(E) Each return required to be filed in accordance with this section shall include a box that the taxpayer may check to authorize another person, including a tax return preparer who prepared the return, to communicate with the tax commissioner about matters pertaining to the return. The return or instructions accompanying the return shall indicate that by checking the box the taxpayer authorizes the commissioner to contact the preparer or other person concerning questions that arise during the examination or other review of the return and authorizes the preparer or other person only to provide the commissioner with information that is missing from the return, to contact the commissioner for information about the examination or other review of the return or the status of the taxpayer's refund or payments, and to respond to notices about mathematical errors, offsets, or return preparation that the taxpayer has received from the commissioner and has shown to the preparer or other person.

(F) When income tax returns or other documents require the signature of a tax return preparer, the tax commissioner shall accept a facsimile of such a signature in lieu of a manual signature.

Sec. 5718.051. (A) All taxpayers shall file any tax return or extension for filing a tax return, and shall make payment of amounts shown to be due on such returns, electronically, either through the Ohio business gateway or in another manner as prescribed by the tax commissioner.

(B) No municipal corporation shall be required to pay any fee or charge for the operation or maintenance of the Ohio business gateway.

(C) A taxpayer may apply to the commissioner, on a form
prescribed by the commissioner, to be excused from the requirement
to file returns and make payments electronically. For good cause shown, the commissioner may excuse the applicant from the
requirement and permit the applicant to file the returns or make the payments required under this chapter by nonelectronic means.

(D)(1) The tax commissioner may adopt rules establishing both of the following:

(a) The format of documents to be used by taxpayers to file returns and make payments through the Ohio business gateway;

(b) The information taxpayers must submit when filing tax returns through the Ohio business gateway.

(2) The commissioner shall consult with the Ohio business gateway steering committee before adopting the rules described in division (D)(1) of this section.

Sec. 5718.06. (A) As used in this section:

(1) "Affiliated group of corporations" means an affiliated group as defined in section 1504 of the Internal Revenue Code, except that, if such a group includes at least one incumbent local exchange carrier that is primarily engaged in the business of providing local exchange telephone service in this state, the affiliated group shall not include any incumbent local exchange carrier that would otherwise be included in the group.

(2) "Consolidated federal income tax return" means a consolidated return filed for federal income tax purposes pursuant to section 1501 of the Internal Revenue Code.

(3) "Consolidated federal taxable income" means the consolidated taxable income of an affiliated group of corporations, as computed for the purposes of filing a consolidated federal income tax return, before consideration of net operating losses or special deductions. "Consolidated federal
taxable income" does not include income or loss of an incumbent local exchange carrier that is excluded from the affiliated group under division (A)(1) of this section.

(4) "Incumbent local exchange carrier" has the same meaning as in section 4927.01 of the Revised Code.

(5) "Local exchange telephone service" has the same meaning as in section 5727.01 of the Revised Code.

(B)(1) A taxpayer that is a member of an affiliated group of corporations may elect to file a consolidated tax return for a taxable year if at least one member of the affiliated group of corporations is subject to a tax imposed in accordance with this chapter in that taxable year and if the affiliated group of corporations filed a consolidated federal income tax return with respect to that taxable year. The election is binding for a five-year period beginning with the first taxable year of the initial election unless a change in the reporting method is required under federal law. The election continues to be binding for each subsequent five-year period unless the taxpayer elects to discontinue filing consolidated tax returns under division (B)(2) of this section or a taxpayer receives permission from the tax commissioner. The tax commissioner shall approve such a request for good cause shown.

(2) An election to discontinue filing consolidated tax returns under this section must be made on or before the fifteenth day of April of the first year following the last year of a five-year consolidated tax return election period in effect under division (B)(1) of this section. The election to discontinue filing a consolidated tax return is binding for a five-year period beginning with the first taxable year of the election.

(3) An election made under division (B)(1) or (2) of this section is binding on all members of the affiliated group of
corporations subject to a municipal income tax.

(C) A taxpayer that is a member of an affiliated group of corporations that filed a consolidated federal income tax return for a taxable year shall file a consolidated tax return for that taxable year if the tax commissioner determines, by a preponderance of the evidence, that intercompany transactions have not been conducted at arm's length and that there has been a distortive shifting of income or expenses with regard to allocation of net profits to a municipal corporation. A taxpayer that is required to file a consolidated tax return for a taxable year shall file a consolidated tax return for all subsequent taxable years unless the taxpayer requests and receives written permission from the commissioner to file a separate return or a taxpayer has experienced a change in circumstances.

(D) A taxpayer shall prepare a consolidated tax return in the same manner as is required under the United States department of treasury regulations that prescribe procedures for the preparation of the consolidated federal income tax return required to be filed by the common parent of the affiliated group of which the taxpayer is a member.

(E)(1) Except as otherwise provided in divisions (E)(2), (3), and (4) of this section, corporations that file a consolidated tax return shall compute adjusted federal taxable income, as defined in section 5718.01 of the Revised Code, by substituting "consolidated federal taxable income" for "federal taxable income" wherever "federal taxable income" appears in that division and by substituting "an affiliated group of corporation's" for "a C corporation's" wherever "a C corporation's" appears in that division.

(2) No corporation filing a consolidated tax return shall make any adjustment otherwise required under division (E) of section 5718.01 of the Revised Code to the extent that the item of
income or deduction otherwise subject to the adjustment has been eliminated or consolidated in the computation of consolidated federal taxable income.

(3) If the net profit or loss of a pass-through entity having at least eighty per cent of the value of its ownership interest owned or controlled, directly or indirectly, by an affiliated group of corporations is included in that affiliated group's consolidated federal taxable income for a taxable year, the corporation filing a consolidated tax return shall do one of the following with respect to that pass-through entity's net profit or loss for that taxable year:

(a) Exclude the pass-through entity's net profit or loss from the consolidated federal taxable income of the affiliated group and, for the purpose of making the computations required in section 5718.02 of the Revised Code, exclude the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit sitused to a municipal corporation. If the entity's net profit or loss is so excluded, the entity shall be subject to taxation as a separate taxpayer on the basis of the entity's net profits that would otherwise be included in the consolidated federal taxable income of the affiliated group.

(b) Include the pass-through entity's net profit or loss in the consolidated federal taxable income of the affiliated group and, for the purpose of making the computations required in section 5718.02 of the Revised Code, include the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit sitused to a municipal corporation. If the entity's net profit or loss is so included, the entity shall not be subject to taxation as a separate taxpayer on the basis of the entity's net profits that are included in the consolidated federal taxable income of the affiliated group.
affiliated group.

(4) If the net profit or loss of a pass-through entity having less than eighty per cent of the value of its ownership interest owned or controlled, directly or indirectly, by an affiliated group of corporations is included in that affiliated group's consolidated federal taxable income for a taxable year, all of the following shall apply:

(a) The corporation filing the consolidated tax return shall exclude the pass-through entity's net profit or loss from the consolidated federal taxable income of the affiliated group and, for the purposes of making the computations required in section 5718.02 of the Revised Code, exclude the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit sitused to a municipal corporation;

(b) The pass-through entity shall be subject to municipal income taxation as a separate taxpayer in accordance with this chapter on the basis of the entity's net profits that would otherwise be included in the consolidated federal taxable income of the affiliated group.

(F) Corporations filing a consolidated tax return shall make the computations required under section 5718.02 of the Revised Code by substituting "consolidated federal taxable income attributable to" for "net profit from" wherever "net profit from" appears in that section and by substituting "affiliated group of corporations" for "taxpayer" wherever "taxpayer" appears in that section.

(G) Each corporation filing a consolidated tax return is jointly and severally liable for any tax, interest, penalties, fines, charges, or other amounts imposed by this chapter on the corporation, an affiliated group of which the corporation is a
member for any portion of the taxable year, or any one or more members of such an affiliated group.

(H) Corporations and their affiliates that made an election or entered into an agreement with a municipal corporation for a taxable year beginning before January 1, 2018, to file a consolidated or combined tax return with such municipal corporation shall continue to file consolidated or combined tax returns with the tax commissioner in accordance with such election or agreement for taxable years beginning on or after January 1, 2018.

Sec. 5718.07. If a tax required to be paid under this chapter, or any portion of that tax, is not paid on or before the date prescribed for its payment, interest shall be assessed, collected, and paid, in the same manner as the tax, upon such unpaid amount at the rate per annum prescribed by section 5703.47 of the Revised Code from the date prescribed for its payment until it is paid or until the date an assessment is issued under section 5718.12 of the Revised Code, whichever occurs first.

Sec. 5718.08. (A) As used in this section:

(1) "Combined tax liability" means the total amount of a taxpayer's income tax liabilities to all municipal corporations in this state for a taxable year.

(2) "Estimated taxes" means the amount that the taxpayer reasonably estimates to be the taxpayer's combined tax liability for the current taxable year.

(B)(1) Except as provided in division (B)(4) of this section, every taxpayer shall make a declaration of estimated taxes for the current taxable year, on the form prescribed by the tax commissioner, if the amount payable as estimated taxes is at least two hundred dollars.
Except as provided in division (B) (4) of this section, a taxpayer having a taxable year of less than twelve months shall make a declaration under rules prescribed by the commissioner.

The declaration of estimated taxes shall be filed on or before the fifteenth day of the fourth month after the beginning of the taxable year or on or before the fifteenth day of the fourth month after the taxpayer becomes subject to tax for the first time.

The tax commissioner may waive the requirement for filing a declaration of estimated taxes for any class of taxpayers after finding that the waiver is reasonable and proper in view of administrative costs and other factors.

Each taxpayer shall file the declaration of estimated taxes with, and remit estimated taxes to, the tax commissioner at the times and in the amounts prescribed in division (C) (1) of this section. Remitted taxes shall be made payble to the treasurer of state.

The required portion of the combined tax liability for the taxable year that shall be paid through estimated taxes shall be as follows:

(a) On or before the fifteenth day of the fourth month after the beginning of the taxable year, twenty-two and one-half per cent of the combined tax liability for the taxable year;

(b) On or before the fifteenth day of the sixth month after the beginning of the taxable year, forty-five per cent of the combined tax liability for the taxable year;

(c) On or before the fifteenth day of the ninth month after the beginning of the taxable year, sixty-seven and one-half per cent of the combined tax liability for the taxable year;

(d) On or before the fifteenth day of the twelfth month of
the taxable year, ninety per cent of the combined tax liability for the taxable year.

(2) If the taxpayer determines that its declaration of estimated taxes will not accurately reflect the taxpayer's tax liability for the taxable year, the taxpayer shall increase or decrease, as appropriate, its subsequent payments in equal installments to result in a more accurate payment of estimated taxes.

(3)(a) Each taxpayer shall report on the declaration of estimated taxes the portion of the remittance that the taxpayer estimates that it owes to each municipal corporation for the taxable year.

(b) Upon receiving a payment of estimated taxes under this section, the commissioner shall immediately forward the payment to the treasurer of state. The treasurer shall credit the payment in the same manner as in division (B) of section 5718.05 of the Revised Code.

(D)(1) In the case of any underpayment of a combined tax liability, interest shall be imposed upon the amount of underpayment for the period of underpayment, at the rate per annum prescribed by section 5703.47 of the Revised Code, unless the underpayment is due to reasonable cause as described in division (E) of this section. The amount of the underpayment shall be determined as follows:

(a) For the first payment of estimated taxes each year, twenty-two and one-half per cent of the combined tax liability, less the amount of taxes paid by the date prescribed for that payment;

(b) For the second payment of estimated taxes each year, forty-five per cent of the combined tax liability, less the amount of taxes paid by the date prescribed for that payment;
(c) For the third payment of estimated taxes each year, sixty-seven and one-half per cent of the combined tax liability, less the amount of taxes paid by the date prescribed for that payment;

(d) For the fourth payment of estimated taxes each year, ninety per cent of the combined tax liability, less the amount of taxes paid by the date prescribed for that payment.

(2) The period of the underpayment shall run from the day the estimated payment was required to be made to the date on which the payment is made. For purposes of this section, a payment of estimated taxes on or before any payment date shall be considered a payment of any previous underpayment only to the extent the payment of estimated taxes exceeds the amount of the payment presently due.

(3) All amounts collected under this section shall be considered as taxes collected under this chapter and shall be credited and distributed to municipal corporations in accordance with section 5718.10 of the Revised Code.

(E) An underpayment of any portion of a combined tax liability determined under division (D) of this section shall be due to reasonable cause and the penalty imposed by this section shall not be added to the taxes for the taxable year if any of the following apply:

(1) The amount of estimated taxes that were paid equals at least ninety per cent of the combined tax liability for the current taxable year, determined by annualizing the income received during the year up to the end of the month immediately preceding the month in which the payment is due.

(2) The amount of estimated taxes that were paid equals at least one hundred per cent of the tax liability shown on the return of the taxpayer for the preceding taxable year, provided...
that the immediately preceding taxable year reflected a period of twelve months and, if that taxable year began before January 1, 2018, the taxpayer filed a return with the municipal corporation under section 718.05 of the Revised Code for that year or, if that taxable year began on or after January 1, 2018, the taxpayer filed a return under section 5718.05 of the Revised Code for that year.

**Sec. 5718.10.** (A) Prior to the first day of March, June, September, and December, the tax commissioner shall certify to the director of budget and management the amount to be paid to each municipal corporation, based on amounts reported on annual returns and declarations of estimated tax under sections 5718.05 and 5718.08 of the Revised Code, less any amounts previously distributed and net of any audit adjustments made by the commissioner. On or before the first day of March, June, September, and December, the director shall provide for payment of the amount certified to each municipal corporation from the municipal income tax fund, plus a pro rata share of any investment earnings accruing to the fund since the previous payment under this section. Each municipal corporation's share of such earnings shall equal the proportion that the municipal corporation's certified tax payment is of the total taxes certified to all municipal corporations in that quarter. All investment earnings on money in the municipal income tax fund shall be credited to that fund.

(B)(1) If the tax commissioner determines that the amount of tax paid by a taxpayer and distributed to a municipal corporation under this section for a taxable year exceeds the amount payable to that municipal corporation under this chapter after accounting for amounts remitted with the annual return and as estimated taxes, the commissioner shall proceed according to divisions (A) and (B) of section 5703.77 of the Revised Code.
(2) Upon receiving a refund application in response to the notice required under division (B) of section 5703.77 of the Revised Code, the commissioner shall proceed in accordance with section 5718.19 of the Revised Code.

Sec. 5718.12. (A) If any taxpayer required to file a return under this chapter fails to file the return within the time prescribed, files an incorrect return, or fails to remit the full amount of the tax due for the period covered by the return, the tax commissioner may make an assessment against the taxpayer for any deficiency for the period for which the return or tax is due, based upon any information in the commissioner's possession.

The tax commissioner shall not make or issue an assessment against a taxpayer more than three years after the later of the date the return subject to assessment was required to be filed or the date the return was filed. Such time limit may be extended if both the taxpayer and the commissioner consent in writing to the extension. Any such extension shall extend the three-year time limit in section 5718.19 of the Revised Code for the same period of time. There shall be no bar or limit to an assessment against a taxpayer that fails to file a return subject to assessment as required by this chapter, or that files a fraudulent return. The commissioner shall give the taxpayer assessed written notice of the assessment as provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the taxpayer assessed files with the tax commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment signed by the authorized agent of the taxpayer assessed having knowledge of the facts, the assessment
becomes final, and the amount of the assessment is due and payable from the taxpayer to the treasurer of state. The petition shall indicate the taxpayer's objections, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the taxpayer has an office or place of business in this state, the county in which the taxpayer's statutory agent is located, or Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment against the taxpayer assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for municipal income taxes," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code.
per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by issuing an assessment under this section.

(D) All money collected under this section shall be credited to the municipal income tax fund and distributed to the municipal corporation to which the money is owed based on the assessment issued under this section.

(E) If the tax commissioner believes that collection of the tax imposed by this chapter will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the taxpayer liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (C) of this section. Notice of the jeopardy assessment shall be served on the taxpayer assessed or the taxpayer's legal representative in the manner provided in section 5703.37 of the Revised Code within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the taxpayer assessed files a petition for reassessment in accordance with division (B) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's consideration of the petition for reassessment.

(F) Notwithstanding the fact that a petition for reassessment is pending, the taxpayer may pay all or a portion of the assessment that is the subject of the petition. The acceptance of a payment by the treasurer of state does not prejudice any claim for refund upon final determination of the petition.

If upon final determination of the petition an error in the
assessment is corrected by the tax commissioner, upon petition so filed or pursuant to a decision of the board of tax appeals or any court to which the determination or decision has been appealed, so that the amount due from the taxpayer under the corrected assessment is less than the portion paid, there shall be issued to the taxpayer, its assigns, or legal representative a refund in the amount of the overpayment as provided by section 5718.19 of the Revised Code, with interest on that amount as provided by that section.

Sec. 5718.13. (A) Any information gained as a result of returns, investigations, hearings, or verifications required or authorized by this chapter is confidential, and no person shall disclose such information, except for official purposes, in accordance with a proper judicial order, or as provided in section 4123.271 or 5703.21 of the Revised Code. The tax commissioner may furnish the internal revenue service with copies of returns filed. This section does not prohibit the publication of statistics in a form which does not disclose information with respect to particular taxpayers.

(B) In March of each year, the tax commissioner shall provide each tax administrator with the following information for every taxpayer with municipal taxable income apportionable to the municipal corporation under this chapter:

(1) The taxpayer's name, address, and federal employer identification number;

(2) The taxpayer's apportionment ratio for, and amount of municipal taxable income apportionable to, the municipal corporation pursuant to section 5718.02 of the Revised Code;

(3) The amount of any pre-2017 net operating loss carryforward utilized by the taxpayer.
(C) Not later than thirty days after each quarterly distribution made to municipal corporations under section 5718.10 of the Revised Code, the tax commissioner shall provide to each municipal corporation a report stating the name of every taxpayer that made estimated payments in the preceding quarter that are attributable to the municipal corporation and the amount of each such taxpayer's estimated payment.

(D) Not later than the thirty-first day of January of each year, every municipal corporation shall provide to the tax commissioner, in a format prescribed by the commissioner, the name and mailing address of up to two persons to whom the municipal corporation requests that the commissioner send the information described in division (B) of this section. The commissioner shall not provide such information to any person other than a person employed by the municipal corporation or by a tax administrator, as defined in section 718.01 of the Revised Code, that administers the municipal corporation's income tax, except as may otherwise be provided by law.

(E)(1) The tax commissioner may adopt rules that further govern the terms and conditions under which tax returns filed with the commissioner under this chapter, and any other information gained in the performance of the commissioner's duties prescribed by this chapter, shall be available for inspection by properly authorized officers, employees, or agents of the municipal corporations to which the taxpayer's net profit is apportioned under section 5718.02 of the Revised Code.

(2) As used in this division, "properly authorized officer, employee, or agent" means an officer, employee, or agent of a municipal corporation who is authorized by charter or ordinance of the municipal corporation to view or possess information referred to in section 718.13 of the Revised Code.
Sec. 5718.15. (A) A credit, granted by resolution or ordinance of a municipal corporation pursuant to section 718.15 or 718.151 of the Revised Code, shall be available to a taxpayer under this chapter against the municipal corporation's tax on income, provided that the municipal corporation submits the following information to the tax commissioner on or before the later of January 31, 2018, or the thirty-first day of January of the first year in which the municipal corporation allows the credit:

(1) A copy of the agreement entered into by the municipal corporation and taxpayer under section 718.15 or 718.151 of the Revised Code;

(2) A copy of the municipal ordinance or resolution allowing the credit.

(B) The tax commissioner may adopt rules to delineate the documentation necessary to verify a credit claimed under this section.

Sec. 5718.19. (A) An application to refund to a taxpayer the amount of taxes paid on any illegal, erroneous, or excessive payment of tax under this chapter, including assessments, shall be filed with the tax commissioner within three years after the date of the illegal, erroneous, or excessive payment of the tax, or within any additional period allowed by division (A) of section 5718.12 of the Revised Code. The application shall be filed in the form prescribed by the tax commissioner.

(B)(1) On the filing of a refund application, the tax commissioner shall determine the amount of refund to which the applicant is entitled. If the amount is greater than ten dollars and not less than that claimed, the commissioner shall certify that amount to the director of budget and management and the
treasurer of state for payment from the tax refund fund created in section 5703.052 of the Revised Code. If the amount is greater than ten dollars but less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code.

(2) Upon issuance of a refund under this section, the commissioner shall notify each municipal corporation of the amount refunded to the taxpayer attributable to that municipal corporation, which shall be deducted from the municipal corporation's next distribution under section 5718.10 of the Revised Code.

(b) Any portion of a refund determined under division (B) of this section that is not issued within ninety days after such determination shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the ninety-first day after such determination until the day the refund is paid or credited. On an illegal or erroneous assessment, interest shall be paid at that rate from the date of payment on the illegal or erroneous assessment until the day the refund is paid or credited.

(D) Nothing in this section permits a taxpayer to carry forward any refundable amounts to a future taxable year.

Sec. 5718.23. (A) The tax commissioner, or any authorized agent or employee thereof, may examine the books, papers, records, and federal and state income tax returns of any taxpayer or other person that is subject to, or that the tax commissioner believes is subject to, the provisions of this chapter for the purpose of verifying the accuracy of any return made or, if no return was filed, to ascertain the tax due under this chapter. Upon written request by the tax commissioner or a duly authorized agent or employee thereof, every taxpayer or other person subject to this section is required to furnish the opportunity for the tax
commissioner, authorized agent, or employee to investigate and examine such books, papers, records, and federal and state income tax returns at a reasonable time and place designated in the request.

(B) The records and other documents of any taxpayer or other person that is subject to, or that the tax commissioner believes is subject to, the provisions of this chapter shall be open to the commissioner's inspection during business hours and shall be preserved for a period of six years following the end of the taxable year to which the records or documents relate, unless the commissioner, in writing, consents to their destruction within that period, or by order requires that they be kept longer. The commissioner may require any person, by notice served on that person, to keep such records as the commissioner determines necessary to show whether or not that person is liable, and the extent of such liability, for the income tax levied by a municipal corporation.

(C) The tax commissioner may examine under oath any person that the commissioner reasonably believes has knowledge concerning any income that was or would have been returned for taxation or any transaction tending to affect such income. The commissioner may, for this purpose, compel any such person to attend a hearing or examination and to produce any books, papers, records, and federal income tax returns in such person's possession or control. The person may be assisted or represented by an attorney, accountant, bookkeeper, or other tax practitioner at any such hearing or examination. This division does not authorize the practice of law by a person who is not an attorney.

(D) No person issued written notice by the tax commissioner compelling attendance at a hearing or examination or the production of books, papers, records, or federal income tax
returns under this section shall fail to comply.

Sec. 5718.24. If any person liable for a tax imposed in accordance with this chapter sells the person's business or stock of merchandise, or quits the person's business, the taxes, interest, and penalties imposed in accordance with this chapter shall become due and payable immediately, and such person shall make a final return within thirty days after the due date of the person's final federal income tax return. The person's successor shall withhold a sufficient amount of the purchase money to cover the amount of such taxes, interest, and penalties due and unpaid until the former owner produces a receipt from the tax commissioner showing that the taxes, interest, and penalties have been paid, or a certificate indicating that no taxes are due. If the purchaser of the business or stock of goods fails to withhold purchase money, the purchaser shall be personally liable for the payment of the taxes, interest, and penalties accrued and unpaid during the operation of the business by the former owner.

Sec. 5718.27. (A) In addition to any other penalty imposed by this chapter or Chapter 5703. of the Revised Code, the following penalties shall apply:

(1) If a taxpayer required to file a tax return under this chapter fails to make and file the return within the time prescribed, including any extensions of time granted by the tax commissioner, the commissioner may impose a penalty not exceeding twenty-five dollars per month or fraction of a month, for each month or fraction of a month elapsing between the due date, including extensions of the due date, and the date on which the return is filed. The aggregate penalty, per instance, under this division shall not exceed one hundred fifty dollars.

(2) If a person required to file a tax return electronically
under this chapter fails to do so, the commissioner may impose a penalty not to exceed the following:

   (a) For each of the first two failures, five per cent of the amount required to be reported on the return;

   (b) For the third and any subsequent failure, ten per cent of the amount required to be reported on the return.

   (3) If a taxpayer fails to timely pay an amount of tax required to be paid under this chapter, the commissioner may impose a penalty equal to fifteen per cent of the amount not timely paid.

   (4) If a taxpayer files what purports to be a tax return required by this chapter that does not contain information upon which the substantial correctness of the return may be judged or contains information that on its face indicates that the return is substantially incorrect, and the filing of the return in that manner is due to a position that is frivolous or a desire that is apparent from the return to delay or impede the administration of this chapter, a penalty of up to five hundred dollars may be imposed.

   (5) If a taxpayer makes a fraudulent attempt to evade the reporting or payment of the tax required to be shown on any return required under this chapter, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the tax required to be shown on the return.

   (6) If any person makes a false or fraudulent claim for a refund under section 5718.19 of the Revised Code, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the claim. Any penalty imposed under this division, any refund issued on the claim, and interest on any refund from the date of the refund, may be assessed under section 5718.12 of the Revised Code without regard to any time limitation.
for the assessment imposed by division (A) of that section.

(B) For purposes of this section, the tax required to be shown on a tax return shall be reduced by the amount of any part of the tax paid on or before the date, including any extensions of the date, prescribed for filing the return.

(C) Each penalty imposed under this section shall be in addition to any other penalty imposed under this section. All or part of any penalty imposed under this section may be abated by the tax commissioner. The commissioner may adopt rules governing the imposition and abatement of such penalties.

(D) All amounts collected under this section shall be considered as taxes collected under this chapter and shall be credited and distributed to municipal corporations in the same proportion as the underlying tax liability is required to be distributed to such municipal corporations under section 5718.10 of the Revised Code.

Sec. 5718.35. No person shall knowingly make, present, aid, or assist in the preparation or presentation of a false or fraudulent return, schedule, statement, claim, or document authorized or required by municipal corporation ordinance or state law to be filed with the tax commissioner, or knowingly procure, counsel, or advise the preparation or presentation of such return, schedule, statement, claim, or document, or knowingly change, alter, or amend, or knowingly procure, counsel or advise such change, alteration, or amendment of the records upon which such return, schedule, statement, claim, or document is based with intent to defraud the municipal corporation or the commissioner.

Sec. 5718.41. (A) If any of the facts, figures, computations, or attachments required in a taxpayer's annual return to determine the tax due under this chapter must be altered as the result of an
adjustment to the taxpayer's federal income tax return, whether
initiated by the taxpayer or the internal revenue service, and
such alteration affects the taxpayer's tax liability under this
chapter, the taxpayer shall file an amended return with the tax
commissioner in such form as the commissioner requires. The
amended return shall be filed not later than sixty days after the
adjustment is agreed upon or finally determined for federal income
tax purposes or after any federal income tax deficiency or refund,
or the abatement or credit resulting therefrom, has been assessed
or paid, whichever occurs first. If a taxpayer intends to file an
amended consolidated municipal income tax return, or to amend its
type of return from a separate return to a consolidated return,
based on the taxpayer's consolidated federal income tax return,
the taxpayer shall notify the commissioner before filing the
amended return.

(B) In the case of an underpayment, the amended return shall
be accompanied by payment of any combined additional tax due
together with any penalty and interest thereon. An amended return
required by this section is a return subject to assessment under
section 5718.12 of the Revised Code for the purpose of assessing
any additional tax due under this section, together with any
applicable penalty and interest. The amended return shall not
reopen those facts, figures, computations, or attachments from a
previously filed return no longer subject to assessment that are
not affected, either directly or indirectly, by the adjustment to
the taxpayer's federal tax return.

(C) In the case of an overpayment, an application for refund
may be filed under this division within the sixty-day period
prescribed for filing the amended return, even if that period
extends beyond the period prescribed in section 5718.19 of the
Revised Code, if the application otherwise conforms to the
requirements of that division. An application filed under this
division shall claim refund of overpayments resulting from alterations to only those facts, figures, computations, or attachments required in the taxpayer's annual return that are affected, either directly or indirectly, by the adjustment to the taxpayer's federal income tax return unless it is also filed within the time prescribed in section 5718.19 of the Revised Code. The application shall not reopen those facts, figures, computations, or attachments that are not affected, either directly or indirectly, by the adjustment to the taxpayer's federal income tax return.

**Sec. 5718.97.** Notwithstanding any other provision of this chapter, all original and amended tax returns of a taxpayer, and any payment due with those returns, required to be filed with or paid to a municipal corporation for a taxable year beginning before January 1, 2018, shall be filed with the appropriate tax administrator, as that term is defined in Chapter 718. of the Revised Code, in accordance with the municipal corporation's ordinance or resolution in effect for the taxable year.

The payment, collection, and administration of a tax for taxable years beginning before January 1, 2018, shall be governed by Chapter 718. of the Revised Code and any municipal ordinances, resolutions, and rules in effect for those taxable years.

**Sec. 5718.99.** (A) Except as provided in division (B) of this section, whoever recklessly violates section 5718.35 of the Revised Code or division (A) of section 5718.13 of the Revised Code shall be guilty of a misdemeanor of the first degree and shall be subject to a fine of not more than one thousand dollars or imprisonment for a term of up to six months, or both.

(B) Any person who recklessly discloses information received from the internal revenue service in violation of division (A) of
section 5718.13 of the Revised Code shall be guilty of a felony of the fifth degree and shall be subject to a fine of not more than five thousand dollars plus the costs of prosecution, or imprisonment for a term not exceeding five years, or both.

(C) Each instance of access or disclosure in violation of division (A) of section 5718.13 of the Revised Code constitutes a separate offense.

Sec. 5725.33. (A) Except as otherwise provided in this section, terms used in this section have the same meaning as section 45D of the Internal Revenue Code, any related proposed, temporary, or final regulations promulgated under the Internal Revenue Code, any rules or guidance of the internal revenue service or the United States department of the treasury, and any related rules or guidance issued by the community development financial institutions fund of the United States department of the treasury, as such law, regulations, rules, and guidance exist on October 16, 2009.

As used in this section:

(1) "Adjusted purchase price" means the amount paid for the portion of a qualified equity investment approved or certified by the director of development services for a qualified community development entity in accordance with rules adopted under division (E) of this section.

(2) "Applicable percentage" means zero per cent for each of the first two credit allowance dates, seven per cent for the third credit allowance date, and eight per cent for the four following credit allowance dates.

(3) "Credit allowance date" means the date, on or after January 1, 2010, a qualified equity investment is made and each of the six anniversary dates thereafter. For qualified equity
investments made after October 16, 2009, but before January 1, 2010, the initial credit allowance date is January 1, 2010, and each of the six anniversary dates thereafter is on the first day of January of each year.

(4) "Qualified community development entity" includes only entities:

(a) That have entered into an allocation agreement with the community development financial institutions fund of the United States department of the treasury with respect to credits authorized by section 45D of the Internal Revenue Code;

(b) Whose service area includes any portion of this state; and

(c) That will designate an equity investment in such entities as a qualified equity investment for purposes of both section 45D of the Internal Revenue Code and this section.

(5) "Qualified equity investment" is limited to an equity investment in a qualified community development entity that:

(a) Is acquired after October 16, 2009, at its original issuance solely in exchange for cash;

(b) Has at least eighty-five per cent of its cash purchase price used by the qualified community development entity to make qualified low-income community investments in qualified active low-income community businesses in this state, provided that in the seventh year after a qualified equity investment is made, only seventy-five per cent of such cash purchase price must be used by the qualified community development entity to make qualified low-income community investments in those businesses; and

(c) Is designated by the issuer as a qualified equity investment.

"Qualified equity investment" includes any equity investment
that would, but for division (A)(5)(a) of this section, be a qualified equity investment in the hands of the taxpayer if such investment was a qualified equity investment in the hands of a prior holder.

(B) There is hereby allowed a nonrefundable credit against the tax imposed by section 5725.18 of the Revised Code for an insurance company holding a qualified equity investment on the credit allowance date occurring in the calendar year for which the tax is due. The credit shall equal the applicable percentage of the adjusted purchase price, subject to divisions (B)(1) and (2) of this section:

(1) For the purpose of calculating the amount of qualified low-income community investments held by a qualified community development entity, an investment shall be considered held by a qualified community development entity even if the investment has been sold or repaid, provided that, at any time before the seventh anniversary of the issuance of the qualified equity investment, the qualified community development entity reinvests an amount equal to the capital returned to or received or recovered by the qualified community development entity from the original investment, exclusive of any profits realized and costs incurred in the sale or repayment, in another qualified low-income community investment in this state within twelve months of the receipt of such capital. If the qualified low-income community investment is sold or repaid after the sixth anniversary of the issuance of the qualified equity investment, the qualified low-income community investment shall be considered held by the qualified community development entity through the seventh anniversary of the qualified equity investment's issuance.

(2) The qualified low-income community investment made in this state shall equal the sum of the qualified low-income community investments in each qualified active low-income
community business in this state, not to exceed two million five
hundred sixty-four thousand dollars, in which the qualified
community development entity invests, including such investments
in any such businesses in this state related to that qualified
active low-income community business through majority ownership or
control.

The credit shall be claimed in the order prescribed by
section 5725.98 of the Revised Code. If the amount of the credit
exceeds the amount of tax otherwise due after deducting all other
credits in that order, the excess may be carried forward and
applied to the tax due for not more than four ensuing years.

By claiming a tax credit under this section, an insurance
company waives its rights under section 5725.222 of the Revised
Code with respect to the time limitation for the assessment of
taxes as it relates to credits claimed that later become subject
to recapture under division (E) of this section.

(C) The amount of qualified equity investments on the basis
of which credits may be claimed under this section and sections
5726.54, 5729.16, and 5733.58 of the Revised Code shall not exceed
the amount, estimated by the director of development, that would
cause the total amount of credits allowed each fiscal year to
exceed ten million dollars, computed without regard to the
potential for taxpayers to carry tax credits forward to later
years. The aggregate amount of credit allocations made by the
director of development services under this section and sections
5726.54, 5729.16, and 5733.58 of the Revised Code each fiscal year
shall not exceed ten million dollars.

(D) If any amount of the federal tax credit allowed for a
qualified equity investment for which a credit was received under
this section is recaptured under section 45D of the Internal
Revenue Code, or if the director of development services
determines that an investment for which a tax credit is claimed
under this section is not a qualified equity investment or that
the proceeds of an investment for which a tax credit is claimed
under this section are used to make qualified low-income community
investments other than in a qualified active low-income community
business in this state, all or a portion of the credit received on
account of that investment shall be paid by the insurance company
that received the credit to the superintendent of insurance. The
amount to be recovered shall be determined by the director of
development services pursuant to rules adopted under division (E)
of this section. The director shall certify any amount due under
this division to the superintendent of insurance, and the
superintendent shall notify the treasurer of state of the amount
due. Upon notification, the treasurer shall invoice the insurance
company for the amount due. The amount due is payable not later
than thirty days after the date the treasurer invoices the
insurance company. The amount due shall be considered to be tax
due under section 5725.18 of the Revised Code, and may be
collected by assessment without regard to the time limitations
imposed under section 5725.222 of the Revised Code for the
assessment of taxes by the superintendent. All amounts collected
under this division shall be credited as revenue from the tax
levied under section 5725.18 of the Revised Code.

(E) The tax credits authorized under this section and
sections 5726.54, 5729.16, and 5733.58 of the Revised Code shall
be administered by the development services agency. The director
of development services, in consultation with the tax commissioner
and the superintendent of insurance, pursuant to Chapter 119. of
the Revised Code, shall adopt rules for the administration of this
section and sections 5726.54, 5729.16, and 5733.58 of the Revised
Code. The rules shall provide for determining the recovery of
credits under division (D) of this section and under sections
5726.54, 5729.16, and 5733.58 of the Revised Code, including
prorating the amount of the credit to be recovered on any
reasonable basis, the manner in which credits may be allocated among claimants, and the amount of any application or other fees to be charged in connection with a recovery.

(F) There is hereby created in the state treasury the new markets tax credit operating fund. The director of development services is authorized to charge reasonable application and other fees in connection with the administration of tax credits authorized by this section and sections 5726.54, 5729.16, and 5733.58 of the Revised Code. Any such fees collected shall be credited to the tax incentives operating fund created in section 122.174 of the Revised Code. The director of development services shall use money in the fund to pay expenses related to the administration of tax credits authorized under sections 5725.33, 5726.54, 5729.16, and 5733.58 of the Revised Code.

(G) Tax credits earned or allocated to a pass-through entity, as that term is defined in section 5733.04 of the Revised Code, under section 5725.33, 5726.54, 5729.16, or 5733.58 of the Revised Code may be allocated to persons having a direct or indirect ownership interest in the pass-through entity for such persons' direct use in accordance with the provisions of any mutual agreement between such persons.

Sec. 5727.26. (A) The tax commissioner may make an assessment, based on any information in the commissioner's possession, against any natural gas company or combined company that fails to file a return or pay any tax, interest, or additional charge as required by sections 5727.24 to 5727.29 of the Revised Code. The commissioner shall give the company assessed written notice of the assessment as provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition. A penalty of up to fifteen per cent may
be added to all amounts assessed under this section. The tax commissioner may adopt rules providing for the imposition and remission of the penalty.

(B) Unless the company assessed, within sixty days after service of the notice of assessment, files with the tax commissioner, either personally or by certified mail, a written petition signed by the company's authorized agent having knowledge of the facts, the assessment becomes final, and the amount of the assessment is due and payable from the company assessed to the treasurer of state commissioner. The petition shall indicate the objections of the company assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination.

If a petition for reassessment has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment, including accrued interest, remains unpaid, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the natural gas company's or combined company's principal place of business is located, or in the office of the clerk of court of common pleas of Franklin county.

Immediately on the filing of the entry, the clerk shall enter judgment for the state against the company assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled, "special judgments for the public utility excise tax on natural gas and combined companies," and shall have the same effect as other judgments. Execution shall issue upon the judgment at the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales.
made under the judgment.

If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the tax commissioner issues the assessment until it is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(D) If the tax commissioner believes that collection of the tax will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the company liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (C) of this section. Notice of the jeopardy assessment shall be served on the company assessed or the company's authorized agent in the manner provided in section 5703.37 of the Revised Code within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the company assessed files a petition for reassessment in accordance with division (B) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's
consideration of the petition for reassessment.

(E) The tax commissioner shall immediately forward to the treasurer of state all amounts that the tax commissioner receives under this section, and such amounts shall be considered revenue arising from the tax imposed by section 5727.24 of the Revised Code.

(F) No assessment shall be made or issued against a natural gas company or combined company for the tax imposed by section 5727.24 of the Revised Code more than four years after the return date for the period in which the tax was reported, or more than four years after the return for the period was filed, whichever is later.

Sec. 5727.28. (A) The treasurer of state tax commissioner shall refund to a natural gas company or combined company subject to the tax imposed by section 5727.24 of the Revised Code, the amount of tax paid illegally or erroneously, or paid on an illegal or erroneous assessment. Applications for a refund shall be filed with the tax commissioner, on a form prescribed by the commissioner, within four years of the illegal or erroneous payment of the tax.

On the filing of the application, the commissioner shall determine the amount of refund to which the applicant is entitled. If the amount is not less than that claimed, the commissioner shall certify the amount to notify the director of budget and management and treasurer of state for payment issue the refund from the tax refund fund under section 5703.052 of the Revised Code. If the amount is less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code.

If the application for refund is for taxes paid on an illegal or erroneous assessment, the commissioner shall include in the
certified amount interest calculated at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of overpayment to the date of the commissioner's certification.

(B) If a natural gas company or combined company entitled to a refund of taxes under this section, or section 5703.70 of the Revised Code, is indebted to the state for any tax or fee administered by the tax commissioner that is paid to the state, or any charge, penalty, or interest arising from such a tax or fee, the amount refundable may be applied in satisfaction of that debt. If the amount refundable is less than the amount of the debt, it may be applied in partial satisfaction of the debt. If the amount refundable is greater than the amount of the debt, the amount remaining after satisfaction of the debt shall be refunded.

(C) In lieu of granting a refund under division (A) or (B) of this section, the tax commissioner may allow a natural gas company or combined company to claim a credit of the amount of the tax refund on the return for the period during which the tax became refundable. The commissioner may require the company to submit information to support a claim for a credit under this division, and the commissioner may disallow the credit if the information is not provided.

Sec. 5727.31. (A) Each public utility subject to the excise tax imposed by section 5727.30 of the Revised Code, annually, on or before the first day of August, shall file with the tax commissioner a statement in such form as the commissioner prescribes and shall pay any amount due.

(B)(1) Annually, on or before the fifteenth day of October of the current year, each public utility whose estimated excise taxes for the current year as based upon the statement required to be filed in that year by division (A) of this section are one thousand dollars or more shall file with the treasurer of state...
commissioner a report, in such form as the tax commissioner
prescribes, showing the amount of excise tax estimated to be
charged or levied pursuant to law for the current year upon the
basis of such annual statement, and shall remit a portion of the
estimated excise taxes shown to be due by the report. The portion
of the estimated excise taxes due at the time the report is filed
shall be one-third of its total excise taxes estimated to be
charged or levied for the current year based upon the annual
statement filed under division (A) of this section.

(2) Annually, on or before the first day of March and June,
each public utility whose excise taxes as based upon its last
preceding annual statement filed under division (A) of this
section prior to the first day of January were one thousand
dollars or more shall file with the treasurer of state
commissioner a report, in such form as the tax commissioner
prescribes, showing the amount of excise tax charged or levied
pursuant to law upon the basis of such annual statement, and shall
remit a portion of the excise taxes shown to be due by each such
report. The portion of the excise taxes due at the time each such
report is filed shall be one-third of its total excise taxes so
charged or levied based upon such annual statement.

(C) Any public utility subject to the excise taxes imposed by
section 5727.30 of the Revised Code whose tax as certified under
section 5727.38 of the Revised Code in a year equals or exceeds
the amount specified for that year in section 5727.311 of the
Revised Code shall make the payments required under this section
in the second ensuing and each succeeding year in the manner
prescribed by section 5727.311 of the Revised Code, except as
otherwise prescribed by that section.

(D)(1) For purposes of this section, a report required to be
filed under division (B) of this section is considered filed when
it is received by the treasurer of state tax commissioner.
(2) For purposes of this section and sections 5727.311 and 5727.42 of the Revised Code, remittance of an excise tax required to be made under this section is considered to be made when the remittance is received by the treasurer of state or tax commissioner, or when credited to an account designated by the treasurer of state for the receipt of tax remittances.

Sec. 5727.311. (A) Any public utility subject to an excise tax imposed by section 5727.30 of the Revised Code whose tax certified by the tax commissioner under section 5727.38 of the Revised Code equals or exceeds fifty thousand dollars shall make each payment required under division (B) of section 5727.31 of the Revised Code for the second ensuing and each succeeding year by electronic funds transfer as prescribed by division (C) of this section.

If the tax certified by the tax commissioner in each of two consecutive years is less than fifty thousand dollars, the public utility is relieved of the requirement to remit taxes by electronic funds transfer for the year that next follows the second of the consecutive years in which the tax certified is less than fifty thousand dollars, and is relieved of that requirement for each succeeding year unless the tax certified in a subsequent year equals or exceeds fifty thousand dollars.

(B) The tax commissioner shall notify each public utility required by this section or section 5727.25 of the Revised Code to remit taxes by electronic funds transfer of the public utility's obligation to do so, and shall maintain an updated list of those public utilities, and shall timely certify the list and any additions thereto or deletions therefrom to the treasurer of state. Failure by the tax commissioner to notify a public utility subject to this section to remit taxes by electronic funds transfer does not relieve the public utility of its obligation to
remit taxes by electronic funds transfer.

(C) Public utilities required by this section or section 5727.25 of the Revised Code to remit periodic payments by electronic funds transfer shall remit such payments to the treasurer of state in the manner prescribed by rules adopted by the treasurer of state under section 113.061 of the Revised Code. The payment of public utility excise taxes by electronic funds transfer does not affect a public utility's obligation to file the annual statement and periodic reports in the manner and at the times prescribed by section 5727.31 of the Revised Code.

A public utility required by this section or section 5727.25 of the Revised Code to remit taxes by electronic funds transfer may apply to the treasurer of state tax commissioner in the manner prescribed by the treasurer of state commissioner to be excused from that requirement. The treasurer of state commissioner may excuse the public utility from remittance by electronic funds transfer for good cause shown for the period of time requested by the public utility or for a portion of that period. The treasurer of state commissioner shall notify the tax commissioner and the public utility of the treasurer of state's commissioner's decision as soon as is practicable.

(D) If a public utility required by this section or section 5727.25 of the Revised Code to remit taxes by electronic funds transfer remits those taxes by some means other than by electronic funds transfer as prescribed by this section and the rules adopted by the treasurer of state, and the treasurer of state tax commissioner determines that the failure to remit taxes as required was not due to reasonable cause or was due to willful neglect, the treasurer of state commissioner may impose an additional charge on the public utility equal to five per cent of the amount of the taxes required to be paid by electronic funds transfer, but not to exceed five thousand dollars. Any additional
charge imposed under this section is in addition to any other penalty or charge imposed under this chapter, and shall be considered as revenue arising from excise taxes imposed by this chapter.

No additional charge shall be assessed under this division against a public utility that has been notified of its obligation to remit taxes under this section and that remits its first two tax payments after such notification by some means other than electronic funds transfer. The additional charge may be assessed upon the remittance of any subsequent tax payment that the public utility remits by some means other than electronic funds transfer.

Sec. 5727.38. On or before the first Monday of November, annually, the tax commissioner shall assess an excise tax against each a public utility subject to the excise tax under section 5727.30 of the Revised Code. The tax shall be computed by multiplying the taxable gross receipts as determined by the commissioner under section 5727.33 of the Revised Code by six and three-fourths per cent in the case of pipe-line companies, and four and three-fourths per cent in the case of all other companies. The minimum tax for any such company for owning property or doing business in this state shall be fifty dollars. The assessment shall be mailed to the taxpayer and treasurer of state.

Sec. 5727.42. (A) The treasurer of state shall maintain a list of all taxes levied and payments made pursuant to the annual notify the tax commissioner of any payment of the excise tax imposed by section 5727.30 of the Revised Code. The treasurer of state commissioner shall collect and the taxpayer shall pay all taxes and any penalties thereon. Payments of the tax may be made by mail, in person, by electronic funds transfer if required to do so by section 5727.311 of the Revised Code, or by any other means.
authorized by the treasurer of state commissioner. The treasurer of state commissioner may adopt rules concerning the methods and timeliness of payment.

(B) Each tax bill assessment issued pursuant to this section shall separately reflect the taxes and any penalty due, due date, and any other information considered necessary. The last day on which payment may be made without penalty shall be at least twenty but not more than thirty days from the date of mailing the tax bill. The treasurer of state commissioner shall mail the tax bill assessment to the taxpayer, and the mailing of it shall be prima-facie evidence of receipt thereof by the taxpayer.

(C) The treasurer of state commissioner shall refund taxes levied and payments made for the tax imposed by section 5727.30 of the Revised Code as provided in this section, but no refund shall be made to a taxpayer having a delinquent claim certified pursuant to this section that remains unpaid. The treasurer of state commissioner may consult the attorney general regarding such claims.

(D) Within twenty days after receipt of any excise tax assessment certified to the treasurer of state commissioner for the tax imposed by section 5727.30 of the Revised Code, the treasurer of state commissioner shall:

(1) Ascertain the difference between the total taxes shown on such assessment owed and the sum of all estimated payments, exclusive of any penalties thereon, previously made for that year.

(2) If the difference is a deficiency, the treasurer of state commissioner shall issue a tax bill an assessment.

(3) If the difference is an excess, the treasurer of state commissioner shall certify the name of the taxpayer and the amount to be refunded to notify the director of budget and management for payment and issue a refund of that amount to the taxpayer. If the
amount of the refund is less than that claimed by the taxpayer, the taxpayer, within sixty days of the issuance of the refund, may provide to the commissioner additional information to support the claim or may request a hearing. Upon receiving such information or request within that time, the commissioner shall follow the same procedures set forth in divisions (C) and (D) of section 5703.70 of the Revised Code for the determination of refund applications.

If the taxpayer has a deficiency for one tax year and an excess for another tax year, or any combination thereof for more than two years, the treasurer of state commissioner may determine the net result and, depending on such result, proceed to mail a tax bill, issue an assessment or certify a refund.

(E) If a taxpayer fails to pay all the amount of taxes on or before the due date shown on the tax bill required to be paid, or fails to make an estimated payment on or before the due date prescribed in division (B) of section 5727.31 of the Revised Code, but makes payment within ten calendar days of such date, the treasurer of state shall add a penalty equal to five per cent of the amount that should have been timely paid. If payment is not made within ten days of such date, the treasurer of state shall add a penalty equal to fifteen per cent of the amount that should have been timely paid. The treasurer of state shall prepare a delinquent claim for each tax bill on which penalties were added and certify such claims to the attorney general and tax commissioner. The commissioner shall impose a penalty in the amount of fifteen per cent of the unpaid amount, and the commissioner shall issue an assessment for the unpaid amount and penalty. Unless a timely petition for reassessment is filed under section 5727.47 of the Revised Code, the attorney general shall proceed to collect the delinquent taxes and penalties thereon in the manner prescribed by law and notify the treasurer of state and tax commissioner of all collections.
Sec. 5727.47. (A) Notice of each assessment certified or issued pursuant to section 5727.23 or 5727.38 of the Revised Code shall be mailed to the public utility, and its mailing shall be prima-facie evidence of its receipt by the public utility to which it is addressed. With the notice, the tax commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition. If a public utility objects to any such an assessment certified to it pursuant to such sections, it may file with the commissioner, either personally or by certified mail, within sixty days after the mailing of the notice of assessment a written petition for reassessment signed by the utility's authorized agent having knowledge of the facts. The date the commissioner receives the petition shall be considered the date of filing. The petition shall indicate the utility's objections, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination.

In the case of a petition seeking a reduction in taxable value filed with respect to an assessment issued certified under section 5727.23 of the Revised Code, the petitioner shall state in the petition the total amount of reduction in taxable value sought by the petitioner. If the petitioner objects to the percentage of true value at which taxable property is assessed by the commissioner, the petitioner shall state in the petition the total amount of reduction in taxable value sought both with and without regard to the objection pertaining to the percentage of true value at which its taxable property is assessed. If a petitioner objects to the commissioner's apportionment of the taxable value of the petitioner's taxable property, the petitioner shall distinctly state in the petition that the petitioner objects to the commissioner's apportionment, and, within forty-five days after filing the petition for reassessment, shall submit the
petitioner's proposed apportionment of the taxable value of its taxable property among taxing districts. If a petitioner that objects to the commissioner's apportionment fails to state its objections to that apportionment in its petition for reassessment or fails to submit its proposed apportionment within forty-five days after filing the petition for reassessment, the commissioner shall dismiss the petitioner's objection to the commissioner's apportionment, and the taxable value of the petitioner's taxable property, subject to any adjustment to taxable value pursuant to the petition or appeal, shall be apportioned in the manner used by the commissioner in the preliminary or amended preliminary assessment issued certified under section 5727.23 of the Revised Code.

If an additional objection seeking a reduction in taxable value in excess of the reduction stated in the original petition is properly and timely raised with respect to an assessment issued under section 5727.23 of the Revised Code, the petitioner shall state the total amount of the reduction in taxable value sought in the additional objection both with and without regard to any reduction in taxable value pertaining to the percentage of true value at which taxable property is assessed. If a petitioner fails to state the reduction in taxable value sought in the original petition or in additional objections properly raised after the petition is filed, the commissioner shall notify the petitioner of the failure by certified mail. If the petitioner fails to notify the commissioner in writing of the reduction in taxable value sought in the petition or in an additional objection within thirty days after receiving the commissioner's notice, the commissioner shall dismiss the petition or the additional objection in which that reduction is sought.

(B)(1) Subject to divisions (B)(2) and (3) of this section, a public utility filing a petition for reassessment regarding an
assessment certified or issued under section 5727.23 or 5727.38 of the Revised Code shall pay the tax with respect to the assessment objected to as required by law. The acceptance of any tax payment by the treasurer of state, tax commissioner, or any county treasurer shall not prejudice any claim for taxes on final determination by the commissioner or final decision by the board of tax appeals or any court.

(2) If a public utility properly and timely files a petition for reassessment regarding an assessment issued certified under section 5727.23 of the Revised Code, the petitioner shall pay the tax as prescribed by divisions (B)(2)(a), (b), and (c) of this section:

(a) If the petitioner does not object to the commissioner's apportionment of the taxable value of the petitioner's taxable property, the petitioner is not required to pay the part of the tax otherwise due on the taxable value that the petitioner seeks to have reduced, subject to division (B)(2)(c) of this section.

(b) If the petitioner objects to the commissioner's apportionment of the taxable value of the petitioner's taxable property, the petitioner is not required to pay the tax otherwise due on the part of the taxable value apportioned to any taxing district that the petitioner objects to, subject to division (B)(2)(c) of this section. If, pursuant to division (A) of this section, the petitioner has, in a proper and timely manner, apportioned taxable value to a taxing district to which the commissioner did not apportion the petitioner's taxable value, the petitioner shall pay the tax due on the taxable value that the petitioner has apportioned to the taxing district, subject to division (B)(2)(c) of this section.

(c) If a petitioner objects to the percentage of true value at which taxable property is assessed by the commissioner, the petitioner shall pay the tax due on the basis of the percentage of
true value at which the public utility's taxable property is assessed by the commissioner. In any case, the petitioner's payment of tax shall not be less than the amount of tax due based on the taxable value reflected on the last appeal notice issued by the commissioner under division (C) of this section. Until the county auditor receives notification under division (E) of this section and proceeds under section 5727.471 of the Revised Code to issue any refund that is found to be due, the county auditor shall not issue a refund for any increase in the reduction in taxable value that is sought by a petitioner later than forty-five days after the petitioner files the original petition as required under division (A) of this section.

(3) Any part of the tax that, under division (B)(2)(a) or (b) of this section, is not paid shall be collected upon receipt of the notification as provided in section 5727.471 of the Revised Code with interest thereon computed in the same manner as interest is computed under division (E) of section 5715.19 of the Revised Code, subject to any correction of the assessment by the commissioner under division (E) of this section or the final judgment of the board of tax appeals or a court to which the board's final judgment is appealed. The penalty imposed under section 323.121 of the Revised Code shall apply only to the unpaid portion of the tax if the petitioner's tax payment is less than the amount of tax due based on the taxable value reflected on the last appeal notice issued by the commissioner under division (C) of this section.

(C) Upon receipt of a properly filed petition for reassessment with respect to an assessment certified under section 5727.23 of the Revised Code, the tax commissioner shall notify the treasurer of state or the auditor of each county to which the assessment objected to has been certified. In the case of a petition with respect to an assessment issued certified under
section 5727.23 of the Revised Code, the commissioner shall issue an appeal notice within thirty days after receiving the amount of the taxable value reduction and apportionment changes sought by the petitioner in the original petition or in any additional objections properly and timely raised by the petitioner. The appeal notice shall indicate the amount of the reduction in taxable value sought in the petition or in the additional objections and the extent to which the reduction in taxable value and any change in apportionment requested by the petitioner would affect the commissioner's apportionment of the taxable value among taxing districts in the county as shown in the assessment. If a petitioner is seeking a reduction in taxable value on the basis of a lower percentage of true value than the percentage at which the commissioner assessed the petitioner's taxable property, the appeal notice shall indicate the reduction in taxable value sought by the petitioner without regard to the reduction sought on the basis of the lower percentage and shall indicate that the petitioner is required to pay tax on the reduced taxable value determined without regard to the reduction sought on the basis of a lower percentage of true value, as provided under division (B)(2)(c) of this section. The appeal notice shall include a statement that the reduced taxable value and the apportionment indicated in the notice are not final and are subject to adjustment by the commissioner or by the board of tax appeals or a court on appeal. If the commissioner finds an error in the appeal notice, the commissioner may amend the notice, but the notice is only for informational and tax payment purposes; the notice is not subject to appeal by any person. The commissioner also shall mail a copy of the appeal notice to the petitioner. Upon the request of a taxing authority, the county auditor may disclose to the taxing authority the extent to which a reduction in taxable value sought by a petitioner would affect the apportionment of taxable value to the taxing district or districts under the taxing authority's
jurisdiction, but such a disclosure does not constitute a notice required by law to be given for the purpose of section 5717.02 of the Revised Code.

(D) If the petitioner requests a hearing on the petition, the tax commissioner shall assign a time and place for the hearing on the petition and notify the petitioner of such time and place, but the commissioner may continue the hearing from time to time as necessary.

(E) The tax commissioner may make corrections to the assessment as the commissioner finds proper. The commissioner shall serve a copy of the commissioner's final determination on the petitioner in the manner provided in section 5703.37 of the Revised Code. The commissioner's decision in the matter shall be final, subject to appeal under section 5717.02 of the Revised Code. The With respect to a final determination issued for an assessment certified under section 5727.23 of the Revised Code, the commissioner also shall transmit a copy of the final determination to the treasurer of state or applicable county auditor. In the absence of any further appeal, or when a decision of the board of tax appeals or of any court to which the decision has been appealed becomes final, the commissioner shall notify the public utility and, as appropriate, the treasurer of state who shall proceed under section 5727.42 of the Revised Code, or notify the applicable county auditor, who shall proceed under section 5727.471 of the Revised Code.

The notification made under this division is not subject to further appeal.

(F) On appeal, no adjustment shall be made in the tax commissioner's assessment issued certified under section 5727.23 of the Revised Code that reduces the taxable value of a petitioner's taxable property by an amount that exceeds the reduction sought by the petitioner in its petition for
reassessment or in any additional objections properly and timely raised after the petition is filed with the commissioner.

Sec. 5727.48. The tax commissioner, on application by a public utility, may extend to the public utility a further specified time, not to exceed sixty days, within which to file any report or statement required by this chapter to be filed with the commissioner, except reports required by sections 5727.24 to 5727.29 of the Revised Code. A public utility must file such an application, in writing, with the commissioner on or before the date that the report or statement is otherwise required to be filed.

Sec. 5727.53. The taxes, fees, and penalties provided by this chapter that are remitted to the treasurer of state may be recovered by an action brought in the name of the state in the court of common pleas of Franklin county, or of any county in which such public utility is doing business, or in which the line of any railroad company is located, and such court of common pleas shall have jurisdiction of the action regardless of the amount involved. The attorney general, on request of the tax commissioner, shall institute such action in the court of common pleas of Franklin county or of any of such counties the commissioner directs. In any such action it shall be sufficient to allege that the tax, fee, or penalty sought to be recovered stands charged on the delinquent duplicate of the treasurer of state, and that the same has been unpaid for a period of thirty days after having been placed thereon. Sums recovered in any such action shall be paid into the state treasury in the same manner as the tax.

Sec. 5727.60. If a person fails to file a report within the time prescribed by section 5727.08 or 5727.31 of the Revised Code,
including any extensions of time granted by the tax commissioner, a penalty of fifty dollars per month, not to exceed five hundred dollars, may be imposed for each month or fraction of a month elapsing between the due date of the report, including any extensions, and the date the report was filed. The penalty under this section for failing to file a report required by section 5727.08 of the Revised Code shall be paid into the state general revenue fund. If the penalty is not paid within fifteen days after notice of the penalty is mailed to the person who failed to timely file the report, the tax commissioner shall certify the penalty as a claim to the attorney general for collection. The penalty under this section for failing to file the report required by section 5727.31 of the Revised Code shall be deposited into the state treasury in the same manner as the tax, and the commissioner may collect the penalty by assessment pursuant to section 5727.38 of the Revised Code. The tax commissioner may abate this penalty in full or in part.

Sec. 5731.46. The county treasurer shall keep an account showing the amount of all taxes and interest received by him the treasurer under Chapter 5731. of the Revised Code. On the twenty-fifth day of February and the twentieth day of August of each year he, the treasurer shall settle with the county auditor for all such taxes and interest so received at the time of making such settlement, in the preceding calendar year and not included in any preceding prior settlement, showing for what estate, by whom, and when paid. At each such settlement the auditor shall allow to the treasurer and himself to the auditor, on the money so collected and accounted for by him the auditor, their respective fees, at the percentages allowed by law under section 319.54 or 321.27 of the Revised Code. The correctness thereof, together with a statement of the fees allowed at such settlement, and the fees and expenses allowed to the officers under such chapter shall be
Sec. 5731.49. At each semiannual settlement provided for by section 5731.46 of the Revised Code, the county auditor shall certify to the county auditor of any other county in which is located in whole or in part any municipal corporation or township to which any of the taxes collected under this chapter and not previously accounted for, is due, a statement of the amount of such taxes due to each corporation or township in such county entitled to share in the distribution thereof. The amount due upon such settlement to each such municipal corporation or township, and to each municipal corporation and township in the county in which the taxes are collected, shall be paid upon the warrant of the county auditor to the county treasurer or other proper officer of such municipal corporation or township. The amount of any refund chargeable against any such municipal corporation or township at the time of making such settlement shall be adjusted in determining the amount due to such municipal corporation or township at such settlement; provided that if the municipal corporation or township against which such refund is chargeable is not entitled to share in the fund to be distributed at such settlement, the auditor shall draw a warrant for the amount in favor of the treasurer payable from any undivided general taxes in the possession of such treasurer, unless such municipal corporation or township is located in another county, in which event the auditor shall issue a certificate for such amount to the auditor of the proper county, who shall draw a like warrant therefor payable from any undivided general taxes in the possession of the treasurer of such county. In either case at the next semiannual settlement of such undivided general taxes, the amount of such warrant shall be deducted from the distribution of taxes of such municipal corporation or township and charged against the proceeds of levies for the general fund of such
municipal corporation or township, and a similar deduction shall be made at each next semiannual settlement of such undivided general taxes until such warrant has been satisfied in full.

If it is discovered that an amount of taxes collected under this chapter has been paid in error to a township or municipal corporation to which the taxes are not due under this chapter, the township or municipal corporation to which the amount was erroneously paid, when repaying that amount to any subdivision to which the taxes were due, shall not be required to pay interest on that amount.

Sec. 5735.02. (A) A motor fuel dealer shall not receive, use, sell, or distribute any motor fuel or engage in business within this state unless the motor fuel dealer holds an unrevoked license issued by the tax commissioner to engage in such business.

(B) To procure a motor fuel dealer's license, every motor fuel dealer shall file with the commissioner an application verified under oath by the applicant and in such form as the commissioner prescribes, setting forth, in addition to such other information required by the commissioner, the following:

1. The name under which the motor fuel dealer will transact business within the state;

2. The location, including street number address, of its principal office or place of business within this state;

3. The name and address of the owner, or the names and addresses of the partners if such motor fuel dealer is a partnership, or the names and addresses of the principal officers if such motor fuel dealer is a corporation or an association;

4. If such motor fuel dealer is a corporation organized under the laws of another state, territory, or country, a certified copy of the certificate or license issued by the Ohio
secretary of state showing that such corporation is authorized to transact business in this state;

(5) An agreement that the motor fuel dealer will assume the liability and will pay the tax on any shipment of motor fuel made into the state from any other state or foreign country and sold or caused to be sold by such motor fuel dealer for delivery to a person in this state who is not the holder of an unrevoked motor fuel dealer's license.

(C)(1) Except as provided in division (C)(2) of this section, an application for a license shall be accompanied by a bond, of the character stipulated and in the amount provided for in section 5735.03 of the Revised Code, which shall be filed with the commissioner.

(2) The tax commissioner may exempt a motor fuel dealer from the requirements set forth in division (C)(1) of this section and section 5735.03 of the Revised Code if the motor fuel dealer only sells or distributes motor fuel upon which the motor fuel taxes imposed under this chapter have been paid or are not required to be paid by the motor fuel dealer.

(D) If any application for a license to transact business as a motor fuel dealer in the state is filed by any person who has had any license previously canceled for cause by the tax commissioner; if the commissioner believes that such application is not filed in good faith or that such application is filed as a subterfuge by some person for the real person in interest who has previously had any license canceled for cause by the tax commissioner; or if the person has violated any provision of this chapter; or if the person has failed to file any returns, submit any information, or pay any outstanding taxes, charges, or fees as required for any tax, charge, or fee administered by the commissioner, to the extent the commissioner is aware of such failure at the time of the application, then the tax commissioner,
after a hearing, of which the applicant shall be given five days' notice in writing and at which said applicant shall have the right to appear in person or by counsel and present testimony, may refuse to issue to such person a license to transact business as a motor fuel dealer in the state.

(E) When the application in proper form has been accepted for filing, and the bond accepted and approved, the commissioner shall issue to such motor fuel dealer a license to transact business as a motor fuel dealer in the state, subject to cancellation of such license as provided by law.

(F) No person shall make a false or fraudulent statement on the application required by this section.

Sec. 5736.06. (A) No person subject to the tax imposed by section 5736.02 of the Revised Code shall distribute, import, or cause the importation of motor fuel for consumption in this state without holding a supplier's license issued by the tax commissioner to engage in such activities.

(B)(1) A person subject to the tax imposed by section 5736.02 of the Revised Code shall, on or before March 1, 2014, or within thirty days of first becoming subject to the tax imposed by this chapter, whichever is earlier, apply to the tax commissioner for a supplier's license on the form prescribed by the commissioner.

(2) Each person issued a supplier's license under division (B)(1) of this section shall apply to renew the license on or before the first day of March of each year.

(3) Each license issued or renewed under division (B)(1) or (2) of this section shall be valid from the first day of March through the last day of February or, in the case of a new license issued after the first day of March, the date of issuance through
the last day of February.

(4) With each license application submitted under division (B)(1) or (2) of this section, the applicant shall pay an application fee equal to one of the following amounts:

(a) If the applicant solely imports or causes the importation of motor fuel for sale, exchange, or transfer by the person in this state, three hundred dollars;

(b) If the applicant engages in activities in addition to those described in division (B)(3)(4)(a) of this section, one thousand dollars.

If an applicant timely submits an application under division (B)(1) of this section on or after the first day of September of any year, the fee that would apply to the applicant under division (B)(3)(4)(a) or (b) of this section shall be reduced by one-half.

(5) The failure to apply to the commissioner for a supplier's license does not relieve a person from the requirement to file returns and pay the tax imposed by this chapter.

(C) The tax commissioner may refuse to issue a license to any applicant under this section in the following circumstances:

(1) The applicant has previously had any license canceled for cause by the commissioner.

(2) The commissioner believes that the application is not filed in good faith or is filed as a subterfuge in an attempt to procure a license for another person.

(3) The applicant has violated any provision of this chapter.

(D) If the tax commissioner refuses to issue a license to an applicant under this section, the applicant is entitled to a refund of the application fee in accordance with section 5736.08 of the Revised Code. All application fees collected under this section shall be deposited into the petroleum activity tax.
administration fund created in section 5736.13 of the Revised Code.

(E) No person shall make a false or fraudulent statement on an application required by this section.

Sec. 5739.01. As used in this chapter:

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

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

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

(2) All transactions by which lodging by a hotel is or is to be furnished to transient guests;

(3) All transactions by which:

(a) An item of tangible personal property is or is to be repaired, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code;

(b) An item of tangible personal property is or is to be installed, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code or property that is or is to be incorporated into and will become a part of a production, transmission, transportation, or distribution system for the delivery of a public utility service;
(c) The service of washing, cleaning, waxing, polishing, or painting a motor vehicle is or is to be furnished;

(d) Until August 1, 2003, industrial laundry cleaning services are or are to be provided and, on and after August 1, 2003, laundry and dry cleaning services are or are to be provided;

(e) Automatic data processing, computer services, or electronic information services are or are to be provided for use in business when the true object of the transaction is the receipt by the consumer of automatic data processing, computer services, or electronic information services rather than the receipt of personal or professional services to which automatic data processing, computer services, or electronic information services are incidental or supplemental. Notwithstanding any other provision of this chapter, such transactions that occur between members of an affiliated group are not sales. An "affiliated group" means two or more persons related in such a way that one person owns or controls the business operation of another member of the group. In the case of corporations with stock, one corporation owns or controls another if it owns more than fifty per cent of the other corporation's common stock with voting rights.

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

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

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

(i) Information services or tangible personal property is provided or ordered by means of a nine hundred telephone call;
(j) Building maintenance and janitorial service is or is to be provided;

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

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

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

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

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

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

(q) On and after August 1, 2003, personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair.

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

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

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

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

(v) A cosmetic medical procedure is or is to be provided. As used in division (B)(3)(v) of this section:

(i) "Cosmetic medical procedure" means a medical procedure performed on an individual that is directed at improving the individual's appearance and that does not meaningfully promote the proper function of the body or prevent or treat illness or disease. "Cosmetic medical procedure" includes cosmetic surgery, hair transplants, cosmetic injections, cosmetic soft tissue fillers, dermabrasion and chemical peel, laser hair removal, laser skin resurfacing, laser treatment of leg veins, sclerotherapy, and cosmetic dentistry. "Cosmetic medical procedure" does not include reconstructive surgery or dentistry that is necessary to ameliorate a deformity arising from, or directly related to, a congenital abnormality, a personal injury resulting from an accident or trauma, or a disfiguring disease.

(ii) " Cosmetic surgery" means the surgical reshaping of normal structures on the body to improve the body image, self-esteem, or appearance of an individual.

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

(5) The production or fabrication of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the production of fabrication work; and include the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. Except as provided in section 5739.03 of the Revised Code, a construction contract pursuant to which tangible personal property is or is to be incorporated into a structure or improvement on and becoming a part of real property is not a sale of such tangible personal property. The construction contractor is the consumer of such tangible personal property, provided that the sale and installation of carpeting, the sale and installation of agricultural land tile, the sale and erection or installation of portable grain bins, or the provision of landscaping and lawn care service and the transfer of property as part of such service is never a construction contract.

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

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

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

(6) All transactions in which all of the shares of stock of a closely held corporation are transferred, or an ownership interest in a pass-through entity, as defined in section 5733.04 of the Revised Code, is transferred, if the corporation or pass-through entity is not engaging in business and its entire assets consist of boats, planes, motor vehicles, or other tangible personal property operated primarily for the use and enjoyment of the shareholders or owners;

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

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

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

(10) All transactions in which "guaranteed auto protection" is provided whereby a person promises to pay to the consumer the difference between the amount the consumer receives from motor vehicle insurance and the amount the consumer owes to a person holding title to or a lien on the consumer's motor vehicle in the event the consumer's motor vehicle suffers a total loss under the terms of the motor vehicle insurance policy or is stolen and not recovered, if the protection and its price are included in the purchase or lease agreement;
(11)(a) Except as provided in division (B)(11)(b) of this section, on and after October 1, 2009, all transactions by which health care services are paid for, reimbursed, provided, delivered, arranged for, or otherwise made available by a medicaid health insuring corporation pursuant to the corporation's contract with the state.

(b) If the centers for medicare and medicaid services of the United States department of health and human services determines that the taxation of transactions described in division (B)(11)(a) of this section constitutes an impermissible health care-related tax under the "Social Security Act," section 1903(w), 42 U.S.C. 1396b(w), and regulations adopted thereunder, the medicaid director shall notify the tax commissioner of that determination. Beginning with the first day of the month following that notification, the transactions described in division (B)(11)(a) of this section are not sales for the purposes of this chapter or Chapter 5741. of the Revised Code. The tax commissioner shall order that the collection of taxes under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code shall cease for transactions occurring on or after that date.

(12) All transactions by which a specified digital product is provided for permanent use or less than permanent use, regardless of whether continued payment is required.

(13) All transactions by which:

(a) Lobbying service is or is to be provided. As used in this division, "lobbying service" means any activity engaged in by a registered lobbyist that serves to influence the behavior or opinion of an elected official, an industry, or an organization. "Lobbying service" does not include an attorney representing the attorney's client in a specific administrative or judicial matter or any form of advertising. As used in division (B)(13)(a) of this
section, "registered lobbyist" means a person registered with the state, the clerk of the United States house of representatives, or the secretary of the United States senate to engage in lobbying service.

(b) Repossession service is or is to be provided. As used in this division, "repossession service" means repossessing tangible assets for a creditor because of delinquent debts. Such repossessed assets include automobiles, boats, equipment, aircraft, furniture, and appliances.

(c) Cable television service is or is to be provided. As used in this division, "cable television service" means the one-way transmission to a subscriber of video programming or other programming service and subscriber interaction, if any, that is required for the selection or use of such video programming or other programming service.

(d) Landscape design service is or is to be provided. As used in this division, "landscape design service" means the planning and design of exterior spaces, including consultation; research; supervision; preparation of general or specific design or detail plans, studies, or specifications; or any other similar service.

(e) Interior design and interior decorating service is or is to be provided. As used in this division, "interior design and interior decorating service" means the planning and design of interior spaces, including the preparation of layout drawings, schedules, and specifications pertaining to the planning and design of interior spaces; furniture arranging; design and planning of furniture, fixtures, and cabinetry; staging; lighting and sound design; interior floral design; selection, purchase, and arrangement of surface coverings, draperies, furniture, and other decorations; or any other similar service.

(f) Travel service is or is to be provided. As used in this
division, "travel service" means acting as an agent to sell travel, tour, or accommodation services to the general public and commercial clients. "Travel service" does not include the cost of the travel, tour, or accommodation.

Transactions described in division (B)(13) of this section occurring between members of an affiliated group, as defined in division (B)(3)(e) of this section, are not sales.

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

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

Physicians, dentists, hospitals, and veterinarians who are engaged in selling tangible personal property as received from others, such as eyeglasses, mouthwashes, dentifrices, or similar articles, are vendors. Veterinarians who are engaged in transferring to others for a consideration drugs, the dispensing of which does not require an order of a licensed veterinarian or physician under federal law, are vendors.

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

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

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

(4)(a) In the case of a person who purchases printed matter for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer of that printed matter, and the purchase of that printed matter for that purpose is a sale.

(b) In the case of a person who produces, rather than purchases, printed matter for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer of all
(c) The distribution of printed matter to the public or to a designated segment of the public, free of charge, is not a sale to the members of the public to whom the printed matter is distributed or to any persons who purchase space in the printed matter for advertising or other purposes.

(5) A person who makes sales of any of the services listed in division (B)(3) or (13) of this section is the consumer of any tangible personal property used in performing the service. The purchase of that property is not subject to the resale exception under division (E)(1) of this section.

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

(7) In the case of a transaction for health care services under division (B)(11) of this section, a medicaid health insuring corporation is the consumer of such services. The purchase of such services by a medicaid health insuring corporation is not subject to the exception for resale under division (E)(1) of this section or to the exemptions provided under divisions (B)(12), (18), (19), and (22) of section 5739.02 of the Revised Code.

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

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

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

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

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

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

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

(iv) On and after August 1, 2003, delivery charges. As used in this division, "delivery charges" means charges by the vendor for preparation and delivery to a location designated by the consumer of tangible personal property or a service, including transportation, shipping, postage, handling, crating, and packing.

(v) Installation charges;
(vi) Credit for any trade-in.

(b) "Price" includes consideration received by the vendor from a third party, if the vendor actually receives the consideration from a party other than the consumer, and the consideration is directly related to a price reduction or discount on the sale; the vendor has an obligation to pass the price reduction or discount through to the consumer; the amount of the consideration attributable to the sale is fixed and determinable by the vendor at the time of the sale of the item to the consumer; and one of the following criteria is met:

(i) The consumer presents a coupon, certificate, or other document to the vendor to claim a price reduction or discount where the coupon, certificate, or document is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any vendor to whom the coupon, certificate, or document is presented;

(ii) The consumer identifies the consumer's self to the seller as a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group or organization.

(iii) The price reduction or discount is identified as a third party price reduction or discount on the invoice received by the consumer, or on a coupon, certificate, or other document presented by the consumer.

(c) "Price" does not include any of the following:

(i) Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a vendor and taken by a consumer on a sale;

(ii) Interest, financing, and carrying charges from credit extended on the sale of tangible personal property or services, if
the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(iii) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the consumer. For the purpose of this division, the tax imposed under Chapter 5751. of the Revised Code is not a tax directly on the consumer, even if the tax or a portion thereof is separately stated.

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.

(v) The dollar value of a gift card that is not sold by a vendor or purchased by a consumer and that is redeemed by the consumer in purchasing tangible personal property or services if the vendor is not reimbursed and does not receive compensation from a third party to cover all or part of the gift card value. For the purposes of this division, a gift card is not sold by a vendor or purchased by a consumer if it is distributed pursuant to an awards, loyalty, or promotional program. Past and present purchases of tangible personal property or services by the consumer shall not be treated as consideration exchanged for a gift card.

(2) In the case of a sale of any new motor vehicle by a new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, in which another motor vehicle is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the motor vehicle received in trade.

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

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

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

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

(K) "Premises" includes any real property or portion thereof upon which any person engages in selling tangible personal property at retail or making retail sales and also includes any real property or portion thereof designated for, or devoted to, use in conjunction with the business engaged in by such person.

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

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

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

(O) "Making retail sales" means the effecting of transactions wherein one party is obligated to pay the price and the other party is obligated to provide a service or to transfer title to or possession of the item sold. "Making retail sales" does not include the preliminary acts of promoting or soliciting the retail sales, other than the distribution of printed matter which displays or describes and prices the item offered for sale, nor does it include delivery of a predetermined quantity of tangible personal property or transportation of property or personnel to or from a place where a service is performed.

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

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

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

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

(T) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county that is a transit authority, the fiscal officer of the county transit board if one is appointed pursuant to section 306.03 of the Revised Code or the county auditor if the board of county commissioners operates the county transit system.
(U) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority that includes territory in more than one county must include all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

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

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

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

(Y)(1)(a) "Automatic data processing" means processing of others' data, including keypunching or similar data entry services together with verification thereof, or providing access to computer equipment for the purpose of processing data.

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

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

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

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

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

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

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

(a) Accounting and legal services such as advice on tax matters, asset management, budgetary matters, quality control, information security, and auditing and any other situation where the service provider receives data or information and studies, alters, analyzes, interprets, or adjusts such material;

(b) Analyzing business policies and procedures;

(c) Identifying management information needs;

(d) Feasibility studies, including economic and technical
analysis of existing or potential computer hardware or software needs and alternatives;

(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;

(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;

(g) Testing of business procedures;

(h) Training personnel in business procedure applications;

(i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;

(j) Providing debt collection services by any oral, written, graphic, or electronic means;

(k) Providing digital advertising services.

The services listed in divisions (Y)(2)(a) to (k) of this section are not automatic data processing or computer services.

(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following:

(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare;
(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section;

(3) A person who leases a motor vehicle to and operates it for a person described by division (Z)(1) or (2) of this section.

(AA)(1) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. "Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice-over internet protocol service or is classified by the federal communications commission as enhanced or value-added. "Telecommunications service" does not include any of the following:

(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a consumer where the consumer's primary purpose for the underlying transaction is the processed data or information;

(b) Installation or maintenance of wiring or equipment on a customer's premises;

(c) Tangible personal property;

(d) Advertising, including directory advertising;

(e) Billing and collection services provided to third
parties;

(f) Internet access service;

(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3;

(h) Ancillary service;

(i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones.

(2) "Ancillary service" means a service that is associated with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division:

(a) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call, including providing a telephone number. "Conference bridging service" does not include telecommunications services used to reach the conference bridge.

(b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.

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

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

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

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

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

(5) "Prepaid wireless calling service" means a telecommunications service that provides the right to utilize mobile telecommunications service as well as other non-telecommunications services, including the download of digital products delivered electronically, and content and ancillary services, that must be paid for in advance and that is sold in predetermined units or dollars of which the number declines with use in a known amount.
(6) "Value-added non-voice data service" means a telecommunications service in which computer processing applications are used to act on the form, content, code, or protocol of the information or data primarily for a purpose other than transmission, conveyance, or routing.

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

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

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

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

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

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

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

(GG) "Research and development" means designing, creating, or formulating new or enhanced products, equipment, or manufacturing processes, and also means conducting scientific or technological inquiry and experimentation in the physical sciences with the goal of increasing scientific knowledge which may reveal the bases for new or enhanced products, equipment, or manufacturing processes.

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

(II) "Building maintenance and janitorial service" means cleaning the interior or exterior of a building and any tangible personal property located therein or thereon, including any services incidental to such cleaning for which no separate charge is made. However, "building maintenance and janitorial service" does not include the providing of such service by a person who has less than five thousand dollars in sales of such service during the calendar year. As used in this division, "cleaning" does not include sanitation services necessary for an establishment described in 21 U.S.C. 608 to comply with rules and regulations adopted pursuant to that section.

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

(1) Acting as a contractor or subcontractor, where the personnel performing the work are not under the direct control of
the purchaser.

(2) Medical and health care services.

(3) Supplying personnel to a purchaser pursuant to a contract of at least one year between the service provider and the purchaser that specifies that each employee covered under the contract is assigned to the purchaser on a permanent basis.

(4) Transactions between members of an affiliated group, as defined in division (B)(3)(e) of this section.

(5) Transactions where the personnel so provided or supplied by a provider or supplier to a purchaser of an employment service are then provided or supplied by that purchaser to a third party as an employment service, except "employment service" does include the transaction between that purchaser and the third party.

(KK) "Employment placement service" means locating or finding employment for a person or finding or locating an employee to fill an available position.

(LL) "Exterminating service" means eradicating or attempting to eradicate vermin infestations from a building or structure, or the area surrounding a building or structure, and includes activities to inspect, detect, or prevent vermin infestation of a building or structure.

(MM) "Physical fitness facility service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a physical fitness facility such as an athletic club, health spa, or gymnasium, which entitles the member to use the facility for physical exercise.

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

(00) "Livestock" means farm animals commonly raised for food, food production, or other agricultural purposes, including, but not limited to, cattle, sheep, goats, swine, poultry, and captive deer. "Livestock" does not include invertebrates, amphibians, reptiles, domestic pets, animals for use in laboratories or for exhibition, or other animals not commonly raised for food or food production.

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

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

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

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

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

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

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

(UU)(1) "Lease" or "rental" means any transfer of the
possession or control of tangible personal property for a fixed or
indefinite term, for consideration. "Lease" or "rental" includes
future options to purchase or extend, and agreements described in
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where
the amount of consideration may be increased or decreased by
reference to the amount realized upon the sale or disposition of
the property. "Lease" or "rental" does not include:

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

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

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

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

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

(VV) "Mobile telecommunications service" has the same meaning as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, on and after August 1, 2003, includes related fees and ancillary services, including universal service fees, detailed billing service, directory assistance, service initiation, voice mail service, and vertical services, such as caller ID and three-way calling.
"Certified service provider" has the same meaning as in section 5740.01 of the Revised Code.

"Satellite broadcasting service" means the distribution or broadcasting of programming or services by satellite directly to the subscriber's receiving equipment without the use of ground receiving or distribution equipment, except the subscriber's receiving equipment or equipment used in the uplink process to the satellite, and includes all service and rental charges, premium channels or other special services, installation and repair service charges, and any other charges having any connection with the provision of the satellite broadcasting service.

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

"Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the consumer or at the direction of the consumer when the cost of the items are not billed directly to the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by the consumer to the direct mail vendor for inclusion in the package containing the printed material. "Direct mail" does not include multiple items of printed material delivered to a single address. "Municipal gas utility" means a municipal corporation that owns or operates a system for the distribution of natural gas.

"Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.
(BBB) "Computer software" means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.

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

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

(EEE)(1) "Food" means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food" does not include alcoholic beverages, dietary supplements, soft drinks, or tobacco.
(2) As used in division (EEE)(1) of this section:

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

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

(i) A vitamin;

(ii) A mineral;

(iii) An herb or other botanical;

(iv) An amino acid;

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

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

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

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

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

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

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

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

(JJJ) "Prosthetic device" means a replacement, corrective, or supportive device, including repair and replacement parts for the device, worn on or in the human body to artificially replace a missing portion of the body, prevent or correct physical deformity
or malfunction, or support a weak or deformed portion of the body. As used in this division, "prosthetic device" does not include corrective eyeglasses, contact lenses, or dental prosthesis.

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

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

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

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

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

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

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

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

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

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

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

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

(LLL) "Electronic publishing" means providing access to one or more of the following primarily for business customers, including the federal government or a state government or a political subdivision thereof, to conduct research: news; business, financial, legal, consumer, or credit materials; editorials, columns, reader commentary, or features; photos or images; archival or research material; legal notices, identity verification, or public records; scientific, educational, instructional, technical, professional, trade, or other literary materials; or other similar information which has been gathered and made available by the provider to the consumer in an
electronic format. Providing electronic publishing includes the functions necessary for the acquisition, formatting, editing, storage, and dissemination of data or information that is the subject of a sale.

(MMM) "Medicaid health insuring corporation" means a health insuring corporation that holds a certificate of authority under Chapter 1751. of the Revised Code and is under contract with the department of job and family services medicaid pursuant to section 5111.17 5167.10 of the Revised Code.

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

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

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

(QQQ) "Specified digital product" means an electronically transferred digital audiovisual work, digital audio work, or digital book.

As used in division (QQQ) of this section:

(1) "Digital audiovisual work" means a series of related images that, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.

(2) "Digital audio work" means a work that results from the fixation of a series of musical, spoken, or other sounds, including digitized sound files that are downloaded onto a device
and that may be used to alert the customer with respect to a communication.

(3) "Digital book" means a work that is generally recognized in the ordinary and usual sense as a book.

(4) "Electronically transferred" means obtained by the purchaser by means other than tangible storage media.

(RRR) "Digital advertising services" means providing access, by means of telecommunications equipment, to computer equipment that is used to enter, upload, download, review, manipulate, store, add, or delete data for the purpose of electronically displaying, delivering, placing, or transferring promotional advertisements to potential customers about products or services or about industry or business brands.

(SSS) "Municipal gas utility" means a municipal corporation that owns or operates a system for the distribution of natural gas.

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

(A)(1) The tax shall be collected as provided in section 5739.025 of the Revised Code. The rate of the tax shall be five six and three-fourths one-fourth per cent. The tax applies and is collectible when the sale is made, regardless of the time when the
price is paid or delivered.

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

A lease with a renewal clause and a termination penalty or similar provision that applies if the renewal clause is not exercised is presumed to be a sham transaction. In such a case, the tax shall be calculated and paid on the basis of the entire length of the lease period, including any renewal periods, until the termination penalty or similar provision no longer applies. The taxpayer shall bear the burden, by a preponderance of the evidence, that the transaction or series of transactions is not a sham transaction.
(3) Except as provided in division (A)(2) of this section, in the case of a sale, the price of which consists in whole or in part of the lease or rental of tangible personal property, the tax shall be measured by the installments of that lease or rental.

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

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

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

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

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

(4) Sales of newspapers and sales or transfers of magazines distributed as controlled circulation publications;

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

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

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

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

(9)(a) Sales of services or tangible personal property, other
than motor vehicles, mobile homes, and manufactured homes, by
churches, organizations exempt from taxation under section
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit
organizations operated exclusively for charitable purposes as
defined in division (B)(12) of this section, provided that the
number of days on which such tangible personal property or
services, other than items never subject to the tax, are sold does
not exceed six in any calendar year, except as otherwise provided
in division (B)(9)(b) of this section. If the number of days on
which such sales are made exceeds six in any calendar year, the
church or organization shall be considered to be engaged in
business and all subsequent sales by it shall be subject to the
tax. In counting the number of days, all sales by groups within a church or within an organization shall be considered to be sales of that church or organization.

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

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

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

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

(12) Sales of tangible personal property or services to churches, to organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, and to any other nonprofit organizations operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation; sales to offices administering one or more homes for the aged or one or more hospital facilities exempt under section 140.08 of the Revised Code; and sales to organizations described in division (D)
"Charitable purposes" means the relief of poverty; the improvement of health through the alleviation of illness, disease, or injury; the operation of an organization exclusively for the provision of professional, laundry, printing, and purchasing services to hospitals or charitable institutions; the operation of a home for the aged, as defined in section 5701.13 of the Revised Code; the operation of a radio or television broadcasting station that is licensed by the federal communications commission as a noncommercial educational radio or television station; the operation of a nonprofit animal adoption service or a county humane society; the promotion of education by an institution of learning that maintains a faculty of qualified instructors, teaches regular continuous courses of study, and confers a recognized diploma upon completion of a specific curriculum; the operation of a parent-teacher association, booster group, or similar organization primarily engaged in the promotion and support of the curricular or extracurricular activities of a primary or secondary school; the operation of a community or area center in which presentations in music, dramatics, the arts, and related fields are made in order to foster public interest and education therein; the production of performances in music, dramatics, and the arts; or the promotion of education by an organization engaged in carrying on research in, or the dissemination of, scientific and technological knowledge and information primarily for the public.

Nothing in this division shall be deemed to exempt sales to any organization for use in the operation or carrying on of a trade or business, or sales to a home for the aged for use in the operation of independent living facilities as defined in division (A) of section 5709.12 of the Revised Code.

(13) Building and construction materials and services sold to
construction contractors for incorporation into a structure or improvement to real property under a construction contract with this state or a political subdivision of this state, or with the United States government or any of its agencies; building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to real property that are accepted for ownership by this state or any of its political subdivisions, or by the United States government or any of its agencies at the time of completion of the structures or improvements; building and construction materials sold to construction contractors for incorporation into a horticulture structure or livestock structure for a person engaged in the business of horticulture or producing livestock; building materials and services sold to a construction contractor for incorporation into a house of public worship or religious education, or a building used exclusively for charitable purposes under a construction contract with an organization whose purpose is as described in division (B)(12) of this section; building materials and services sold to a construction contractor for incorporation into a building under a construction contract with an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 when the building is to be used exclusively for the organization's exempt purposes; building and construction materials sold for incorporation into the original construction of a sports facility under section 307.696 of the Revised Code; building and construction materials and services sold to a construction contractor for incorporation into real property outside this state if such materials and services, when sold to a construction contractor in the state in which the real property is located for incorporation into real property in that state, would be exempt from a tax on sales levied by that state; building and construction materials for incorporation into a transportation facility pursuant to a public-private agreement.
entered into under sections 5501.70 to 5501.83 of the Revised Code; and, until one calendar year after the construction of a convention center that qualifies for property tax exemption under section 5709.084 of the Revised Code is completed, building and construction materials and services sold to a construction contractor for incorporation into the real property comprising that convention center;

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

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

(16) Sales of food to persons using supplemental nutrition assistance program benefits to purchase the food. As used in this
division, "food" has the same meaning as in 7 U.S.C. 2012 and federal regulations adopted pursuant to the Food and Nutrition Act of 2008.

(17) Sales to persons engaged in farming, agriculture, horticulture, or floriculture, of tangible personal property for use or consumption primarily in the production by farming, agriculture, horticulture, or floriculture of other tangible personal property for use or consumption primarily in the production of tangible personal property for sale by farming, agriculture, horticulture, or floriculture; or material and parts for incorporation into any such tangible personal property for use or consumption in production; and of tangible personal property for such use or consumption in the conditioning or holding of products produced by and for such use, consumption, or sale by persons engaged in farming, agriculture, horticulture, or floriculture, except where such property is incorporated into real property;

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

(19) Sales of prosthetic devices, durable medical equipment for home use, or mobility enhancing equipment, when made pursuant to a prescription and when such devices or equipment are for use by a human being.
(20) Sales of emergency and fire protection vehicles and equipment to nonprofit organizations for use solely in providing fire protection and emergency services, including trauma care and emergency medical services, for political subdivisions of the state;

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

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

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

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

(25)(a) Sales of water to a consumer for residential use;

(b) Sales of water by a nonprofit corporation engaged exclusively in the treatment, distribution, and sale of water to consumers, if such water is delivered to consumers through pipes or tubing.

(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;

(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:

(a) To prepare food for human consumption for sale;

(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;

(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.

(28) Sales of animals by nonprofit animal adoption services or county humane societies;

(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;

(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;

(31) Sales and erection or installation of portable grain
bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;

(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;

(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;

(34) Sales to a telecommunications service vendor, mobile telecommunications service vendor, or satellite broadcasting service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or recording any interactive, one- or two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium, including, but not limited to, poles, wires, cables, switching equipment, computers, and record storage devices and media, and component parts for the tangible personal property. The exemption provided in this division shall be in lieu of all other exemptions under division (B)(42)(a) or (n) of this section to which the vendor may otherwise be entitled, based upon the use of the thing purchased in providing the telecommunications, mobile telecommunications, or satellite broadcasting service.

(35)(a) Sales where the purpose of the consumer is to use or consume the things transferred in making retail sales and consisting of newspaper inserts, catalogues, coupons, flyers, gift certificates, or other advertising material that prices and
describes tangible personal property offered for retail sale.

(b) Sales to direct marketing vendors of preliminary materials such as photographs, artwork, and typesetting that will be used in printing advertising material; and of printed matter that offers free merchandise or chances to win sweepstake prizes and that is mailed to potential customers with advertising material described in division (B)(35)(a) of this section;

(c) Sales of equipment such as telephones, computers, facsimile machines, and similar tangible personal property primarily used to accept orders for direct marketing retail sales.

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

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

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

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

(38) Sales to a professional racing team of any of the following:
(a) Motor racing vehicles;

(b) Repair services for motor racing vehicles;

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

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

(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; energy conversion equipment as defined in section 5727.01 of the Revised Code; and tangible personal property and services used in the repair and maintenance of the production, transmission, or distribution system, including only those motor vehicles as are specially designed and equipped for such use. The exemption provided in this division shall be in lieu of all other exemptions in division (B)(42)(a) or (n) of this section to which a provider of electricity may otherwise be entitled based on the use of the tangible personal property or service purchased in generating, transmitting, or distributing electricity.
(41) Sales to a person providing services under division (B)(3)(r) of section 5739.01 of the Revised Code of tangible personal property and services used directly and primarily in providing taxable services under that section.

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

(a) To incorporate the thing transferred as a material or a part into tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining; or to use or consume the thing transferred directly in producing tangible personal property for sale by mining, including, without limitation, the extraction from the earth of all substances that are classed geologically as minerals, production of crude oil and natural gas, or directly in the rendition of a public utility service, except that the sales tax levied by this section shall be collected upon all meals, drinks, and food for human consumption sold when transporting persons. Persons engaged in rendering services in the exploration for, and production of, crude oil and natural gas for others are deemed engaged directly in the exploration for, and production of, crude oil and natural gas. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.

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

(c) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance;

(d) To use or consume the thing directly in commercial fishing;

(e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in
the production of, magazines distributed as controlled circulation publications;

(f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter;

(g) To use the thing transferred, as described in section 5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale;

(h) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as described in division (B)(7) of section 5739.01 of the Revised Code, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would not be subject to the tax imposed by this section;

(i) To use the thing transferred as qualified research and development equipment;

(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or by means of direct marketing. This division does not apply to motor vehicles registered for operation on the public highways. As used in this division, "affiliated group" has the same meaning as in division (B)(3)(e) of section 5739.01 of the Revised Code and "direct marketing" has the same meaning as in division (B)(35) of this section.
(k) To use or consume the thing transferred to fulfill a contractual obligation incurred by a warrantor pursuant to a warranty provided as a part of the price of the tangible personal property sold or by a vendor of a warranty, maintenance or service contract, or similar agreement the provision of which is defined as a sale under division (B)(7) of section 5739.01 of the Revised Code;

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

(m) To use tangible personal property to perform a service listed in division (B)(3) or (13) of section 5739.01 of the Revised Code, if the property is or is to be permanently transferred to the consumer of the service as an integral part of the performance of the service;

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

(o) To use or consume the thing transferred in acquiring, formatting, editing, storing, and disseminating data or information by electronic publishing;

(p) To provide the thing transferred to the owner or lessee of a motor vehicle that is being repaired or serviced, if the thing transferred is a rented motor vehicle and the purchaser is reimbursed for the cost of the rented motor vehicle by a manufacturer, warrantor, or provider of a maintenance, service, or
other similar contract or agreement, with respect to the motor vehicle that is being repaired or serviced.

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

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

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

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

(46) Sales by a telecommunications service vendor of 900 service to a subscriber. This division does not apply to information services, as defined in division (FF) of section 5739.01 of the Revised Code.
(47) Sales of value-added non-voice data service. This division does not apply to any similar service that is not otherwise a telecommunications service.

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

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

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

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

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

(49) Sales of materials, parts, equipment, or engines used in the repair or maintenance of aircraft or avionics systems of such aircraft, and sales of repair, remodeling, replacement, or maintenance services in this state performed on aircraft or on an
aircraft's avionics, engine, or component materials or parts. As used in division (B)(49) of this section, "aircraft" means aircraft of more than six thousand pounds maximum certified takeoff weight or used exclusively in general aviation.

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

(51) Any transfer or lease of tangible personal property between the state and JobsOhio in accordance with section 4313.02 of the Revised Code.

(52)(a) Sales to a qualifying corporation.

(b) As used in division (B)(52) of this section:

(i) "Qualifying corporation" means a nonprofit corporation organized in this state that leases from an eligible county land, buildings, structures, fixtures, and improvements to the land that are part of or used in a public recreational facility used by a major league professional athletic team or a class A to class AAA minor league affiliate of a major league professional athletic team for a significant portion of the team's home schedule, provided the following apply:

(I) The facility is leased from the eligible county pursuant
to a lease that requires substantially all of the revenue from the 
operation of the business or activity conducted by the nonprofit 
corporation at the facility in excess of operating costs, capital 
expenditures, and reserves to be paid to the eligible county at 
least once per calendar year.

(II) Upon dissolution and liquidation of the nonprofit 
corporation, all of its net assets are distributable to the board 
of commissioners of the eligible county from which the corporation 
leases the facility.

(ii) "Eligible county" has the same meaning as in section 
307.695 of the Revised Code.

(53) Sales to or by a cable service provider, video service 
provider, or radio or television broadcast station regulated by 
the federal government of cable service or programming, video 
service or programming, audio service or programming, or 
electronically transferred digital audiovisual or audio work. As 
used in division (B)(53) of this section, "cable service" and 
"cable service provider" have the same meanings as in section 
1332.01 of the Revised Code, and "video service," "video service 
provider," and "video programming" have the same meanings as in 
section 1332.21 of the Revised Code.

(54) Sales of investment metal bullion and investment coins.
"Investment metal bullion" means any bullion described in section 
408(m)(3)(B) of the Internal Revenue Code, regardless of whether 
that bullion is in the physical possession of a trustee. 
"Investment coin" means any coin composed primarily of gold, 
silver, platinum, or palladium.

(C) For the purpose of the proper administration of this 
chapter, and to prevent the evasion of the tax, it is presumed 
that all sales made in this state are subject to the tax until the 
contrary is established.
(D) The levy of this tax on retail sales of recreation and sports club service shall not prevent a municipal corporation from levying any tax on recreation and sports club dues or on any income generated by recreation and sports club dues.

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

Sec. 5739.025. As used in this section, "local tax" means a tax imposed pursuant to section 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, or 5741.023 of the Revised Code.

(A) The taxes levied by sections 5739.02 and 5741.02 of the Revised Code shall be collected as follows:

(1) On and after July 1, 2003, and on or before June 30, 2005, in accordance with the following schedule:

<table>
<thead>
<tr>
<th>If the price is at least</th>
<th>But not more than</th>
<th>The amount of the tax is</th>
</tr>
</thead>
<tbody>
<tr>
<td>$.01</td>
<td>$.15</td>
<td>No tax</td>
</tr>
<tr>
<td>$.16</td>
<td>$.16</td>
<td>1¢</td>
</tr>
<tr>
<td>$.17</td>
<td>$.33</td>
<td>2¢</td>
</tr>
<tr>
<td>$.34</td>
<td>$.60</td>
<td>3¢</td>
</tr>
<tr>
<td>$.64</td>
<td>$.66</td>
<td>4¢</td>
</tr>
<tr>
<td>$.67</td>
<td>$.83</td>
<td>5¢</td>
</tr>
</tbody>
</table>
If the price exceeds one dollar, the tax is six cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than seventeen cents, the amount of tax is six cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than seventeen cents, the amount of tax is six cents for each one dollar plus the amount of tax for prices eighteen cents through ninety-nine cents in accordance with the schedule above.

(2) On and after July 1, 2005, and on and before December 31, 2005, in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Price</th>
<th>Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0.01 - $0.15</td>
<td>No tax</td>
</tr>
<tr>
<td>$0.16 - $0.18</td>
<td>1¢</td>
</tr>
<tr>
<td>$0.19 - $0.36</td>
<td>2¢</td>
</tr>
<tr>
<td>$0.37 - $0.54</td>
<td>3¢</td>
</tr>
<tr>
<td>$0.55 - $0.72</td>
<td>4¢</td>
</tr>
<tr>
<td>$0.73 - $0.90</td>
<td>5¢</td>
</tr>
<tr>
<td>$0.91 - $1.09</td>
<td>6¢</td>
</tr>
<tr>
<td>$1.10 - $1.27</td>
<td>7¢</td>
</tr>
<tr>
<td>$1.28 - $1.46</td>
<td>8¢</td>
</tr>
<tr>
<td>$1.47 - $1.64</td>
<td>9¢</td>
</tr>
<tr>
<td>$1.65 - $1.82</td>
<td>10¢</td>
</tr>
<tr>
<td>$1.83 - $2.00</td>
<td>11¢</td>
</tr>
</tbody>
</table>

If the price exceeds two dollars, the tax is eleven cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than eighteen cents, the amount of tax is eleven cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than eighteen cents, the amount of tax is eleven cents for each two dollars plus the amount of tax for prices nineteen cents through one dollar and
ninety-nine cents in accordance with the schedule above.

(B) On and after July 1, 2003, and on and before June 30, 2005, the combined taxes levied by sections 5739.02 and 5741.02 and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 5741.023 of the Revised Code shall be collected in accordance with the following schedules:

(1) When the combined rate of state and local tax is six and one-fourth per cent:

<table>
<thead>
<tr>
<th>If the price is at least</th>
<th>But not more than</th>
<th>The amount of tax is</th>
</tr>
</thead>
<tbody>
<tr>
<td>$.01</td>
<td>$.15</td>
<td>No tax</td>
</tr>
<tr>
<td>$.16</td>
<td>$.16</td>
<td>1¢</td>
</tr>
<tr>
<td>$.17</td>
<td>$.22</td>
<td>2¢</td>
</tr>
<tr>
<td>$.23</td>
<td>$.48</td>
<td>3¢</td>
</tr>
<tr>
<td>$.49</td>
<td>$.64</td>
<td>4¢</td>
</tr>
<tr>
<td>$.65</td>
<td>$.80</td>
<td>5¢</td>
</tr>
<tr>
<td>$.81</td>
<td>$.96</td>
<td>6¢</td>
</tr>
<tr>
<td>$.97</td>
<td>1.12</td>
<td>7¢</td>
</tr>
<tr>
<td>1.13</td>
<td>1.28</td>
<td>8¢</td>
</tr>
<tr>
<td>1.29</td>
<td>1.44</td>
<td>9¢</td>
</tr>
<tr>
<td>1.45</td>
<td>1.60</td>
<td>10¢</td>
</tr>
<tr>
<td>1.61</td>
<td>1.76</td>
<td>11¢</td>
</tr>
<tr>
<td>1.77</td>
<td>1.92</td>
<td>12¢</td>
</tr>
<tr>
<td>1.93</td>
<td>2.08</td>
<td>13¢</td>
</tr>
<tr>
<td>2.09</td>
<td>2.24</td>
<td>14¢</td>
</tr>
<tr>
<td>2.25</td>
<td>2.40</td>
<td>15¢</td>
</tr>
<tr>
<td>2.41</td>
<td>2.56</td>
<td>16¢</td>
</tr>
<tr>
<td>2.57</td>
<td>2.72</td>
<td>17¢</td>
</tr>
<tr>
<td>2.73</td>
<td>2.88</td>
<td>18¢</td>
</tr>
<tr>
<td>2.89</td>
<td>3.04</td>
<td>19¢</td>
</tr>
<tr>
<td>3.05</td>
<td>3.20</td>
<td>20¢</td>
</tr>
</tbody>
</table>
If the price exceeds four dollars, the tax is twenty-five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus the amount of tax for prices seventeen cents through three dollars and ninety-nine cents in accordance with the schedule above.

(2) When the combined rate of state and local tax is six and one-half per cent:

<table>
<thead>
<tr>
<th>Price Range</th>
<th>Tax Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0.01 - $0.15</td>
<td>No tax</td>
</tr>
<tr>
<td>$0.16 - $0.30</td>
<td>2¢</td>
</tr>
<tr>
<td>$0.31 - $0.46</td>
<td>3¢</td>
</tr>
<tr>
<td>$0.47 - $0.61</td>
<td>4¢</td>
</tr>
<tr>
<td>$0.62 - $0.76</td>
<td>5¢</td>
</tr>
<tr>
<td>$0.77 - $0.92</td>
<td>6¢</td>
</tr>
<tr>
<td>$0.93 - $1.07</td>
<td>7¢</td>
</tr>
<tr>
<td>$1.08 - $1.23</td>
<td>8¢</td>
</tr>
<tr>
<td>$1.24 - $1.38</td>
<td>9¢</td>
</tr>
<tr>
<td>$1.39 - $1.53</td>
<td>10¢</td>
</tr>
<tr>
<td>$1.54 - $1.69</td>
<td>11¢</td>
</tr>
<tr>
<td>$1.70 - $1.84</td>
<td>12¢</td>
</tr>
<tr>
<td>$1.85 - $2.00</td>
<td>13¢</td>
</tr>
</tbody>
</table>

If the price exceeds two dollars, the tax is thirteen cents.
on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is thirteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is thirteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety-nine cents in accordance with the schedule above.

(3) When the combined rate of state and local tax is six and three-fourths per cent:

<table>
<thead>
<tr>
<th>Price Range</th>
<th>Tax Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ .01 to $ .15</td>
<td>2¢</td>
</tr>
<tr>
<td>$ .16 to $ .29</td>
<td>3¢</td>
</tr>
<tr>
<td>$ .30 to $ .44</td>
<td>4¢</td>
</tr>
<tr>
<td>$ .45 to $ .59</td>
<td>5¢</td>
</tr>
<tr>
<td>$ .60 to $ .74</td>
<td>6¢</td>
</tr>
<tr>
<td>$ .75 to $ .88</td>
<td>7¢</td>
</tr>
<tr>
<td>$ .89 to $ 1.03</td>
<td>8¢</td>
</tr>
<tr>
<td>$ 1.04 to $ 1.18</td>
<td>9¢</td>
</tr>
<tr>
<td>$ 1.19 to $ 1.33</td>
<td>10¢</td>
</tr>
<tr>
<td>$ 1.34 to $ 1.48</td>
<td>11¢</td>
</tr>
<tr>
<td>$ 1.49 to $ 1.62</td>
<td>12¢</td>
</tr>
<tr>
<td>$ 1.63 to $ 1.77</td>
<td>13¢</td>
</tr>
<tr>
<td>$ 1.78 to $ 1.92</td>
<td>14¢</td>
</tr>
<tr>
<td>$ 1.93 to $ 2.07</td>
<td>15¢</td>
</tr>
<tr>
<td>$ 2.08 to $ 2.22</td>
<td>16¢</td>
</tr>
<tr>
<td>$ 2.23 to $ 2.37</td>
<td>17¢</td>
</tr>
<tr>
<td>$ 2.38 to $ 2.51</td>
<td>18¢</td>
</tr>
<tr>
<td>$ 2.52 to $ 2.66</td>
<td>19¢</td>
</tr>
<tr>
<td>$ 2.67 to $ 2.81</td>
<td>20¢</td>
</tr>
<tr>
<td>$ 2.82 to $ 2.96</td>
<td>21¢</td>
</tr>
<tr>
<td>$ 2.97 and over</td>
<td>22¢</td>
</tr>
</tbody>
</table>
If the price exceeds four dollars, the tax is twenty-seven cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than fourteen cents, the amount of tax is twenty-seven cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than fourteen but by not more than twenty-nine cents, the amount of tax is twenty-seven cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-nine cents the amount of tax is twenty-seven cents for each four dollars plus the amount of tax for prices thirty cents through three dollars and ninety-nine cents in accordance with the schedule above.

(4) When the combined rate of state and local tax is seven per cent:

If the price
is at least
$.01  $.15  No tax
$.16  $.28  2¢
$.29  $.42  3¢
$.43  $.57  4¢
$.56  $.71  5¢
$.72  $.85  6¢
$.86  1.00  7¢

If the price exceeds one dollar, the tax is seven cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than fifteen cents, the amount of tax is seven
cents for each one dollar plus one cent. If the price exceeds one
dollar or a multiple thereof by more than fifteen cents, the
amount of tax is seven cents for each one dollar plus the amount
of tax for prices sixteen cents through ninety-nine cents in
accordance with the schedule above.

(5) When the combined rate of state and local tax is seven
and one-fourth per cent:

<table>
<thead>
<tr>
<th>If the price is at least</th>
<th>But not more than</th>
<th>The amount of tax is</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ .01</td>
<td>$ .15</td>
<td>No tax</td>
</tr>
<tr>
<td>$.16</td>
<td>$.27</td>
<td>2¢</td>
</tr>
<tr>
<td>$.28</td>
<td>$.41</td>
<td>3¢</td>
</tr>
<tr>
<td>$.42</td>
<td>$.55</td>
<td>4¢</td>
</tr>
<tr>
<td>$.56</td>
<td>$.68</td>
<td>5¢</td>
</tr>
<tr>
<td>$.69</td>
<td>$.82</td>
<td>6¢</td>
</tr>
<tr>
<td>$.83</td>
<td>$.96</td>
<td>7¢</td>
</tr>
<tr>
<td>$.97</td>
<td>1.10</td>
<td>8¢</td>
</tr>
<tr>
<td>1.11</td>
<td>1.24</td>
<td>9¢</td>
</tr>
<tr>
<td>1.25</td>
<td>1.37</td>
<td>10¢</td>
</tr>
<tr>
<td>1.38</td>
<td>1.51</td>
<td>11¢</td>
</tr>
<tr>
<td>1.52</td>
<td>1.65</td>
<td>12¢</td>
</tr>
<tr>
<td>1.66</td>
<td>1.79</td>
<td>13¢</td>
</tr>
<tr>
<td>1.80</td>
<td>1.93</td>
<td>14¢</td>
</tr>
<tr>
<td>1.94</td>
<td>2.06</td>
<td>15¢</td>
</tr>
<tr>
<td>2.07</td>
<td>2.20</td>
<td>16¢</td>
</tr>
<tr>
<td>2.21</td>
<td>2.34</td>
<td>17¢</td>
</tr>
<tr>
<td>2.35</td>
<td>2.48</td>
<td>18¢</td>
</tr>
<tr>
<td>2.49</td>
<td>2.62</td>
<td>19¢</td>
</tr>
<tr>
<td>2.63</td>
<td>2.75</td>
<td>20¢</td>
</tr>
<tr>
<td>2.76</td>
<td>2.89</td>
<td>21¢</td>
</tr>
<tr>
<td>2.90</td>
<td>3.03</td>
<td>22¢</td>
</tr>
<tr>
<td>3.04</td>
<td>3.17</td>
<td>23¢</td>
</tr>
</tbody>
</table>
If the price exceeds four dollars, the tax is twenty-nine cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than thirteen cents, the amount of tax is twenty-nine cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than thirteen cents but by not more than twenty-seven cents, the amount of tax is twenty-nine cents for each four dollars plus two cents.

If the price exceeds four dollars or a multiple thereof by more than twenty-seven cents, the amount of tax is twenty-nine cents for each four dollars plus the amount of tax for prices twenty-eight cents through three dollars and ninety-nine cents in accordance with the schedule above.

(6) When the combined rate of state and local tax is seven and one-half per cent:

<table>
<thead>
<tr>
<th>Price</th>
<th>Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0.01</td>
<td>$0.15</td>
</tr>
<tr>
<td>$0.16</td>
<td>$0.26</td>
</tr>
<tr>
<td>$0.27</td>
<td>$0.40</td>
</tr>
<tr>
<td>$0.41</td>
<td>$0.53</td>
</tr>
<tr>
<td>$0.54</td>
<td>$0.65</td>
</tr>
<tr>
<td>$0.66</td>
<td>$0.80</td>
</tr>
<tr>
<td>$0.81</td>
<td>$0.93</td>
</tr>
<tr>
<td>$0.94</td>
<td>$1.06</td>
</tr>
<tr>
<td>$1.07</td>
<td>$1.20</td>
</tr>
<tr>
<td>$1.21</td>
<td>$1.33</td>
</tr>
</tbody>
</table>
If the price exceeds two dollars, the tax is fifteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety-nine cents in accordance with the schedule above.

(7) When the combined rate of state and local tax is seven and three-fourths per cent:

If the price is at least $ .01 But not more than $ .15 The amount of tax is No tax

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>.01</td>
<td>.15</td>
<td>No tax</td>
</tr>
<tr>
<td>.02</td>
<td>.25</td>
<td>2¢</td>
</tr>
<tr>
<td>.03</td>
<td>.35</td>
<td>3¢</td>
</tr>
<tr>
<td>.04</td>
<td>.45</td>
<td>4¢</td>
</tr>
<tr>
<td>.05</td>
<td>.55</td>
<td>5¢</td>
</tr>
<tr>
<td>.06</td>
<td>.65</td>
<td>6¢</td>
</tr>
<tr>
<td>.07</td>
<td>.75</td>
<td>7¢</td>
</tr>
<tr>
<td>.08</td>
<td>.85</td>
<td>8¢</td>
</tr>
<tr>
<td>.09</td>
<td>1.00</td>
<td>9¢</td>
</tr>
<tr>
<td>1.01</td>
<td>1.10</td>
<td>10¢</td>
</tr>
<tr>
<td>1.02</td>
<td>1.20</td>
<td>11¢</td>
</tr>
<tr>
<td>1.03</td>
<td>1.30</td>
<td>12¢</td>
</tr>
<tr>
<td>1.04</td>
<td>1.40</td>
<td>13¢</td>
</tr>
<tr>
<td>1.05</td>
<td>1.50</td>
<td>14¢</td>
</tr>
<tr>
<td>1.06</td>
<td>1.60</td>
<td>15¢</td>
</tr>
<tr>
<td>1.07</td>
<td>1.70</td>
<td>16¢</td>
</tr>
<tr>
<td>1.08</td>
<td>1.80</td>
<td>17¢</td>
</tr>
<tr>
<td>1.09</td>
<td>1.90</td>
<td>18¢</td>
</tr>
<tr>
<td>1.10</td>
<td>2.00</td>
<td>19¢</td>
</tr>
<tr>
<td>Price</td>
<td>Tax</td>
<td>Amount</td>
</tr>
<tr>
<td>-------</td>
<td>---------</td>
<td>-------------</td>
</tr>
<tr>
<td>1.94</td>
<td>16¢</td>
<td>84431</td>
</tr>
<tr>
<td>2.07</td>
<td>17¢</td>
<td>84432</td>
</tr>
<tr>
<td>2.20</td>
<td>18¢</td>
<td>84433</td>
</tr>
<tr>
<td>2.33</td>
<td>19¢</td>
<td>84434</td>
</tr>
<tr>
<td>2.46</td>
<td>20¢</td>
<td>84435</td>
</tr>
<tr>
<td>2.59</td>
<td>21¢</td>
<td>84436</td>
</tr>
<tr>
<td>2.71</td>
<td>22¢</td>
<td>84437</td>
</tr>
<tr>
<td>2.84</td>
<td>23¢</td>
<td>84438</td>
</tr>
<tr>
<td>2.97</td>
<td>24¢</td>
<td>84439</td>
</tr>
<tr>
<td>3.10</td>
<td>25¢</td>
<td>84440</td>
</tr>
<tr>
<td>3.23</td>
<td>26¢</td>
<td>84441</td>
</tr>
<tr>
<td>3.36</td>
<td>27¢</td>
<td>84442</td>
</tr>
<tr>
<td>3.49</td>
<td>28¢</td>
<td>84443</td>
</tr>
<tr>
<td>3.62</td>
<td>29¢</td>
<td>84444</td>
</tr>
<tr>
<td>3.75</td>
<td>30¢</td>
<td>84445</td>
</tr>
<tr>
<td>3.88</td>
<td>31¢</td>
<td>84446</td>
</tr>
</tbody>
</table>

If the price exceeds four dollars, the tax is thirty-one cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than twelve cents, the amount of tax is thirty-one cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than twelve cents but by not more than twenty-five cents, the amount of tax is thirty-one cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-five cents, the amount of tax is thirty-one cents for each four dollars plus the amount of tax for prices twenty-six cents through three dollars and ninety-nine cents in accordance with the schedule above.

(8) When the combined rate of state and local tax is eight per cent:

If the price is at least But not more than the tax is
If the price exceeds one dollar, the tax is eight cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than twelve cents, the amount of tax is eight cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than twelve cents but not more than twenty-five cents, the amount of tax is eight cents for each one dollar plus two cents. If the price exceeds one dollar or a multiple thereof by more than twenty-five cents, the amount of tax is eight cents for each one dollar plus the amount of tax for prices twenty-six cents through ninety-nine cents in accordance with the schedule above.

(9) When the combined rate of state and local tax is eight and one-fourth per cent:

<table>
<thead>
<tr>
<th>Amount</th>
<th>Tax</th>
<th>The amount of tax is</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ .01</td>
<td>$ .15</td>
<td>No tax</td>
</tr>
<tr>
<td>.16</td>
<td>.24</td>
<td>2¢</td>
</tr>
<tr>
<td>.25</td>
<td>.36</td>
<td>3¢</td>
</tr>
<tr>
<td>.37</td>
<td>.48</td>
<td>4¢</td>
</tr>
<tr>
<td>.49</td>
<td>.60</td>
<td>5¢</td>
</tr>
<tr>
<td>.61</td>
<td>.72</td>
<td>6¢</td>
</tr>
<tr>
<td>.73</td>
<td>.84</td>
<td>7¢</td>
</tr>
<tr>
<td>.85</td>
<td>.96</td>
<td>8¢</td>
</tr>
<tr>
<td>.97</td>
<td>1.09</td>
<td>9¢</td>
</tr>
<tr>
<td>1.10</td>
<td>1.21</td>
<td>10¢</td>
</tr>
<tr>
<td>1.22</td>
<td>1.33</td>
<td>11¢</td>
</tr>
<tr>
<td>1.34</td>
<td>1.45</td>
<td>12¢</td>
</tr>
<tr>
<td>1.46</td>
<td>1.57</td>
<td>13¢</td>
</tr>
<tr>
<td>1.58</td>
<td>1.69</td>
<td>14¢</td>
</tr>
<tr>
<td>1.70</td>
<td>1.81</td>
<td>15¢</td>
</tr>
<tr>
<td>1.82</td>
<td>1.93</td>
<td>16¢</td>
</tr>
<tr>
<td>1.94</td>
<td>2.06</td>
<td>17¢</td>
</tr>
<tr>
<td>2.07</td>
<td>2.18</td>
<td>18¢</td>
</tr>
<tr>
<td>2.19</td>
<td>2.30</td>
<td>19¢</td>
</tr>
<tr>
<td>2.31</td>
<td>2.42</td>
<td>20¢</td>
</tr>
<tr>
<td>2.43</td>
<td>2.54</td>
<td>21¢</td>
</tr>
<tr>
<td>2.55</td>
<td>2.66</td>
<td>22¢</td>
</tr>
<tr>
<td>2.67</td>
<td>2.78</td>
<td>23¢</td>
</tr>
<tr>
<td>2.79</td>
<td>2.90</td>
<td>24¢</td>
</tr>
<tr>
<td>2.91</td>
<td>3.03</td>
<td>25¢</td>
</tr>
<tr>
<td>3.04</td>
<td>3.15</td>
<td>26¢</td>
</tr>
<tr>
<td>3.16</td>
<td>3.27</td>
<td>27¢</td>
</tr>
<tr>
<td>3.28</td>
<td>3.39</td>
<td>28¢</td>
</tr>
<tr>
<td>3.40</td>
<td>3.51</td>
<td>29¢</td>
</tr>
<tr>
<td>3.52</td>
<td>3.63</td>
<td>30¢</td>
</tr>
<tr>
<td>3.64</td>
<td>3.75</td>
<td>31¢</td>
</tr>
<tr>
<td>3.76</td>
<td>3.87</td>
<td>32¢</td>
</tr>
<tr>
<td>3.88</td>
<td>4.00</td>
<td>33¢</td>
</tr>
</tbody>
</table>

If the price exceeds four dollars, the tax is thirty-three cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than eleven cents, the amount of tax is thirty-three cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than eleven cents but by not more than twenty-four cents, the amount of tax is thirty-three cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-four cents, the amount of tax is thirty-three cents for
each four dollars plus the amount of tax for prices twenty-six

cents through three dollars and ninety-nine cents in accordance

with the schedule above.

(10) When the combined rate of state and local tax is eight

and one half per cent:

If the price

is at least

But not more than

the tax is

<table>
<thead>
<tr>
<th>$</th>
<th>$ .15</th>
<th>No tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>.01</td>
<td>.01</td>
<td>.01</td>
</tr>
<tr>
<td>.16</td>
<td>.23</td>
<td>2¢</td>
</tr>
<tr>
<td>.24</td>
<td>.35</td>
<td>3¢</td>
</tr>
<tr>
<td>.36</td>
<td>.47</td>
<td>4¢</td>
</tr>
<tr>
<td>.48</td>
<td>.58</td>
<td>5¢</td>
</tr>
<tr>
<td>.59</td>
<td>.70</td>
<td>6¢</td>
</tr>
<tr>
<td>.71</td>
<td>.82</td>
<td>7¢</td>
</tr>
<tr>
<td>.83</td>
<td>.94</td>
<td>8¢</td>
</tr>
<tr>
<td>.95</td>
<td>1.05</td>
<td>9¢</td>
</tr>
<tr>
<td>1.06</td>
<td>1.17</td>
<td>10¢</td>
</tr>
<tr>
<td>1.18</td>
<td>1.29</td>
<td>11¢</td>
</tr>
<tr>
<td>1.30</td>
<td>1.41</td>
<td>12¢</td>
</tr>
<tr>
<td>1.42</td>
<td>1.52</td>
<td>13¢</td>
</tr>
<tr>
<td>1.53</td>
<td>1.64</td>
<td>14¢</td>
</tr>
<tr>
<td>1.65</td>
<td>1.76</td>
<td>15¢</td>
</tr>
<tr>
<td>1.77</td>
<td>1.88</td>
<td>16¢</td>
</tr>
<tr>
<td>1.89</td>
<td>2.00</td>
<td>17¢</td>
</tr>
</tbody>
</table>

If the price exceeds two dollars, the tax is seventeen cents

on each two dollars. If the price exceeds two dollars or a

multiple thereof by not more than eleven cents, the amount of tax

is seventeen cents for each two dollars plus one cent. If the

price exceeds two dollars or a multiple thereof by more than

eleven cents but by not more than twenty three cents, the amount

of tax is seventeen cents for each two dollars plus two cents. If

the price exceeds two dollars or a multiple thereof by more than
twenty-three cents, the amount of tax is seventeen cents for each

two dollars plus the amount of tax for prices twenty-four cents

through one dollar and ninety-nine cents in accordance with the

schedule above.

(11) When the combined rate of state and local tax is eight

and three-fourths per cent:

If the price

is at least

But not more than

The amount of

the tax is

$.01  $.15  No tax

$.16  $.22  2¢

$.23  $.34  3¢

$.35  $.45  4¢

$.46  $.57  5¢

$.58  $.68  6¢

$.69  $.80  7¢

$.81  $.91  8¢

$.92  1.02  9¢

1.03  1.14  10¢

1.15  1.25  11¢

1.26  1.37  12¢

1.38  1.48  13¢

1.49  1.60  14¢

1.61  1.71  15¢

1.72  1.82  16¢

1.83  1.94  17¢

1.95  2.05  18¢

2.06  2.17  19¢

2.18  2.28  20¢

2.29  2.40  21¢

2.41  2.51  22¢

2.52  2.62  23¢

2.63  2.74  24¢
<table>
<thead>
<tr>
<th>Price</th>
<th>Tax</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.75</td>
<td>25¢</td>
<td></td>
</tr>
<tr>
<td>2.86</td>
<td>26¢</td>
<td></td>
</tr>
<tr>
<td>2.98</td>
<td>27¢</td>
<td></td>
</tr>
<tr>
<td>3.09</td>
<td>28¢</td>
<td></td>
</tr>
<tr>
<td>3.21</td>
<td>29¢</td>
<td></td>
</tr>
<tr>
<td>3.32</td>
<td>30¢</td>
<td></td>
</tr>
<tr>
<td>3.43</td>
<td>31¢</td>
<td></td>
</tr>
<tr>
<td>3.55</td>
<td>32¢</td>
<td></td>
</tr>
<tr>
<td>3.66</td>
<td>33¢</td>
<td></td>
</tr>
<tr>
<td>3.78</td>
<td>34¢</td>
<td></td>
</tr>
<tr>
<td>3.89</td>
<td>35¢</td>
<td></td>
</tr>
</tbody>
</table>

If the price exceeds four dollars, the tax is thirty-five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than eleven cents, the amount of tax is thirty-five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than eleven cents but by not more than twenty-two cents, the amount of tax is thirty-five cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-two cents, the amount of tax is thirty-five cents for each four dollars plus the amount of tax for prices twenty-three cents through three dollars and ninety-nine cents in accordance with the schedule above.

(12) When the combined rate of state and local tax is nine per cent:

<table>
<thead>
<tr>
<th>Price</th>
<th>Tax</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ .01</td>
<td></td>
<td>No-tax</td>
</tr>
<tr>
<td>.16</td>
<td>.22</td>
<td>2¢</td>
</tr>
<tr>
<td>.23</td>
<td>.33</td>
<td>3¢</td>
</tr>
<tr>
<td>.34</td>
<td>.44</td>
<td>3¢, 4¢</td>
</tr>
<tr>
<td>.45</td>
<td>.55</td>
<td>5¢</td>
</tr>
</tbody>
</table>
If the price exceeds one dollar, the tax is nine cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than eleven cents, the amount of tax is nine cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than eleven cents but by not more than twenty-two cents, the amount of tax is nine cents for each one dollar plus two cents. If the price exceeds one dollar or a multiple thereof by more than twenty-two cents but by not more than ninety-nine cents, the amount of tax is nine cents for each one dollar plus the amount of tax for prices twenty-three cents through ninety-nine cents in accordance with the schedule above.

(C) On and after July 1, 2005, and on and before December 31, 2005, the combined taxes levied by sections 5739.02 and 5741.02 and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 5741.023 of the Revised Code shall be collected in accordance with the following schedules:

(1) When the total rate of local tax is one-fourth per cent:

<table>
<thead>
<tr>
<th>Price</th>
<th>Amount of Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ .01</td>
<td>$ .15</td>
</tr>
<tr>
<td>.02</td>
<td>.17</td>
</tr>
<tr>
<td>.03</td>
<td>.19</td>
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<td>.04</td>
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<td>.05</td>
<td>.23</td>
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<td>.06</td>
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<td>.07</td>
<td>.27</td>
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<td>.08</td>
<td>.29</td>
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<td>.09</td>
<td>.31</td>
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<tr>
<td>.10</td>
<td>.33</td>
</tr>
<tr>
<td>.13</td>
<td>.36</td>
</tr>
<tr>
<td>.16</td>
<td>.39</td>
</tr>
<tr>
<td>.19</td>
<td>.42</td>
</tr>
</tbody>
</table>

As Introduced
If the price exceeds four dollars, the tax is twenty-three cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than seventeen cents, the amount of tax is twenty-three cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than seventeen cents, the amount of tax is twenty-three cents for each four dollars plus the amount of tax for prices eighteen cents through three dollars and ninety-nine cents in accordance with the schedule above.

(2) When the combined rate of local tax is one-half per cent:

<table>
<thead>
<tr>
<th>Price Range</th>
<th>Tax Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0.01 - $0.15</td>
<td>No tax</td>
</tr>
<tr>
<td>$0.16 - $0.17</td>
<td>1¢</td>
</tr>
<tr>
<td>$0.18 - $0.34</td>
<td>2¢</td>
</tr>
<tr>
<td>$0.35 - $0.50</td>
<td>3¢</td>
</tr>
<tr>
<td>$0.51 - $0.67</td>
<td>4¢</td>
</tr>
</tbody>
</table>
If the price exceeds one dollar, the tax is six cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than seventeen cents, the amount of tax is six cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than seventeen cents, the amount of tax is six cents for each one dollar plus the amount of tax for prices eighteen cents through ninety-nine cents in accordance with the schedule above.

(3) When the combined rate of local tax is three-fourths per cent:

<table>
<thead>
<tr>
<th>If the price is at least</th>
<th>But not more than</th>
<th>The amount of the tax is</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ .01</td>
<td>$.15</td>
<td>No tax</td>
</tr>
<tr>
<td>$.16</td>
<td>$.16</td>
<td>1¢</td>
</tr>
<tr>
<td>$.17</td>
<td>$.22</td>
<td>2¢</td>
</tr>
<tr>
<td>$.33</td>
<td>$.48</td>
<td>3¢</td>
</tr>
<tr>
<td>$.49</td>
<td>$.64</td>
<td>4¢</td>
</tr>
<tr>
<td>$.65</td>
<td>$.80</td>
<td>5¢</td>
</tr>
<tr>
<td>$.81</td>
<td>$.96</td>
<td>6¢</td>
</tr>
<tr>
<td>$.97</td>
<td>1.13</td>
<td>7¢</td>
</tr>
<tr>
<td>1.13</td>
<td>1.28</td>
<td>8¢</td>
</tr>
<tr>
<td>1.29</td>
<td>1.44</td>
<td>9¢</td>
</tr>
<tr>
<td>1.45</td>
<td>1.60</td>
<td>10¢</td>
</tr>
<tr>
<td>1.61</td>
<td>1.76</td>
<td>11¢</td>
</tr>
<tr>
<td>1.77</td>
<td>1.93</td>
<td>12¢</td>
</tr>
<tr>
<td>1.93</td>
<td>2.09</td>
<td>13¢</td>
</tr>
<tr>
<td>2.09</td>
<td>2.24</td>
<td>14¢</td>
</tr>
<tr>
<td>2.25</td>
<td>2.40</td>
<td>15¢</td>
</tr>
<tr>
<td>2.41</td>
<td>2.56</td>
<td>16¢</td>
</tr>
<tr>
<td>2.57</td>
<td>2.72</td>
<td>17¢</td>
</tr>
<tr>
<td>2.73</td>
<td>2.88</td>
<td>18¢</td>
</tr>
<tr>
<td>2.89</td>
<td>3.04</td>
<td>19¢</td>
</tr>
<tr>
<td>3.05</td>
<td>3.20</td>
<td>20¢</td>
</tr>
<tr>
<td>3.21</td>
<td>3.36</td>
<td>21¢</td>
</tr>
<tr>
<td>3.37</td>
<td>3.52</td>
<td>22¢</td>
</tr>
<tr>
<td>3.53</td>
<td>3.68</td>
<td>23¢</td>
</tr>
<tr>
<td>3.69</td>
<td>3.84</td>
<td>24¢</td>
</tr>
<tr>
<td>3.85</td>
<td>4.00</td>
<td>25¢</td>
</tr>
</tbody>
</table>

If the price exceeds four dollars, the tax is twenty-five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus the amount of tax for prices seventeen cents through three dollars and ninety-nine cents in accordance with the schedule above.

(4) When the combined rate of local tax is one per cent:

<table>
<thead>
<tr>
<th>If the price is at least $</th>
<th>But not more than $</th>
<th>The amount of the tax is</th>
</tr>
</thead>
<tbody>
<tr>
<td>$.01</td>
<td>$.15</td>
<td>No tax</td>
</tr>
<tr>
<td>$.16</td>
<td>$.30</td>
<td>2¢</td>
</tr>
<tr>
<td>$.31</td>
<td>$.46</td>
<td>3¢</td>
</tr>
<tr>
<td>$.47</td>
<td>$.61</td>
<td>4¢</td>
</tr>
<tr>
<td>$.62</td>
<td>$.76</td>
<td>5¢</td>
</tr>
<tr>
<td>$.77</td>
<td>$.92</td>
<td>6¢</td>
</tr>
<tr>
<td>$.93</td>
<td>1.07</td>
<td>7¢</td>
</tr>
<tr>
<td>1.08</td>
<td>1.23</td>
<td>8¢</td>
</tr>
<tr>
<td>1.24</td>
<td>1.38</td>
<td>9¢</td>
</tr>
<tr>
<td>1.39</td>
<td>1.53</td>
<td>10¢</td>
</tr>
<tr>
<td>1.54</td>
<td>1.69</td>
<td>11¢</td>
</tr>
<tr>
<td>1.70</td>
<td>1.84</td>
<td>12¢</td>
</tr>
</tbody>
</table>

84728 84729 84730 84731 84732 84733 84734 84735 84736 84737 84738 84739 84740 84741 84742 84743 84744 84745 84746 84747 84748 84749 84750 84751
If the price exceeds two dollars, the tax is thirteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is thirteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is thirteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety-nine cents in accordance with the schedule above.

(5) When the combined rate of local tax is one and one-fourth per cent:

<table>
<thead>
<tr>
<th>If the price is at least</th>
<th>But not more than</th>
<th>The amount of the tax is</th>
</tr>
</thead>
<tbody>
<tr>
<td>$.01</td>
<td>$.15</td>
<td>No tax</td>
</tr>
<tr>
<td>$.16</td>
<td>$.29</td>
<td>2¢</td>
</tr>
<tr>
<td>$.30</td>
<td>$.44</td>
<td>3¢</td>
</tr>
<tr>
<td>$.45</td>
<td>$.59</td>
<td>4¢</td>
</tr>
<tr>
<td>$.60</td>
<td>$.74</td>
<td>5¢</td>
</tr>
<tr>
<td>$.75</td>
<td>$.88</td>
<td>6¢</td>
</tr>
<tr>
<td>$.89</td>
<td>1.03</td>
<td>7¢</td>
</tr>
<tr>
<td>1.04</td>
<td>1.18</td>
<td>8¢</td>
</tr>
<tr>
<td>1.19</td>
<td>1.33</td>
<td>9¢</td>
</tr>
<tr>
<td>1.34</td>
<td>1.48</td>
<td>10¢</td>
</tr>
<tr>
<td>1.49</td>
<td>1.62</td>
<td>11¢</td>
</tr>
<tr>
<td>1.62</td>
<td>1.77</td>
<td>12¢</td>
</tr>
<tr>
<td>1.78</td>
<td>1.92</td>
<td>13¢</td>
</tr>
<tr>
<td>1.93</td>
<td>2.07</td>
<td>14¢</td>
</tr>
<tr>
<td>2.08</td>
<td>2.22</td>
<td>15¢</td>
</tr>
<tr>
<td>2.23</td>
<td>2.37</td>
<td>16¢</td>
</tr>
<tr>
<td>2.38</td>
<td>2.51</td>
<td>17¢</td>
</tr>
<tr>
<td>2.52</td>
<td>2.66</td>
<td>18¢</td>
</tr>
<tr>
<td>2.67</td>
<td>2.81</td>
<td>19¢</td>
</tr>
</tbody>
</table>

H. B. No. 49
As Introduced
If the price exceeds four dollars, the tax is twenty-seven cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than fourteen cents, the amount of tax is twenty-seven cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than fourteen but by not more than twenty-nine cents, the amount of tax is twenty-seven cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-nine cents the amount of tax is twenty-seven cents for each four dollars plus the amount of tax for prices thirty cents through three dollars and ninety-nine cents in accordance with the schedule above.

(6) When the combined rate of local tax is one and one-half percent:

<table>
<thead>
<tr>
<th>If the price is at least</th>
<th>But not more than</th>
<th>The amount of the tax is</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0.01</td>
<td>$0.15</td>
<td>No tax</td>
</tr>
<tr>
<td>$0.16</td>
<td>$0.28</td>
<td>2¢</td>
</tr>
<tr>
<td>$0.29</td>
<td>$0.42</td>
<td>4¢</td>
</tr>
<tr>
<td>$0.43</td>
<td>$0.57</td>
<td>4¢</td>
</tr>
<tr>
<td>$0.58</td>
<td>$0.71</td>
<td>5¢</td>
</tr>
<tr>
<td>$0.72</td>
<td>$0.85</td>
<td>6¢</td>
</tr>
<tr>
<td>$0.86</td>
<td>$1.00</td>
<td>7¢</td>
</tr>
</tbody>
</table>

If the price exceeds one dollar, the tax is seven cents on
each one dollar. If the price exceeds one dollar or a multiple thereof by not more than fifteen cents, the amount of tax is seven cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than fifteen cents, the amount of tax is seven cents for each one dollar plus the amount of tax for prices sixteen cents through ninety-nine cents in accordance with the schedule above.

(7) When the combined rate of local tax is one and three-fourths per cent:

<table>
<thead>
<tr>
<th>If the price is at least</th>
<th>But not more than</th>
<th>The amount of the tax is</th>
</tr>
</thead>
<tbody>
<tr>
<td>$.01</td>
<td>$.15</td>
<td>No tax</td>
</tr>
<tr>
<td>.16</td>
<td>.22</td>
<td>2¢</td>
</tr>
<tr>
<td>.20</td>
<td>.41</td>
<td>3¢</td>
</tr>
<tr>
<td>.42</td>
<td>.55</td>
<td>4¢</td>
</tr>
<tr>
<td>.56</td>
<td>.68</td>
<td>5¢</td>
</tr>
<tr>
<td>.69</td>
<td>.82</td>
<td>6¢</td>
</tr>
<tr>
<td>.83</td>
<td>.96</td>
<td>7¢</td>
</tr>
<tr>
<td>.97</td>
<td>1.10</td>
<td>8¢</td>
</tr>
<tr>
<td>1.11</td>
<td>1.24</td>
<td>9¢</td>
</tr>
<tr>
<td>1.25</td>
<td>1.37</td>
<td>10¢</td>
</tr>
<tr>
<td>1.38</td>
<td>1.51</td>
<td>11¢</td>
</tr>
<tr>
<td>1.52</td>
<td>1.65</td>
<td>12¢</td>
</tr>
<tr>
<td>1.66</td>
<td>1.79</td>
<td>13¢</td>
</tr>
<tr>
<td>1.80</td>
<td>1.93</td>
<td>14¢</td>
</tr>
<tr>
<td>1.94</td>
<td>2.06</td>
<td>15¢</td>
</tr>
<tr>
<td>2.07</td>
<td>2.20</td>
<td>16¢</td>
</tr>
<tr>
<td>2.21</td>
<td>2.34</td>
<td>17¢</td>
</tr>
<tr>
<td>2.35</td>
<td>2.48</td>
<td>18¢</td>
</tr>
<tr>
<td>2.49</td>
<td>2.62</td>
<td>19¢</td>
</tr>
<tr>
<td>2.62</td>
<td>2.75</td>
<td>20¢</td>
</tr>
<tr>
<td>2.76</td>
<td>2.89</td>
<td>21¢</td>
</tr>
</tbody>
</table>
If the price exceeds four dollars, the tax is twenty-nine cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than thirteen cents, the amount of tax is twenty-nine cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than thirteen cents but by not more than twenty-seven cents, the amount of tax is twenty-nine cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-seven cents, the amount of tax is twenty-nine cents for each four dollars plus the amount of tax for prices twenty-eight cents through three dollars and ninety-nine cents in accordance with the schedule above.

(8) When the combined rate of local tax is two per cent:

<table>
<thead>
<tr>
<th>If the price is at least</th>
<th>But not more than</th>
<th>The amount of the tax is</th>
</tr>
</thead>
<tbody>
<tr>
<td>$.01</td>
<td>$.15</td>
<td>No tax</td>
</tr>
<tr>
<td>.16</td>
<td>.26</td>
<td>2¢</td>
</tr>
<tr>
<td>.27</td>
<td>.40</td>
<td>3¢</td>
</tr>
<tr>
<td>.41</td>
<td>.53</td>
<td>4¢</td>
</tr>
<tr>
<td>.54</td>
<td>.65</td>
<td>5¢</td>
</tr>
<tr>
<td>.66</td>
<td>.80</td>
<td>6¢</td>
</tr>
<tr>
<td>.81</td>
<td>.93</td>
<td>7¢</td>
</tr>
<tr>
<td>.94</td>
<td>1.06</td>
<td>8¢</td>
</tr>
<tr>
<td>1.07</td>
<td>1.20</td>
<td>9¢</td>
</tr>
</tbody>
</table>
If the price exceeds two dollars, the tax is fifteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety-nine cents in accordance with the schedule above.

(9) When the combined rate of local tax is two and one-fourth per cent:

<table>
<thead>
<tr>
<th>If the price is at least $</th>
<th>But not more than $1.15</th>
<th>The amount of the tax is</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0.01</td>
<td>$0.15</td>
<td>No tax</td>
</tr>
<tr>
<td>0.16</td>
<td>0.25</td>
<td>2¢</td>
</tr>
<tr>
<td>0.26</td>
<td>0.38</td>
<td>3¢</td>
</tr>
<tr>
<td>0.39</td>
<td>0.51</td>
<td>4¢</td>
</tr>
<tr>
<td>0.52</td>
<td>0.64</td>
<td>5¢</td>
</tr>
<tr>
<td>0.65</td>
<td>0.77</td>
<td>6¢</td>
</tr>
<tr>
<td>0.78</td>
<td>0.90</td>
<td>7¢</td>
</tr>
<tr>
<td>0.91</td>
<td>1.03</td>
<td>8¢</td>
</tr>
<tr>
<td>1.04</td>
<td>1.16</td>
<td>9¢</td>
</tr>
<tr>
<td>1.17</td>
<td>1.29</td>
<td>10¢</td>
</tr>
<tr>
<td>1.30</td>
<td>1.41</td>
<td>11¢</td>
</tr>
<tr>
<td>1.42</td>
<td>1.54</td>
<td>12¢</td>
</tr>
<tr>
<td>1.55</td>
<td>1.67</td>
<td>13¢</td>
</tr>
<tr>
<td>1.68</td>
<td>1.80</td>
<td>14¢</td>
</tr>
<tr>
<td>Amount</td>
<td>Rate</td>
<td>Tax Amount</td>
</tr>
<tr>
<td>--------</td>
<td>------</td>
<td>------------</td>
</tr>
<tr>
<td>1.91</td>
<td>1.93</td>
<td>15¢</td>
</tr>
<tr>
<td>1.94</td>
<td>2.06</td>
<td>16¢</td>
</tr>
<tr>
<td>2.07</td>
<td>2.19</td>
<td>17¢</td>
</tr>
<tr>
<td>2.20</td>
<td>2.32</td>
<td>18¢</td>
</tr>
<tr>
<td>2.33</td>
<td>2.45</td>
<td>19¢</td>
</tr>
<tr>
<td>2.46</td>
<td>2.58</td>
<td>20¢</td>
</tr>
<tr>
<td>2.59</td>
<td>2.70</td>
<td>21¢</td>
</tr>
<tr>
<td>2.71</td>
<td>2.83</td>
<td>22¢</td>
</tr>
<tr>
<td>2.84</td>
<td>2.96</td>
<td>23¢</td>
</tr>
<tr>
<td>2.97</td>
<td>3.09</td>
<td>24¢</td>
</tr>
<tr>
<td>3.10</td>
<td>3.22</td>
<td>25¢</td>
</tr>
<tr>
<td>3.22</td>
<td>3.35</td>
<td>26¢</td>
</tr>
<tr>
<td>3.36</td>
<td>3.48</td>
<td>27¢</td>
</tr>
<tr>
<td>3.49</td>
<td>3.61</td>
<td>28¢</td>
</tr>
<tr>
<td>3.62</td>
<td>3.74</td>
<td>29¢</td>
</tr>
<tr>
<td>3.75</td>
<td>3.87</td>
<td>30¢</td>
</tr>
<tr>
<td>3.88</td>
<td>4.00</td>
<td>31¢</td>
</tr>
</tbody>
</table>

If the price exceeds four dollars, the tax is thirty-one cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than twelve cents, the amount of tax is thirty-one cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than twelve cents but not more than twenty-five cents, the amount of tax is thirty-one cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-five cents, the amount of tax is thirty-one cents for each four dollars plus the amount of tax for prices twenty-six cents through three dollars and ninety-nine cents in accordance with the schedule above.

(10) When the combined rate of local tax is two and one-half per cent:

<table>
<thead>
<tr>
<th>If the price</th>
<th>But not</th>
<th>The amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
If the price exceeds one dollar, the tax is eight cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than twelve cents, the amount of tax is eight cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than twelve cents but not more than twenty-five cents, the amount of tax is eight cents for each one dollar plus two cents. If the price exceeds one dollar or a multiple thereof by more than twenty-five cents, the amount of tax is eight cents for each one dollar plus the amount of tax for prices twenty-six cents through ninety-nine cents in accordance with the schedule above.

### (11) When the combined rate of local tax is two and three-fourths per cent.

<table>
<thead>
<tr>
<th>If the price is at least</th>
<th>more than</th>
<th>of the tax is</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ .01</td>
<td>$.15</td>
<td>No tax</td>
</tr>
<tr>
<td>$ .16</td>
<td>$.24</td>
<td>2¢</td>
</tr>
<tr>
<td>$ .25</td>
<td>$.34</td>
<td>3¢</td>
</tr>
<tr>
<td>$ .36</td>
<td>$.44</td>
<td>4¢</td>
</tr>
<tr>
<td>$ .46</td>
<td>$.54</td>
<td>5¢</td>
</tr>
<tr>
<td>$ .56</td>
<td>$.64</td>
<td>6¢</td>
</tr>
<tr>
<td>$.66</td>
<td>$.74</td>
<td>7¢</td>
</tr>
<tr>
<td>$.76</td>
<td>$.84</td>
<td>8¢</td>
</tr>
<tr>
<td>$.85</td>
<td>$1.00</td>
<td>8¢</td>
</tr>
</tbody>
</table>

---

84944 84945 84946 84947 84948 84949 84950 84951 84952 84953 84954 84955 84956 84957 84958 84959 84960 84961 84962 84963 84964 84965 84966 84967 84968 84969 84970 84971 84972 84973 84974 84975
If the price exceeds four dollars, the tax is thirty-three cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than eleven cents, the amount of tax is thirty-three cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than eleven cents but not more than twenty-four cents, the amount of tax is thirty-three cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than
twenty-four cents, the amount of tax is thirty-three cents for each four dollars plus the amount of tax for prices twenty-six cents through three dollars and ninety-nine cents in accordance with the schedule above.

(12) When the combined rate of local tax is three per cent:

<table>
<thead>
<tr>
<th>If the price</th>
<th>But not</th>
<th>The amount of the tax is</th>
</tr>
</thead>
<tbody>
<tr>
<td>is at least</td>
<td>more than</td>
<td></td>
</tr>
<tr>
<td>$.01</td>
<td>$.15</td>
<td>No tax</td>
</tr>
<tr>
<td>.16</td>
<td>.23</td>
<td>2¢</td>
</tr>
<tr>
<td>.24</td>
<td>.35</td>
<td>4¢</td>
</tr>
<tr>
<td>.26</td>
<td>.42</td>
<td>6¢</td>
</tr>
<tr>
<td>.48</td>
<td>.58</td>
<td>8¢</td>
</tr>
<tr>
<td>.59</td>
<td>.70</td>
<td>10¢</td>
</tr>
<tr>
<td>.71</td>
<td>.82</td>
<td>12¢</td>
</tr>
<tr>
<td>.83</td>
<td>.94</td>
<td>14¢</td>
</tr>
<tr>
<td>.95</td>
<td>1.05</td>
<td>16¢</td>
</tr>
<tr>
<td>1.06</td>
<td>1.17</td>
<td>18¢</td>
</tr>
<tr>
<td>1.18</td>
<td>1.29</td>
<td>20¢</td>
</tr>
<tr>
<td>1.30</td>
<td>1.41</td>
<td>22¢</td>
</tr>
<tr>
<td>1.42</td>
<td>1.52</td>
<td>24¢</td>
</tr>
<tr>
<td>1.53</td>
<td>1.64</td>
<td>26¢</td>
</tr>
<tr>
<td>1.65</td>
<td>1.76</td>
<td>28¢</td>
</tr>
<tr>
<td>1.77</td>
<td>1.88</td>
<td>30¢</td>
</tr>
<tr>
<td>1.89</td>
<td>2.00</td>
<td>32¢</td>
</tr>
</tbody>
</table>

If the price exceeds two dollars, the tax is seventeen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than eleven cents, the amount of tax is seventeen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than eleven cents but not more than twenty-three cents, the amount of tax is seventeen cents for each two dollars plus two cents. If the price exceeds two dollars or a multiple thereof by more than
twenty-three cents, the amount of tax is seventeen cents for each

two dollars plus the amount of tax for prices twenty-four cents

through one dollar and ninety-nine cents in accordance with the

schedule above.

(D) In lieu of collecting the tax pursuant to the schedules

set forth in divisions (A), (B), and (C) of this section, a vendor

may compute the tax on each sale as follows:

(1) On sales of fifteen cents or less, no tax shall apply.

(2) On sales in excess of fifteen cents, multiply the price

by the aggregate rate of taxes in effect under sections 5739.02

and 5741.02 and sections 5739.021, 5739.023, 5739.026, 5741.021,

$741.022, and 5741.023 of the Revised Code. The computation shall

be carried out to six decimal places. If the result is a

fractional amount of a cent, the calculated tax shall be increased
to the next highest cent and that amount shall be collected by the

vendor.

(E) On and after January 1, 2006, a (A) A vendor shall

compute the tax on each sale by multiplying the price by the

aggregate rate of taxes in effect under sections 5739.02 and

5741.02, and sections 5739.021, 5739.023, 5739.026, 5741.021,

5741.022, and 5741.023 of the Revised Code. The computation shall

be carried out to three decimal places. If the result is a

fractional amount of a cent, the calculated tax shall be rounded
to a whole cent using a method that rounds up to the next cent

whenever the third decimal place is greater than four. A vendor

may elect to compute the tax due on a transaction on an item or an

invoice basis.

(F) (B) In auditing a vendor, the tax commissioner shall

consider the method prescribed by this section that was used by

the vendor in determining and collecting the tax due under this

chapter on taxable transactions. If the vendor correctly collects
and remits the tax due under this chapter in accordance with the 
schedules in divisions (A), (B), and (C) of this section or in 
accordance with the computation prescribed in division (D) or (E) 
(A) of this section, the commissioner shall not assess any 
additional tax on those transactions.

(G)(C)(1) With respect to a sale of a fractional ownership 
program aircraft used primarily in a fractional aircraft ownership 
program, including all accessories attached to such aircraft, the 
tax shall be calculated pursuant to divisions division (A) to (E) 
of this section, provided that the tax commissioner shall modify 
those calculations so that the maximum tax on each program 
aircraft is eight hundred dollars. In the case of a sale of a 
fractional interest that is less than one hundred per cent of the 
program aircraft, the tax charged on the transaction shall be 
eight hundred dollars multiplied by a fraction, the numerator of 
which is the percentage of ownership or possession in the aircraft 
being purchased in the transaction, and the denominator of which 
is one hundred per cent.

(2) Notwithstanding any other provision of law to the 
contrary, the tax calculated under division (G)(C)(1) of this 
section and paid with respect to the sale of a fractional 
ownership program aircraft used primarily in a fractional aircraft 
ownership program shall be credited to the general revenue fund.
Revised Code or use taxes under section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code. Division (A) of this section does not apply in determining the jurisdiction for which sellers are required to collect the use tax under section 5741.05 of the Revised Code. This section does not affect the obligation of a consumer to remit use taxes on the storage, use, or other consumption of tangible personal property or on the benefit realized of any service provided, to the jurisdiction of that storage, use, or consumption, or benefit realized.

(B)(1) Beginning January 1, 2010, retail sales, excluding the lease or rental, of tangible personal property or digital goods shall be sourced to the location where the vendor receives an order for the sale of such property or goods if:

(a) The vendor receives the order in this state and the consumer receives the property or goods in this state;

(b) The location where the consumer receives the property or goods is determined under division (C)(2), (3), or (4) of this section; and

(c) The record-keeping system used by the vendor to calculate the tax imposed captures the location where the order is received at the time the order is received.

(2) A consumer has no additional liability to this state under this chapter or Chapter 5741. of the Revised Code for tax, penalty, or interest on a sale for which the consumer remits tax to the vendor in the amount invoiced by the vendor if the invoice amount is calculated at either the rate applicable to the location where the consumer receives the property or digital good or at the rate applicable to the location where the order is received by the vendor. A consumer may rely on a written representation by the vendor as to the location where the order for the sale was received by the vendor. If the consumer does not have a written
representation by the vendor as to the location where the order was received by the vendor, the consumer may use a location indicated by a business address for the vendor that is available from records that are maintained in the ordinary course of the consumer's business to determine the rate applicable to the location where the order was received.

(3) For the purposes of division (B) of this section, the location where an order is received by or on behalf of a vendor means the physical location of the vendor or a third party such as an established outlet, office location, or automated order receipt system operated by or on behalf of the vendor, where an order is initially received by or on behalf of the vendor, and not where the order may be subsequently accepted, completed, or fulfilled. An order is received when all necessary information to determine whether the order can be accepted has been received by or on behalf of the vendor. The location from which the property or digital good is shipped shall not be used to determine the location where the order is received by the vendor.

(4) For the purposes of division (B) of this section, if services subject to taxation under this chapter or Chapter 5741. of the Revised Code are sold with tangible personal property or digital goods pursuant to a single contract or in the same transaction, the services are billed on the same billing statement or invoice, and, because of the application of division (B) of this section, the transaction would be sourced to more than one jurisdiction, the situs of the transaction shall be the location where the order is received by or on behalf of the vendor.

(C) Except for sales, other than leases, of titled motor vehicles, titled watercraft, or titled outboard motors as provided in section 5741.05 of the Revised Code, or as otherwise provided in this section and section 5739.034 of the Revised Code, all sales shall be sourced as follows:
(1) If the consumer or a donee designated by the consumer receives tangible personal property or a service at a vendor's place of business, the sale shall be sourced to that place of business.

(2) When the tangible personal property or service is not received at a vendor's place of business, the sale shall be sourced to the location known to the vendor where the consumer or the donee designated by the consumer receives the tangible personal property or service, including the location indicated by instructions for delivery to the consumer or the consumer's donee.

(3) If divisions (C)(1) and (2) of this section do not apply, the sale shall be sourced to the location indicated by an address for the consumer that is available from the vendor's business records that are maintained in the ordinary course of the vendor's business, when use of that address does not constitute bad faith.

(4) If divisions (C)(1), (2), and (3) of this section do not apply, the sale shall be sourced to the location indicated by an address for the consumer obtained during the consummation of the sale, including the address associated with the consumer's payment instrument, if no other address is available, when use of that address does not constitute bad faith.

(5) If divisions (C)(1), (2), (3), and (4) of this section do not apply, including in the circumstance where the vendor is without sufficient information to apply any of those divisions, the sale shall be sourced to the address from which tangible personal property was shipped, or from which the service was provided, disregarding any location that merely provided the electronic transfer of the property sold or service provided.

(6) As used in division (C) of this section, "receive" means taking possession of tangible personal property or making first use of a service. "Receive" does not include possession by a
shipping company on behalf of a consumer.

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this section, a business consumer that is not a holder of a direct payment permit granted under section 5739.031 of the Revised Code, that purchases a digital good, computer software, except computer software received in person by a business consumer at a vendor's place of business, or a service, and that knows at the time of purchase that such digital good, software, or service will be concurrently available for use in more than one taxing jurisdiction shall deliver to the vendor in conjunction with its purchase an exemption certificate claiming multiple points of use, or shall meet the requirements of division (D)(2) of this section.

On receipt of the exemption certificate claiming multiple points of use, the vendor is relieved of its obligation to collect, pay, or remit the tax due, and the business consumer must pay the tax directly to the state.

(b) A business consumer that delivers the exemption certificate claiming multiple points of use to a vendor may use any reasonable, consistent, and uniform method of apportioning the tax due on the digital good, computer software, or service that is supported by the consumer's business records as they existed at the time of the sale. The business consumer shall report and pay the appropriate tax to each jurisdiction where concurrent use occurs. The tax due shall be calculated as if the apportioned amount of the digital good, computer software, or service had been delivered to each jurisdiction to which the sale is apportioned under this division.

(c) The exemption certificate claiming multiple points of use shall remain in effect for all future sales by the vendor to the business consumer until it is revoked in writing by the business consumer, except as to the business consumer's specific apportionment of a subsequent sale under division (D)(1)(b) of
this section and the facts existing at the time of the sale.

(2) When the vendor knows that a digital good, computer software, or service sold will be concurrently available for use by the business consumer in more than one jurisdiction, but the business consumer does not provide an exemption certificate claiming multiple points of use as required by division (D)(1) of this section, the vendor may work with the business consumer to produce the correct apportionment. Governed by the principles of division (D)(1)(b) of this section, the vendor and business consumer may use any reasonable, but consistent and uniform, method of apportionment that is supported by the vendor's and business consumer's books and records as they exist at the time the sale is reported for purposes of the taxes levied under this chapter. If the business consumer certifies to the accuracy of the apportionment and the vendor accepts the certification, the vendor shall collect and remit the tax accordingly. In the absence of bad faith, the vendor is relieved of any further obligation to collect tax on any transaction where the vendor has collected tax pursuant to the information certified by the business consumer.

(3) When the vendor knows that the digital good, computer software, or service will be concurrently available for use in more than one jurisdiction, and the business consumer does not have a direct pay permit and does not provide to the vendor an exemption certificate claiming multiple points of use as required in division (D)(1) of this section, or certification pursuant to division (D)(2) of this section, the vendor shall collect and remit the tax based on division (C) of this section.

(4) Nothing in this section shall limit a person's obligation for sales or use tax to any state in which a digital good, computer software, or service is concurrently available for use, nor limit a person's ability under local, state, or federal law, to claim a credit for sales or use taxes legally due and paid to
other jurisdictions.

(E) A person who holds a direct payment permit issued under section 5739.031 of the Revised Code is not required to deliver an exemption certificate claiming multiple points of use to a vendor. But such permit holder shall comply with division (D)(2) of this section in apportioning the tax due on a digital good, computer software, or a service for use in business that will be concurrently available for use in more than one taxing jurisdiction.

(F)(1)(a) Notwithstanding divisions (C)(1) to (5) of this section, the consumer of advertising and promotional direct mail or other direct mail that is not a holder of a direct payment permit shall may provide to the vendor in conjunction with the sale either an a fully completed exemption certificate claiming direct mail prescribed by the tax commissioner, or, if the direct mail is advertising and promotional direct mail, information to show the jurisdictions to which the that direct mail is delivered to recipients.

(2) Upon (b) In the absence of bad faith, upon receipt of such an exemption certificate, the vendor is relieved of all obligations to collect, pay, or remit the applicable tax and the consumer is obligated to pay that tax on a direct pay basis. An exemption certificate claiming direct mail shall remain in effect for all future sales of direct mail by the vendor to the consumer until it is revoked in writing.

(3)(c) Upon receipt of information from the consumer showing the jurisdictions to which the advertising and promotional direct mail is delivered to recipients, the vendor shall collect the tax according to the delivery information provided by the consumer. In the absence of bad faith, the vendor is relieved of any further obligation to collect tax on any transaction where the vendor has collected tax pursuant to the delivery information provided by the
consumer.

(4)(d) If the consumer of advertising and promotional direct mail or other direct mail does not have a direct payment permit and does not provide the vendor with either an exemption certificate claiming direct mail or, if applicable, delivery information as required by division (F)(1)(a) of this section, the vendor shall collect the tax according to division (C)(5) of this section in the case of advertising and promotional direct mail or division (C)(3) of this section in the case of other direct mail. Nothing in division (F)(4)(1)(d) of this section shall limit a consumer's obligation to pay sales or use tax to any state to which the direct mail is delivered.

(5)(e) If a consumer of advertising and promotional direct mail or other direct mail provides the vendor with documentation of direct payment authority, the consumer shall not be required to provide an exemption certificate claiming direct mail or, if applicable, delivery information to the vendor.

(2) As used in division (F) of this section:

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

(b) "Advertising and promotional direct mail" means direct mail, the primary purpose of which is to attract public attention to a product, person, business, or organization, or to attempt to
sell, popularize, or secure financial support for a product, person, business, or organization. As used in division (F)(2)(b) of this section, "product" means tangible personal property, whether transferred electronically or otherwise, or a service.

(c) "Other direct mail" means direct mail that is not advertising and promotional direct mail, regardless of whether advertising and promotional direct mail is included in the same mailing. "Other direct mail" includes all of the following:

(i) Transactional direct mail that contains personal information specific to the addressee, including invoices, bills, statements of account, and payroll advices;

(ii) Any legally required mailings, including privacy notices, tax reports, and stockholder reports;

(iii) Other nonpromotional direct mail delivered to existing or former shareholders, customers, employees, or agents, including newsletter and informational pieces.

"Other direct mail" does not include the development of billing information or the provision of any data processing service that is more than incidental.

(G) If the vendor provides lodging to transient guests as specified in division (B)(2) of section 5739.01 of the Revised Code, the sale shall be sourced to the location where the lodging is located.

(H)(1) As used in this division and division (I) of this section, "transportation equipment" means any of the following:

(a) Locomotives and railcars that are utilized for the carriage of persons or property in interstate commerce.

(b) Trucks and truck-tractors with a gross vehicle weight rating of greater than ten thousand pounds, trailers, semi-trailers, or passenger buses that are registered through the
international registration plan and are operated under authority of a carrier authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate commerce.

(c) Aircraft that are operated by air carriers authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate or foreign commerce.

(d) Containers designed for use on and component parts attached to or secured on the items set forth in division (H)(1)(a), (b), or (c) of this section.

(2) A sale, lease, or rental of transportation equipment shall be sourced pursuant to division (C) of this section.

(I)(1) A lease or rental of tangible personal property that does not require recurring periodic payments shall be sourced pursuant to division (C) of this section.

(2) A lease or rental of tangible personal property that requires recurring periodic payments shall be sourced as follows:

(a) In the case of a motor vehicle, other than a motor vehicle that is transportation equipment, or an aircraft, other than an aircraft that is transportation equipment, such lease or rental shall be sourced as follows:

(i) An accelerated tax payment on a lease or rental taxed pursuant to division (A)(2) of section 5739.02 of the Revised Code shall be sourced to the primary property location at the time the lease or rental is consummated. Any subsequent taxable charges on the lease or rental shall be sourced to the primary property location for the period in which the charges are incurred.

(ii) For a lease or rental taxed pursuant to division (A)(3)
of section 5739.02 of the Revised Code, each lease or rental installment shall be sourced to the primary property location for the period covered by the installment.

(b) In the case of a lease or rental of all other tangible personal property, other than transportation equipment, such lease or rental shall be sourced as follows:

(i) An accelerated tax payment on a lease or rental that is taxed pursuant to division (A)(2) of section 5739.02 of the Revised Code shall be sourced pursuant to division (C) of this section at the time the lease or rental is consummated. Any subsequent taxable charges on the lease or rental shall be sourced to the primary property location for the period in which the charges are incurred.

(ii) For a lease or rental that is taxed pursuant to division (A)(3) of section 5739.02 of the Revised Code, the initial lease or rental installment shall be sourced pursuant to division (C) of this section. Each subsequent installment shall be sourced to the primary property location for the period covered by the installment.

(3) As used in division (I) of this section, "primary property location" means an address for tangible personal property provided by the lessee or renter that is available to the lessor or owner from its records maintained in the ordinary course of business, when use of that address does not constitute bad faith.

(J) If the vendor provides a service specified in division (B)(11) of section 5739.01 of the Revised Code, the situs of the sale is the location of the enrollee for whom a medicaid health insurance corporation receives managed care premiums. Such sales shall be sourced to the locations of the enrollees in the same proportion as the managed care premiums received by the medicaid health insuring corporation on behalf of enrollees located in a
particular taxing jurisdiction in Ohio as compared to all managed

  care premiums received by the medicaid health insuring
corporation.

Sec. 5739.10. (A) In addition to the tax levied by section 5739.02 of the Revised Code and any tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised Code, and to secure the same objectives specified in those sections, there is hereby levied upon the privilege of engaging in the business of making retail sales, an excise tax equal to the tax levied by section 5739.02 of the Revised Code, or, in the case of retail sales subject to a tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised Code, a percentage equal to the aggregate rate of such taxes and the tax levied by section 5739.02 of the Revised Code of the receipts derived from all retail sales, except those to which the excise tax imposed by section 5739.02 of the Revised Code is made inapplicable by division (B) of that section.

(B) For the purpose of this section, no vendor shall be required to maintain records of sales of food for human consumption off the premises where sold, and no assessment shall be made against any vendor for sales of food for human consumption off the premises where sold, solely because the vendor has no records of, or has inadequate records of, such sales; provided that where a vendor does not have adequate records of receipts from the vendor's sales of food for human consumption on the premises where sold, the tax commissioner may refuse to accept the vendor's return and, upon the basis of test checks of the vendor's business for a representative period, and other information relating to the sales made by such vendor, determine the proportion that taxable retail sales bear to all of the vendor's retail sales. The tax imposed by this section shall be determined by deducting from the sum representing five sixths and three-fourths one-fourth per cent, as applicable under division (A) of this section.
section, or, in the case of retail sales subject to a tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised Code, a percentage equal to the aggregate rate of such taxes and the tax levied by section 5739.02 of the Revised Code of the receipts from such retail sales, the amount of tax paid to the state or to a clerk of a court of common pleas. The section does not affect any duty of the vendor under sections 5739.01 to 5739.19 and 5739.26 to 5739.31 of the Revised Code, nor the liability of any consumer to pay any tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code.

Sec. 5739.132. (A) If a tax payment originally, fee, or charge due under this chapter or Chapter 128. or 5741. of the Revised Code on or after January 1, 1998, is not paid on or before the day the tax payment is required to be paid, interest shall accrue on the unpaid tax, fee, or charge at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the tax, fee, or charge was required to be paid until the tax, fee, or charge is paid or until the day an assessment is issued under section 5739.13 or 5739.15 of the Revised Code, whichever occurs first. Interest shall be paid in the same manner as the tax, fee, or charge, and may be collected by assessment.

(B) For tax payments due prior to January 1, 1998, interest shall be allowed and paid upon any refund granted in respect to the payment of an illegal or erroneous assessment issued by the department for the tax imposed under this chapter or Chapter 5741. of the Revised Code from the date of the overpayment. For tax payments due on or after January 1, 1998, interest shall be allowed and paid on any refund granted pursuant to section 128.47, 5739.07, or 5741.10 of the Revised Code from the date of the overpayment. The interest shall be computed at the rate per annum prescribed by section 5703.47 of the Revised Code.
Sec. 5739.18. The tax commissioner shall provide and maintain a system that will allow county auditors to issue vendor's licenses. County auditors shall use that system to issue vendor's licenses.

The commissioner shall publish lists of the following information on the department of taxation's web site:

(A) The name, account number, and business address of each holder of a vendor's license issued under section 5739.17 of the Revised Code, and information regarding the active or inactive status of the license;

(B) The name, account number, and business address of each holder of a direct payment permit issued under section 5739.031 of the Revised Code and information regarding the active or inactive status of the permit;

(C) The name, account number, and business address of each seller that has registered with the commissioner under section 5741.17 of the Revised Code and information regarding the active or inactive status of the registration.

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

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

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

(2) Suspend the license issued to the vendor pursuant to section 5739.17 of the Revised Code. The suspension shall be effective ten days after service of written notice to the vendor of the commissioner's intention to do so. The notice shall be served upon the vendor personally, by certified mail, or by an alternative delivery service as authorized under section 5703.37 of the Revised Code. On the first day of the suspension, the commissioner shall cause to be posted, at every public entrance of the vendor's premises, a notice identifying the vendor and the location and informing the public that the vendor's license is under suspension and that no retail sales may be transacted at that location. No person, other than the commissioner or the commissioner's agent or employee, shall remove, cover, or deface the posted notice. No license which has been suspended under this section shall be reinstated, and no posted notice shall be removed, until the vendor has filed complete and correct returns under this chapter and section 5747.07 of the Revised Code for all periods in which no return had been filed and has paid the full amount of the tax, penalties, and other charges due on these
returns.

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

(C) The tax commissioner may suspend a license issued to a vendor pursuant to section 5739.17 of the Revised Code if the vendor is required, as an employer, to file returns or make payments under section 5747.07 of the Revised Code and the vendor fails to do either of the following:

(1) File such returns when due on two consecutive occasions or on three or more occasions within a twelve-month period;

(2) Pay the undeposited taxes when due on two consecutive occasions or on three or more occasions within a twelve-month period.

Any such suspension shall comply with the provisions of division (B)(2) of this section.

(D) If a vendor whose license has been suspended under division (B)(2) of this section fails to file returns or make payments under section 5747.07 of the Revised Code during such suspension, the license may not be reinstated, and the notice required by that division shall not be removed, until the vendor files complete and correct returns and pays the amounts due, plus any penalties and other related charges, under section 5747.07 of the Revised Code for all periods for which the vendor failed to file such returns and make such payments.

Sec. 5741.02. (A)(1) For the use of the general revenue fund of the state, an excise tax is hereby levied on the storage, use, or other consumption in this state of tangible personal property
or the benefit realized in this state of any service provided. The tax shall be collected as provided in section 5739.025 of the Revised Code. The rate of the tax shall be five six and three-fourths one-fourth per cent.

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

(3) Except as provided in division (A)(2) of this section, in the case of a transaction, the price of which consists in whole or part of the lease or rental of tangible personal property, the tax shall be measured by the installments of those leases or rentals.

(B) Each consumer, storing, using, or otherwise consuming in this state tangible personal property or realizing in this state
the benefit of any service provided, shall be liable for the tax, and such liability shall not be extinguished until the tax has been paid to this state; provided, that the consumer shall be relieved from further liability for the tax if the tax has been paid to a seller in accordance with section 5741.04 of the Revised Code or prepaid by the seller in accordance with section 5741.06 of the Revised Code.

(C) The tax does not apply to the storage, use, or consumption in this state of the following described tangible personal property or services, nor to the storage, use, or consumption or benefit in this state of tangible personal property or services purchased under the following described circumstances:

(1) When the sale of property or service in this state is subject to the excise tax imposed by sections 5739.01 to 5739.31 of the Revised Code, provided said tax has been paid;

(2) Except as provided in division (D) of this section, tangible personal property or services, the acquisition of which, if made in Ohio, would be a sale not subject to the tax imposed by sections 5739.01 to 5739.31 of the Revised Code;

(3) Property or services, the storage, use, or other consumption of or benefit from which this state is prohibited from taxing by the Constitution of the United States, laws of the United States, or the Constitution of this state. This exemption shall not exempt from the application of the tax imposed by this section the storage, use, or consumption of tangible personal property that was purchased in interstate commerce, but that has come to rest in this state, provided that fuel to be used or transported in carrying on interstate commerce that is stopped within this state pending transfer from one conveyance to another is exempt from the excise tax imposed by this section and section 5739.02 of the Revised Code;
(4) Transient use of tangible personal property in this state by a nonresident tourist or vacationer, or a nonbusiness use within this state by a nonresident of this state, if the property so used was purchased outside this state for use outside this state and is not required to be registered or licensed under the laws of this state;

(5) Tangible personal property or services rendered, upon which taxes have been paid to another jurisdiction to the extent of the amount of the tax paid to such other jurisdiction. Where the amount of the tax imposed by this section and imposed pursuant to section 5741.021, 5741.022, or 5741.023 of the Revised Code exceeds the amount paid to another jurisdiction, the difference shall be allocated between the tax imposed by this section and any tax imposed by a county or a transit authority pursuant to section 5741.021, 5741.022, or 5741.023 of the Revised Code, in proportion to the respective rates of such taxes.

As used in this subdivision, "taxes paid to another jurisdiction" means the total amount of retail sales or use tax or similar tax based upon the sale, purchase, or use of tangible personal property or services rendered legally, levied by and paid to another state or political subdivision thereof, or to the District of Columbia, where the payment of such tax does not entitle the taxpayer to any refund or credit for such payment.

(6) The transfer of a used manufactured home or used mobile home, as defined by section 5739.0210 of the Revised Code, made on or after January 1, 2000;

(7) Drugs that are or are intended to be distributed free of charge to a practitioner licensed to prescribe, dispense, and administer drugs to a human being in the course of a professional practice and that by law may be dispensed only by or upon the order of such a practitioner.
(8) Computer equipment and related software leased from a lessor located outside this state and initially received in this state on behalf of the consumer by a third party that will retain possession of such property for not more than ninety days and that will, within that ninety-day period, deliver such property to the consumer at a location outside this state. Division (C)(8) of this section does not provide exemption from taxation for any otherwise taxable charges associated with such property while it is in this state or for any subsequent storage, use, or consumption of such property in this state by or on behalf of the consumer.

(9) Tangible personal property held for sale by a person but not for that person's own use and donated by that person, without charge or other compensation, to either of the following:

(a) A nonprofit organization operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation; or

(b) This state or any political subdivision of this state, but only if donated for exclusively public purposes.

For the purposes of division (C)(10)(9) of this section, "charitable purposes" has the same meaning as in division (B)(12) of section 5739.02 of the Revised Code.

(D) The tax applies to the storage, use, or other consumption in this state of tangible personal property or services, the acquisition of which at the time of sale was excepted under division (E) of section 5739.01 of the Revised Code from the tax imposed by section 5739.02 of the Revised Code, but which has subsequently been temporarily or permanently stored, used, or otherwise consumed in a taxable manner.
(E)(1)(a) If any transaction is claimed to be exempt under division (E) of section 5739.01 of the Revised Code or under section 5739.02 of the Revised Code, with the exception of divisions (B)(1) to (11) or (28) of section 5739.02 of the Revised Code, the consumer shall provide to the seller, and the seller shall obtain from the consumer, a certificate specifying the reason that the transaction is not subject to the tax. The certificate shall be in such form, and shall be provided either in a hard copy form or electronic form, as the tax commissioner prescribes.

(b) A seller that obtains a fully completed exemption certificate from a consumer is relieved of liability for collecting and remitting tax on any sale covered by that certificate. If it is determined the exemption was improperly claimed, the consumer shall be liable for any tax due on that sale under this chapter. Relief under this division from liability does not apply to any of the following:

(i) A seller that fraudulently fails to collect tax;

(ii) A seller that solicits consumers to participate in the unlawful claim of an exemption;

(iii) A seller that accepts an exemption certificate from a consumer that claims an exemption based on who purchases or who sells property or a service, when the subject of the transaction sought to be covered by the exemption certificate is actually received by the consumer at a location operated by the seller in this state, and this state has posted to its web site an exemption certificate form that clearly and affirmatively indicates that the claimed exemption is not available in this state;

(iv) A seller that accepts an exemption certificate from a consumer who claims a multiple points of use exemption under division (D) of section 5739.033 of the Revised Code, if the item
purchased is tangible personal property, other than prewritten computer software.

(2) The seller shall maintain records, including exemption certificates, of all sales on which a consumer has claimed an exemption, and provide them to the tax commissioner on request.

(3) If no certificate is provided or obtained within ninety days after the date on which the transaction is consummated, it shall be presumed that the tax applies. Failure to have so provided or obtained a certificate shall not preclude a seller, within one hundred twenty days after the tax commissioner gives written notice of intent to levy an assessment, from either establishing that the transaction is not subject to the tax, or obtaining, in good faith, a fully completed exemption certificate.

(4) If a transaction is claimed to be exempt under division (B)(13) of section 5739.02 of the Revised Code, the contractor shall obtain certification of the claimed exemption from the contractee. This certification shall be in addition to an exemption certificate provided by the contractor to the seller. A contractee that provides a certification under this division shall be deemed to be the consumer of all items purchased by the contractor under the claim of exemption, if it is subsequently determined that the exemption is not properly claimed. The certification shall be in such form as the tax commissioner prescribes.

(F) A seller who files a petition for reassessment contesting the assessment of tax on transactions for which the seller obtained no valid exemption certificates, and for which the seller failed to establish that the transactions were not subject to the tax during the one-hundred-twenty-day period allowed under division (E) of this section, may present to the tax commissioner additional evidence to prove that the transactions were exempt. The seller shall file such evidence within ninety days of the
receipt by the seller of the notice of assessment, except that, upon application and for reasonable cause, the tax commissioner may extend the period for submitting such evidence thirty days.

(G) For the purpose of the proper administration of sections 5741.01 to 5741.22 of the Revised Code, and to prevent the evasion of the tax hereby levied, it shall be presumed that any use, storage, or other consumption of tangible personal property in this state is subject to the tax until the contrary is established.

(H) The tax collected by the seller from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the state, and of counties levying an additional use tax pursuant to section 5741.021 or 5741.023 of the Revised Code and of transit authorities levying an additional use tax pursuant to section 5741.022 of the Revised Code. Except for the discount authorized under section 5741.12 of the Revised Code and the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection of such tax.

Sec. 5743.01. As used in this chapter:

(A) "Person" includes individuals, firms, partnerships, associations, joint-stock companies, corporations, combinations of individuals of any form, and the state and any of its political subdivisions.

(B) "Wholesale dealer" includes only those persons:

(1) Who bring in or cause to be brought into this state unstamped cigarettes purchased directly from the manufacturer, producer, or importer of cigarettes for sale in this state but does not include persons who bring in or cause to be brought into
this state cigarettes with respect to which no evidence of tax payment is required thereon as provided in section 5743.04 of the Revised Code; or

(2) Who are engaged in the business of selling cigarettes or tobacco products to others for the purpose of resale.

"Wholesale dealer" does not include any cigarette manufacturer, export warehouse proprietor, or importer with a valid permit under 26 U.S.C. 5713 if that person sells cigarettes in this state only to wholesale dealers holding valid and current licenses under section 5743.15 of the Revised Code or to an export warehouse proprietor or another manufacturer.

(C) "Retail dealer" includes:

(1) In reference to dealers in cigarettes, every person other than a wholesale dealer engaged in the business of selling cigarettes in this state, regardless of whether the person is located in this state or elsewhere, and regardless of quantity, amount, or number of sales;

(2) In reference to dealers in tobacco products, any person in this state engaged in the business of selling tobacco products to ultimate consumers in this state, regardless of quantity, amount, or number of sales;

(3) In reference to dealers in vapor products, any person in this state engaged in the business of selling vapor products to ultimate consumers in this state, regardless of quantity, amount, or number of sales.

(D) "Sale" includes exchange, barter, gift, offer for sale, and distribution, and includes transactions in interstate or foreign commerce.

(E) "Cigarettes" includes any roll for smoking made wholly or in part of tobacco, irrespective of size or shape, and whether or
not such tobacco is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper, reconstituted cigarette tobacco, homogenized cigarette tobacco, cigarette tobacco sheet, or any similar materials other than cigar tobacco.

(F) "Package" means the individual package, box, or other container in or from which retail sales of cigarettes are normally made or intended to be made.

(G) "Storage" includes any keeping or retention of cigarettes or tobacco products, or vapor products for use or consumption in this state.

(H) "Use" includes the exercise of any right or power incidental to the ownership of cigarettes or tobacco products, or vapor products.

(I) "Tobacco product" or "other tobacco product" means any product made from tobacco, other than cigarettes, that is made for smoking or chewing, or both, and snuff.

(J) "Wholesale price" means the:

(1) If the taxpayer buys from a manufacturer, the invoice price, including all federal excise taxes, at which the manufacturer of the tobacco product sells the tobacco product to unaffiliated distributors, excluding any discounts based on the method of payment of the invoice or on time of payment of the invoice.

(2) If the taxpayer buys from other than a manufacturer, "wholesale price" means the invoice price, including all federal excise taxes and excluding any discounts based on the method of payment of the invoice or on time of payment of the invoice.

(3) If the tobacco product received by the taxpayer is gratis or free, the greater of the following:
(a) The wholesale price computed under division (J)(1) or (2) of this section for a transaction occurring in the preceding thirty days, involving the same or similar parties, and in which the same tobacco product was purchased at regular price;

(b) The manufacturer's list price for the tobacco product applicable to transactions involving unaffiliated distributors, including all federal excise taxes, and excluding any discounts based on the method of payment of the invoice or on the time of payment of the invoice.

(K) "Distributor" means:

(1) Any manufacturer who sells, barters, exchanges, or distributes tobacco products to a retail dealer in the state, except when selling to a retail dealer that has filed with the manufacturer a signed statement agreeing to pay and be liable for the tax imposed by section 5743.51 of the Revised Code;

(2) Any wholesale dealer located in the state who receives tobacco products from a manufacturer, or who receives tobacco products on which the tax imposed by this chapter has not been paid;

(3) Any wholesale dealer located outside the state who sells, barters, exchanges, or distributes tobacco products to a wholesale or retail dealer in the state; or

(4) Any retail dealer who receives tobacco products on which the tax has not or will not be paid by another distributor, including a retail dealer that has filed a signed statement with a manufacturer in which the retail dealer agrees to pay and be liable for the tax that would otherwise be imposed on the manufacturer by section 5743.51 of the Revised Code.

(L) "Taxpayer" means any person liable for the tax imposed by section 5743.51, 5743.62, or 5743.63 of the Revised Code.
(M) "Seller" means any person located outside this state engaged in the business of selling tobacco products or vapor products to consumers for storage, use, or other consumption in this state.

(N) "Manufacturer" means any person who manufactures and sells cigarettes or tobacco products.

(O) "Importer" means any person that is authorized, under a valid permit issued under Section 5713 of the Internal Revenue Code, to import finished cigarettes into the United States, either directly or indirectly.

(P) "Little Specialty cigar" means any roll for smoking, other than cigarettes, that is made wholly or in part of tobacco and that uses an integrated cellulose acetate filter or other filter and is wrapped in any substance containing tobacco, other than natural leaf tobacco has all of the following characteristics:

  (1) The binder and wrapper of the roll consist entirely of leaf tobacco.

  (2) The roll does not contain a filter or tip, or any mouthpiece consisting of a material other than tobacco.

  (3) The weight of one thousand such rolls is at least six pounds.

(Q) "Secondary manufacturer" means any person in this state engaged in the business of repackaging, reconstituting, diluting, or reprocessing a vapor product for resale to consumers.

(R) "Vapor product" means a noncombustible product that contains or is made or derived from nicotine, that is intended and marketed for human consumption, including by smoking, inhaling, snorting, or sniffing, and that includes any component, part, or additive that is intended for use in a mechanical heating element.
battery, or electronic circuit and is used to deliver the product. ''Vapor product'' does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g). ''Vapor product'' includes any product containing nicotine, regardless of concentration.

(S) ''Vapor distributor'' means any person that:

(1) Sells vapor products to a retail dealer;

(2) Is a retail dealer that receives vapor products with respect to which the tax imposed by this chapter has not or will not be paid by another person that is a vapor distributor; or

(3) Is a secondary manufacturer.

(T) ''First invoice price'' means:

(1) Except as provided in division (T)(2) of this section, the invoice price of the vapor product, excluding any discounts based on the method of payment of the invoice or on the time of payment of the invoice;

(2) If the vapor product received by the taxpayer is gratis or free, the greater of the following:

   (a) The vapor product price computed under division (T)(1) of this section for a transaction occurring in the preceding thirty days, involving the same or similar parties, and in which the same vapor product was purchased at regular price;

   (b) The manufacturer's list price for the vapor product applicable to transactions involving unaffiliated vapor distributors, excluding any discounts based on the method of payment of the invoice or on the time of payment of the invoice.

Sec. 5743.02. To provide revenues for the general revenue fund, an excise tax on sales of cigarettes is hereby levied at the rate of eighty one hundred twelve and one-half mills on each
cigarette.

Only one sale of the same article shall be used in computing the amount of tax due.

The treasurer of state shall place to the credit of the tax refund fund created by section 5703.052 of the Revised Code, out of receipts from the tax levied by this section, amounts equal to the refunds certified by the tax commissioner pursuant to section 5743.05 of the Revised Code. The balance of taxes collected under such section, after the credits to the tax refund fund, shall be paid into the general revenue fund.

Sec. 5743.025. In addition to the return required by section 5743.03 of the Revised Code, each retail dealer of cigarettes in a county in which a tax is levied under section 5743.021, 5743.024, or 5743.026 of the Revised Code shall, within thirty days after the date on which the tax takes effect, make and file a return, on forms prescribed by the tax commissioner, showing the total number of cigarettes which such retail dealer had on hand as of the beginning of business on the date on which the tax takes effect, and such other information as the commissioner deems necessary for the administration of section 5743.021, 5743.024, or 5743.026 of the Revised Code. Each such retail dealer shall deliver the return together with a remittance of the additional amount of tax due on the cigarettes shown on such return to the commissioner. Any retail dealer of cigarettes who fails to file a return under this section shall, for each day the retail dealer so fails, forfeit and pay into the state treasury the sum of one dollar as revenue arising from the tax imposed by section 5743.021, 5743.024, or 5743.026 of the Revised Code, and such sum may be collected by assessment in the manner provided in section 5743.081 of the Revised Code. For thirty days after the effective date of a tax imposed by section 5743.021, 5743.024, or 5743.026 of the Revised
Code, a retail dealer may possess for sale or sell in the county in which the tax is levied cigarettes not bearing the stamp required by section 5743.03 of the Revised Code to evidence payment of the county tax but on which the tax has or will be paid.

Sec. 5743.03. (A) Except as provided in section 5743.04 of the Revised Code, the taxes imposed under sections 5743.02, 5743.021, 5743.024, and 5743.026 of the Revised Code shall be paid by the purchase of tax stamps. A tax stamp shall be affixed to each package of an aggregate denomination not less than the amount of the tax upon the contents thereof. The tax stamp, so affixed, shall be prima-facie evidence of payment of the tax.

Except as is provided in the rules prescribed by the tax commissioner under authority of sections 5743.01 to 5743.20 of the Revised Code, and unless tax stamps have been previously affixed, they shall be so affixed by each wholesale dealer, and canceled by writing or stamping across the face thereof the number assigned to such wholesale dealer by the tax commissioner for that purpose, prior to the delivery of any cigarettes to any person in this state, or in the case of a tax levied pursuant to section 5743.021, 5743.024, or 5743.026 of the Revised Code, prior to the delivery of cigarettes to any person in the county in which the tax is levied.

(B) Except as provided in the rules prescribed by the commissioner under authority of sections 5743.01 to 5743.20 of the Revised Code, each retail dealer, within twenty-four hours after the receipt of any cigarettes at the retail dealer's place of business, shall inspect the cigarettes to ensure that tax stamps are affixed. The inspection shall be completed before the cigarettes are delivered to any person in this state, or, in the case of a tax levied pursuant to section 5743.021, 5743.024, or
5743.026 of the Revised Code, before the cigarettes are delivered to any person in the county in which the tax is levied.

(C) Whenever any cigarettes are found in the place of business of any retail dealer without proper tax stamps affixed thereto and canceled, it is presumed that such cigarettes are kept therein in violation of sections 5743.01 to 5743.20 of the Revised Code.

(D) Each wholesale dealer who purchases cigarettes without proper tax stamps affixed thereto shall, on or before the thirty-first day of the each month following the close of each semiannual period, which period shall end on the thirtieth day of June and the thirty-first day of December of each year, make and file a return of for the preceding semiannual period calendar month, on such form as is prescribed by the tax commissioner, showing the dealer's entire purchases and sales of cigarettes and stamps for such semiannual period month and accurate inventories as of the beginning and end of each semiannual period month of cigarettes, stamped or unstamped; cigarette tax stamps affixed or unaffixed; and such other information as the commissioner finds necessary to the proper administration of sections 5743.01 to 5743.20 of the Revised Code. The commissioner may extend the time for making and filing returns and may remit all or any part of amounts of penalties that may become due under sections 5743.01 to 5743.20 of the Revised Code. The wholesale dealer shall deliver the return together with a remittance of the tax deficiency reported thereon to the commissioner.

(E) Any wholesale dealer who fails to file a return under this section and the rules of the commissioner, other than a report required pursuant to division (F) of this section, may be required, for each day the dealer so fails, to forfeit and pay into the state treasury the sum of one dollar as revenue arising
from the tax imposed by sections 5743.01 to 5743.20 of the Revised Code and such sum may be collected by assessment in the manner provided in section 5743.081 of the Revised Code. If the commissioner finds it necessary in order to insure the payment of the tax imposed by sections 5743.01 to 5743.20 of the Revised Code, the commissioner may require returns and payments to be made other than semiannually monthly. The returns shall be signed by the wholesale dealer or an authorized agent thereof.

(F) Each person required to file a tax return under section 5743.03, 5743.52, or 5743.62 of the Revised Code shall report to the commissioner the quantity of all cigarettes and roll-your-own cigarette tobacco sold in Ohio for each brand not covered by the tobacco master settlement agreement for which the person is liable for the taxes levied under section 5743.02, 5743.51, or 5743.62 of the Revised Code.

As used in this division, "tobacco master settlement agreement" has the same meaning as in section 183.01 of the Revised Code.

(G) The report required by division (F) of this section shall be made on a form prescribed by the commissioner and shall be filed not later than the last day of each month for the previous month, except that if the commissioner determines that the quantity reported by a person does not warrant monthly reporting, the commissioner may authorize reporting at less frequent intervals. The commissioner may assess a penalty of not more than two hundred fifty dollars for each month or portion thereof that a person fails to timely file a required report, and such sum may be collected by assessment in the manner provided in section 5743.081 of the Revised Code. All money collected under this division shall be considered as revenue arising from the taxes imposed by sections 5743.01 to 5743.20 of the Revised Code.

(H) The commissioner may sell tax stamps only to a licensed
wholesale dealer, except as otherwise authorized by the commissioner. The commissioner may charge the costs associated with the shipment of tax stamps to the licensed wholesale dealer. Amounts collected from such charges shall be credited to the cigarette tax enforcement fund created under section 5743.15 of the Revised Code.

**Sec. 5743.05.** The tax commissioner shall sell all stamps provided for by section 5743.03 of the Revised Code. The stamps shall be sold at their face value, except the commissioner shall, by rule, authorize the sale of stamps to wholesale dealers in this state, or to wholesale dealers outside this state, at less a discount of not less than one and eight-tenths per cent or more than ten per cent of their face value one thousand one hundred twenty-five ten thousandths of one cent per cigarette, as a commission for affixing and canceling the stamps.

The commissioner, by rule, shall authorize the delivery of stamps to wholesale dealers in this state and to wholesale dealers outside this state on credit. If such a dealer has not been in good credit standing with this state for five consecutive years preceding the purchase, the commissioner shall require the dealer to file with the commissioner a bond to the state in the amount and in the form prescribed by the commissioner, with surety to the satisfaction of the commissioner, conditioned on payment to the treasurer of state or the commissioner within thirty days or the following twenty-third day of June, whichever comes first for stamps delivered within that time. If such a dealer has been in good credit standing with this state for five consecutive years preceding the purchase, the commissioner shall not require that the dealer file such a bond but shall require payment for the stamps within thirty days after purchase of the stamps or the following twenty-third day of June, whichever comes first. Stamps sold to a dealer not required to file a bond shall be sold at face
value. The maximum amount that may be sold on credit to a dealer not required to file a bond shall equal one hundred ten per cent of the dealer's average monthly purchases over the preceding calendar year. The maximum amount shall be adjusted to reflect any changes in the tax rate and may be adjusted, upon application to the commissioner by the dealer, to reflect changes in the business operations of the dealer. The maximum amount shall be applicable to the period between the first day of July to the following twenty-third day of June. Payment by a dealer not required to file a bond shall be remitted by electronic funds transfer as prescribed by section 5743.051 of the Revised Code. If a dealer not required to file a bond fails to make the payment in full within the required payment period, the commissioner shall not thereafter sell stamps to that dealer until the dealer pays the outstanding amount, including penalty and interest on that amount as prescribed in this chapter, and the commissioner thereafter may require the dealer to file a bond until the dealer is restored to good standing. The commissioner shall limit delivery of stamps on credit to the period running from the first day of July of the fiscal year until the twenty-third day of the following June. Any discount allowed as a commission for affixing and canceling stamps shall be allowed with respect to sales of stamps on credit.

The commissioner shall redeem and pay for any destroyed, unused, or spoiled tax stamps at their net value, and shall refund to wholesale dealers the net amount of state and county taxes paid erroneously or paid on cigarettes that have been sold in interstate or foreign commerce or that have become unsalable, and the net amount of county taxes that were paid on cigarettes that have been sold at retail or for retail sale outside a taxing county.

An application for a refund of tax shall be filed with the commissioner, on the form prescribed by the commissioner for that
purpose, within three years from the date the tax stamps are destroyed or spoiled, from the date of the erroneous payment, or from the date that cigarettes on which taxes have been paid have been sold in interstate or foreign commerce or have become unsalable.

On the filing of the application, the commissioner shall determine the amount of refund to which the applicant is entitled, payable from receipts of the state tax, and, if applicable, payable from receipts of a county tax. If the amount is less than that claimed, the commissioner shall certify the amount to the director of budget and management and treasurer of state for payment from the tax refund fund created by section 5703.052 of the Revised Code. If the amount is less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code.

If a refund is granted for payment of an illegal or erroneous assessment issued by the department, the refund shall include interest on the amount of the refund from the date of the overpayment. The interest shall be computed at the rate per annum prescribed by section 5703.47 of the Revised Code.

Sec. 5743.081. (A) If any wholesale dealer or retail dealer fails to pay the tax levied under section 5743.02, 5743.021, 5743.024, or 5743.026 of the Revised Code as required by sections 5743.01 to 5743.20 of the Revised Code, and by the rules of the tax commissioner, or fails to collect the tax from the purchaser or consumer, the commissioner may make an assessment against the wholesale or retail dealer based upon any information in the commissioner's possession.

The commissioner may make an assessment against any wholesale or retail dealer who fails to file a return required by section 5743.03 or 5743.025 of the Revised Code.
No assessment shall be made against any wholesale or retail dealer for any taxes imposed under section 5743.02, 5743.021, 5743.024, or 5743.026 of the Revised Code more than three years after the last day of the calendar month that immediately follows the semiannual monthly period prescribed in section 5743.03 of the Revised Code in which the sale was made, or more than three years after the semiannual return for such period the month in which the sale was made is filed, whichever is later. This section does not bar an assessment against any wholesale or retail dealer who fails to file a return as required by section 5743.025 or 5743.03 of the Revised Code, or who files a fraudulent return.

A penalty of up to thirty per cent may be added to the amount of every assessment made under this section. The commissioner may adopt rules providing for the imposition and remission of penalties added to assessments made under this section.

The commissioner shall give the party assessed written notice of the assessment in the manner provided in section 5703.37 of the Revised Code. The notice shall specify separately any portion of the assessment that represents a county tax. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the party assessed files with the tax commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the party assessed to the treasurer of state. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall
proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the wholesale or retail dealer's place of business is located or the county in which the party assessed resides. If the party assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of the commissioner's entry, the clerk shall enter a judgment for the state against the party assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state cigarette sales tax," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment, except as otherwise provided in sections 5743.01 to 5743.20 of the Revised Code.

If the assessment is not paid in its entirety within sixty days after the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until it is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification.
until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(D) All money collected by the tax commissioner under this section shall be paid to the treasurer of state, and when paid shall be considered as revenue arising from the taxes imposed by sections 5743.01 to 5743.20 of the Revised Code.

Sec. 5743.14. (A) The tax commissioner or an agent of the tax commissioner may enter and inspect the facilities and records of a person selling cigarettes or other tobacco products or vapor products. Such entrance and inspection requires a properly issued search warrant if conducted outside the normal business hours of the person, but does not require a search warrant if conducted during the normal business hours of the person. No person shall prevent or hinder the tax commissioner or an agent of the tax commissioner from carrying out the authority granted under this division.

(B) If a peace officer as defined in section 2935.01 of the Revised Code knows or has reasonable cause to believe that a motor vehicle is transporting cigarettes or other tobacco products in violation of this chapter or section 2927.023 of the Revised Code, the peace officer may stop the vehicle and inspect the vehicle to determine the presence of such cigarettes or other tobacco products.

Sec. 5743.15. (A) Except as otherwise provided in this division, no person shall engage in this state in the wholesale or retail business of trafficking in cigarettes or in the business of a manufacturer or importer of cigarettes without having a license to conduct each such activity issued by a county auditor under division (B) of this section or the tax commissioner under
divisions (C) and (F) of this section. On dissolution of a partnership by death, the surviving partner may operate under the license of the partnership until expiration of the license, and the heirs or legal representatives of deceased persons, and receivers and trustees in bankruptcy appointed by any competent authority, may operate under the license of the person succeeded in possession by such heir, representative, receiver, or trustee in bankruptcy if the partner or successor notifies the issuer of the license of the dissolution or succession within thirty days after the dissolution or succession.

(B)(1) Each applicant for a license to engage in the retail business of trafficking in cigarettes under this section, annually, on or before the fourth Monday of May, shall make and deliver to the county auditor of the county in which the applicant desires to engage in the retail business of trafficking in cigarettes, upon a blank form furnished by such auditor for that purpose, a statement showing the name of the applicant, each physical place in the county where the applicant's business is conducted, the nature of the business, and any other information the tax commissioner requires in the form of statement prescribed by the commissioner. If the applicant is a firm, partnership, or association other than a corporation, the application shall state the name and address of each of its members. If the applicant is a corporation, the application shall state the name and address of each of its officers. At the time of making the application required by this section, every person desiring to engage in the retail business of trafficking in cigarettes shall pay an application fee in the sum of one hundred twenty-five dollars for each physical place where the person proposes to carry on such business. Each place of business shall be deemed such space, under lease or license to, or under the control of, or under the supervision of the applicant, as is contained in one or more contiguous, adjacent, or adjoining buildings constituting an
industrial plant or a place of business operated by, or under the control of, one person, or under one roof and connected by doors, halls, stairways, or elevators, which space may contain any number of points at which cigarettes are offered for sale, provided that each additional point at which cigarettes are offered for sale shall be listed in the application.

(2) Upon receipt of the application and exhibition of the county treasurer's receipt showing the payment of the application fee, the county auditor shall issue to the applicant a license for each place of business designated in the application, authorizing the applicant to engage in such business at such place for one year commencing on the fourth Monday of May. The form of the license shall be prescribed by the commissioner. A duplicate license may be obtained from the county auditor upon payment of a five-dollar fee if the original license is lost, destroyed, or defaced. When an application is filed after the fourth Monday of May, the application fee required to be paid shall be proportioned in amount to the remainder of the license year, except that it shall not be less than twenty-five dollars in any one year.

(3) The holder of a retail dealer's cigarette license may transfer the license to a place of business within the same county other than that designated on the license on condition that the licensee's ownership interest and business structure remain unchanged, and that the licensee applies to the county auditor therefor, upon forms approved by the commissioner and the payment of a fee of five dollars into the county treasury.

(C)(1) Each applicant for a license to engage in the wholesale business of trafficking in cigarettes under this section, annually, on or before the fourth Monday in May, shall make and deliver to the tax commissioner, upon a blank form furnished by the commissioner for that purpose, a statement showing the name of the applicant, physical street address where
the applicant's business is conducted, the nature of the business, and any other information required by the commissioner. If the applicant is a firm, partnership, or association other than a corporation, the applicant shall state the name and address of each of its members. If the applicant is a corporation, the applicant shall state the name and address of each of its officers. At the time of making the application required by this section, every person desiring to engage in the wholesale business of trafficking in cigarettes shall pay an application fee of one thousand dollars for each physical place where the person proposes to carry on such business. Each place of business shall be deemed such space, under lease or license to, or under the control of, or under the supervision of the applicant, as is contained in one or more contiguous, adjacent, or adjoining buildings constituting an industrial plant or a place of business operated by, or under the control of, one person, or under one roof and connected by doors, halls, stairways, or elevators. A duplicate license may be obtained from the commissioner upon payment of a twenty-five-dollar fee if the original license is lost, destroyed, or defaced.

(2) Upon receipt of the application and payment of any application fee required by this section, the commissioner shall verify that the applicant is not in violation of any provision of Chapter 1346. or Title LVII of the Revised Code. The commissioner shall also verify that the applicant has filed any returns, submitted any information, and paid any outstanding taxes, charges, or fees as required for any tax, charge, or fee administered by the commissioner, to the extent that the commissioner is aware of the returns, information, taxes, or fees payments at the time of the application. Upon approval, the commissioner shall issue to the applicant a license for each physical place of business designated in the application authorizing the applicant to engage in business at that location.
for one year commencing on the fourth Monday in May. For licenses
issued after the fourth Monday in May, the application fee shall
be reduced proportionately by the remainder of the twelve-month
period for which the license is issued, except that the
application fee required to be paid under this section shall be
not less than two hundred dollars in any one year.

(3) The holder of a wholesale dealer cigarette license may
transfer the license to a place of business other than that
designated on the license on condition that the licensee's
ownership or business structure remains unchanged, and that the
licensee applies to the commissioner for such a transfer upon a
form promulgated by the commissioner and pays a fee of twenty-five
dollars, which shall be deposited into the cigarette tax
enforcement fund created in division (E) of this section.

(D)(1) The wholesale cigarette license application fees
collected under this section shall be paid into the cigarette tax
enforcement fund.

(2) The retail cigarette license application fees collected
under this section shall be distributed as follows:

(a) Thirty per cent shall be paid upon the warrant of the
county auditor into the treasury of the municipal corporation or
township in which the places of business for which the tax revenue
was received are located;

(b) Ten per cent shall be credited to the general fund of the
county;

(c) Sixty per cent shall be paid into the cigarette tax
enforcement fund.

(3) The remainder of the revenues and fines collected under
this section and the penal laws relating to cigarettes shall be
distributed as follows:
(a) Three-fourths shall be paid upon the warrant of the county auditor into the treasury of the municipal corporation or township in which the place of business, on account of which the revenues and fines were received, is located;

(b) One-fourth shall be credited to the general fund of the county.

(E) There is hereby created within the state treasury the cigarette tax enforcement fund for the purpose of providing funds to assist in paying the costs of enforcing sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code.

The portion of cigarette license application fees received by a county auditor during the annual application period that ends on the fourth Monday in May and that is required to be deposited in the cigarette tax enforcement fund shall be sent to the treasurer of state by the thirtieth day of June each year accompanied by the form prescribed by the tax commissioner. The portion of cigarette license application fees received by each county auditor after the fourth Monday in May and that is required to be deposited in the cigarette tax enforcement fund shall be sent to the treasurer of state by the last day of the month following the month in which such fees were collected.

(F)(1) Every person who desires to engage in the business of a manufacturer or importer of cigarettes shall, annually, on or before the fourth Monday of May, make and deliver to the tax commissioner, upon a blank form furnished by the commissioner for that purpose, a statement showing the name of the applicant, the nature of the applicant's business, and any other information required by the commissioner. If the applicant is a firm, partnership, or association other than a corporation, the applicant shall state the name and address of each of its members. If the applicant is a corporation, the applicant shall state the name and address of each of its officers.
(2) Upon receipt of the application required under this section, the commissioner shall verify that the applicant is not in violation of any provision of Chapter 1346. or Title LVII of the Revised Code. The commissioner shall also verify that the applicant has filed any returns, submitted any information, and paid any outstanding taxes, charges, or fees as required for any tax, charge, or fee administered by the commissioner, to the extent that the commissioner is aware of the returns, information, taxes, charges, or fees at the time of the application. Upon approval, the commissioner shall issue to the applicant a license authorizing the applicant to engage in the business of manufacturer or importer, whichever the case may be, for one year commencing on the fourth Monday of May.

(3) The issuing of a license under division (F)(1) of this section to a manufacturer does not excuse a manufacturer from the certification process required under section 1346.05 of the Revised Code. A manufacturer who is issued a license under division (F)(1) of this section and who is not listed on the directory required under section 1346.05 of the Revised Code shall not be permitted to sell cigarettes in this state other than to a licensed cigarette wholesaler for sale outside this state. Such a manufacturer shall provide documentation to the commissioner evidencing that the cigarettes are legal for sale in another state.

(G) The tax commissioner may adopt rules necessary to administer this section.

Sec. 5743.20. No person shall sell any cigarettes both as a retail dealer and as a wholesale dealer at the same place of business. No person other than a licensed wholesale dealer shall sell cigarettes to a licensed retail dealer. No retail dealer shall purchase cigarettes from any person other than a licensed
wholesale dealer.

Subject to section 5743.031 of the Revised Code, a licensed wholesale dealer may not sell cigarettes to any person in this state other than a licensed retail dealer, except a licensed wholesale dealer may sell cigarettes to another licensed wholesale dealer if the tax commissioner has authorized the sale of the cigarettes between those wholesale dealers and the wholesale dealer that sells the cigarettes received them directly from a licensed manufacturer or licensed importer.

The tax commissioner shall adopt rules governing sales of cigarettes between licensed wholesale dealers, including rules establishing criteria for authorizing such sales.

No manufacturer or importer shall sell cigarettes to any person in this state other than to a licensed wholesale dealer or licensed importer. No importer shall purchase cigarettes from any person other than a licensed manufacturer or licensed importer.

A retail dealer may purchase other tobacco products only from a licensed distributor. A licensed distributor may sell tobacco products only to a retail dealer, except a licensed distributor may sell tobacco products to another licensed distributor if the tax commissioner has authorized the sale of the tobacco products between those distributors and the distributor that sells the tobacco products received them directly from a manufacturer or importer of tobacco products.

The tax commissioner may adopt rules governing sales of tobacco products between licensed distributors, including rules establishing criteria for authorizing such sales.

No person other than a secondary manufacturer that is a licensed vapor distributor shall reconstitute, dilute, or reprocess vapor products for resale to consumers. All secondary manufacturers shall package reconstituted, diluted, or reprocessed
vapor products in compliance with Chapter 39A of Title 15 of the United States Code. A licensed vapor distributor may sell vapor products only to a retail dealer or to another licensed vapor distributor, except that, if the licensed vapor distributor is a retail dealer, the licensed vapor distributor may also sell vapor products to consumers.

The identities of cigarette manufacturers and importers, licensed cigarette wholesalers, licensed distributors of other tobacco products, and registered manufacturers and importers of other tobacco products, and licensed vapor distributors are subject to public disclosure. The tax commissioner shall maintain an alphabetical list of all such manufacturers, importers, wholesalers, and distributors, shall post the list on a web site accessible to the public through the internet, and shall periodically update the web site posting.

As used in this section, "licensed" means the manufacturer, importer, wholesale dealer, or distributor or vapor distributor holds a current and valid license issued under section 5743.15 or 5743.61 of the Revised Code, and "registered" means registered with the commissioner under section 5743.66 of the Revised Code.

Sec. 5743.32. To provide revenue for the general revenue fund of the state, an excise tax is hereby levied on the use, consumption, or storage for consumption of cigarettes by consumers in this state at the rate of eighty one hundred twelve and one-half mills on each cigarette. The tax shall not apply if the tax levied by section 5743.02 of the Revised Code has been paid.

The money received into the state treasury from the excise tax levied by this section shall be credited to the general revenue fund.

Sec. 5743.41. No person engaged in the business of
trafficking in cigarettes or in the business of distributing tobacco products or vapor products shall fail to post and keep constantly displayed in a conspicuous place in the building where such business is carried on the license required by section 5743.15 or 5743.61 of the Revised Code, or sell or offer to sell cigarettes, cigarette wrappers, or a substitute for either, or sell or offer to sell tobacco products or vapor products, without complying with the law relating to cigarettes and tobacco products, and vapor products.

Sec. 5743.44. (A) Any person, other than an employee of the state, who furnishes to the department of taxation, attorney general, or any law enforcement agency original information concerning any violation of Chapter 5743. of the Revised Code, which information results in the collection and recovery of any tax or penalty or leads to the forfeiture of any cigarettes, may be awarded and paid by the treasurer of state, upon the certification of the tax commissioner, a compensation of not more than twenty per cent of the net amount received from the sale of any forfeited cigarettes, but not exceeding ten thousand dollars in any case, which shall be paid out of the receipts of such sale. If in the opinion of the attorney general and the tax commissioner it is necessary to preserve the identity of the person furnishing such information, they shall file with the treasurer of state an affidavit stating such necessity and a warrant may be issued jointly to the attorney general and the tax commissioner. Upon payment of such money to the person furnishing the information, the attorney general and the tax commissioner shall file with the treasurer of state an affidavit that the money has been paid by them to the person entitled thereto.

(B) Except for the minimum quantity of cigarettes or tobacco products, or vapor products needed as evidence to establish a violation under this chapter, all cigarettes or tobacco products, or vapor products.
or vapor products seized under this chapter shall be within the sole control and jurisdiction of the tax commissioner for sale pursuant to section 5743.08 or 5743.55 of the Revised Code.

Sec. 5743.51. (A) To provide revenue for the general revenue fund of the state, an excise tax on tobacco products and vapor products is hereby levied at one of the following rates:

(1) For tobacco products other than little specialty cigars, seventeen sixty-nine per cent of the wholesale price of the tobacco product received by a distributor or sold by a manufacturer to a retail dealer located in this state;

(2) For invoices dated October 1, 2013, or later, thirty-seven per cent of the wholesale price of little specialty cigars received by a distributor or sold by a manufacturer to a retail dealer located in this state, the lesser of sixty-nine per cent of the wholesale price or two dollars per specialty cigar;

(3) For invoices dated January 1, 2018, or later, sixty-nine per cent of the first invoice price of vapor products the first time the products are received by a vapor distributor in this state.

Each distributor or vapor distributor who brings tobacco products or vapor products, or causes tobacco products or vapor products to be brought, into this state for distribution within this state, or any out-of-state distributor or vapor distributor who sells tobacco products or vapor products to wholesale or retail dealers located in this state for resale by those wholesale or retail dealers is liable for the tax imposed by this section. Only one sale of the same article shall be used in computing the amount of the tax due. If a vapor product is repackaged, reconstituted, diluted, or reprocessed, the subsequent sale of that vapor product is not considered another sale of the same article for purposes of computing the amount of tax due.
(B) The treasurer of state shall place to the credit of the tax refund fund created by section 5703.052 of the Revised Code, out of the receipts from the tax levied by this section, amounts equal to the refunds certified by the tax commissioner pursuant to section 5743.53 of the Revised Code. The balance of the taxes collected under this section shall be paid into the general revenue fund.

(C) The commissioner may adopt rules as are necessary to assist in the enforcement and administration of sections 5743.51 to 5743.66 of the Revised Code, including rules providing for the remission of penalties imposed.

(D) A manufacturer is not liable for payment of the tax imposed by this section for sales of tobacco products to a retail dealer that has filed a signed statement with the manufacturer in which the retail dealer agrees to pay and be liable for the tax, as long as the manufacturer has provided a copy of the statement to the tax commissioner.

Section 5743.52. (A) Each distributor of tobacco products subject to the tax levied by section 5743.51 of the Revised Code, on or before the twenty-third day of each month, shall file with the tax commissioner a return for the preceding month showing any information the tax commissioner finds necessary for the proper administration of sections 5743.51 to 5743.66 of the Revised Code, together with remittance of the tax due. The return and payment of the tax required by this section shall be filed in such a manner that it is received by the commissioner on or before the twenty-third day of the month following the reporting period. If the return is filed and the amount of tax shown on the return to be due is paid on or before the date the return is required to be filed, the distributor is entitled to a discount equal to two and five-tenths per cent of the amount shown on the return to be due.
(B) Each vapor distributor subject to the tax levied by section 5743.51 of the Revised Code, on or before the twenty-third day of each month, shall file with the commissioner a return for the preceding month showing any information the commissioner finds necessary for the proper administration of this chapter, together with remittance of the tax due. The return and payment of the tax required by this section shall be filed and made electronically on or before the twenty-third day of the month following the reporting period. If the return is filed and the amount of tax shown on the return to be due is paid on or before the date the return is required to be filed, the vapor distributor is entitled to a discount equal to two and five-tenths per cent of the amount shown on the return to be due.

(C) Any person who fails to timely file the return and make payment of taxes as required under this section, section 5743.62, or section 5743.63 of the Revised Code may be required to pay an additional charge not exceeding the greater of fifty dollars or ten per cent of the tax due. Any additional charge imposed under this section may be collected by assessment as provided in section 5743.56 of the Revised Code.

(D) If any tax due is not paid timely in accordance with sections 5743.52, 5743.62, or 5743.63 of the Revised Code, the person liable for the tax shall pay interest, calculated at the rate per annum as prescribed by section 5703.47 of the Revised Code, from the date the tax payment was due to the date of payment or to the date an assessment is issued under section 5743.56 of the Revised Code, whichever occurs first. The commissioner may collect such interest by assessment pursuant to section 5743.56 of the Revised Code.

(E) The commissioner may authorize the filing of returns and the payment of the tax required by this section, section 5743.62, or section 5743.63 of the Revised Code for periods longer...
than a calendar month.

(E)(F) The commissioner may order any taxpayer to file with the commissioner security to the satisfaction of the commissioner conditioned upon filing the return and paying the taxes required under this section, section 5743.62, or section 5743.63 of the Revised Code if the commissioner believes that the collection of the tax may be in jeopardy.

Sec. 5743.53. (A) The treasurer of state shall refund to a taxpayer any of the following:

(1) Any tobacco products or vapor products tax paid erroneously;

(2) Any tobacco products or vapor products tax paid on an illegal or erroneous assessment;

(3) Any tax paid on tobacco products or vapor products that have been sold or shipped to retail dealers, wholesale dealers, vapor distributors, or secondary manufacturers outside this state, returned to the manufacturer, or destroyed by the taxpayer with the prior approval of the tax commissioner.

Any application for refund shall be filed with the tax commissioner on a form prescribed by the commissioner for that purpose. The commissioner may not pay any refund on an application for refund filed with the commissioner more than three years from the date of payment of the tax.

(B) On the filing of the application for refund, the commissioner shall determine the amount of the refund to which the applicant is entitled. If the amount is not less than that claimed, the commissioner shall certify the amount to the director of budget and management and to the treasurer of state for payment from the tax refund fund created by section 5703.052 of the Revised Code. If the amount is less than that claimed, the
commissioner shall proceed in accordance with section 5703.70 of the Revised Code.

If a refund is granted for payment of an illegal or erroneous assessment issued by the department of taxation, the refund shall include interest on the amount of the refund from the date of the overpayment. The interest shall be computed at the rate per annum in the manner prescribed by section 5703.47 of the Revised Code.

(C) If any person entitled to a refund of tax under this section or section 5703.70 of the Revised Code is indebted to the state for any tax administered by the tax commissioner, or any charge, penalties, or interest arising from such tax, the amount allowable on the application for refund first shall be applied in satisfaction of the debt.

(D) In lieu of granting a refund payable under division (A)(3) of this section, the tax commissioner may allow a taxpayer to claim a credit of the amount of refundable tax on the return for the period during which the tax became refundable. The commissioner may require taxpayers to submit any information necessary to support a claim for a credit under this section, and the commissioner shall allow no credit if that information is not provided.

Sec. 5743.54. (A) Each distributor of tobacco products and each vapor distributor of vapor products shall maintain complete and accurate records of all purchases and sales of tobacco products or vapor products, and shall procure and retain all invoices, bills of lading, and other documents relating to the purchases and sales of tobacco those products. The distributor or vapor distributor shall keep open records and documents during business hours for the inspection of the tax commissioner, and shall preserve them for a period of three years from the date the return was due or was filed, whichever is later, unless the
commissioner, in writing, consents to their destruction within that period, or orders that they be kept for a longer period of time.

(B) Each distributor of tobacco products and each vapor distributor of vapor products subject to the tax levied by section 5743.51 of the Revised Code shall mark on the invoices of tobacco products or vapor products sold that the tax levied by that section has been paid and shall indicate the distributor's or vapor distributor's account number as assigned by the tax commissioner.

(C) No person shall make a false entry upon any invoice or record upon which an entry is required by this section and no person shall present any false entry for the inspection of the commissioner with the intent to evade the tax levied under section 5743.51, 5743.62, or 5743.63 of the Revised Code.

**Sec. 5743.55.** Whenever the tax commissioner discovers any tobacco products or vapor products, subject to the tax levied under section 5743.51, 5743.62, or 5743.63 of the Revised Code, and upon which the tax has not been paid or the commissioner has reason to believe the tax is being avoided, the commissioner may seize and take possession of the tobacco products or vapor products, which, upon seizure, shall be forfeited to the state. Within a reasonable time after seizure, the commissioner may sell the forfeited tobacco products. From the proceeds of this sale, the tax commissioner shall pay the costs incurred in the seizure and sale, and any proceeds remaining after the sale shall be considered as revenue arising from the tax. The seizure and sale shall not relieve any person from the fine or imprisonment provided for violation of sections 5743.51 to 5743.66 of the Revised Code. The commissioner shall make the sale where it is most convenient and economical, but may order the destruction of
the forfeited tobacco products if the quantity or quality of tobacco products is not sufficient to warrant their sale.

Sec. 5743.59. (A) No retail dealer of tobacco products or vapor products shall have in the retail dealer's possession tobacco products or vapor products on which the tax imposed by section 5743.51 of the Revised Code has not been paid, unless the retail dealer is licensed under section 5743.61 of the Revised Code. Payment may be evidenced by invoices from distributors or vapor distributors stating the tax has been paid.

(B) The tax commissioner may inspect any place where tobacco products or vapor products subject to the tax levied under section 5743.51 of the Revised Code are sold or stored.

(C) No person shall prevent or hinder the tax commissioner from making a full inspection of any place where tobacco products or vapor products subject to the tax imposed by section 5743.51 of the Revised Code are sold or stored, or prevent or hinder the full inspection of invoices, books, or records required to be kept by section 5743.54 of the Revised Code.

Sec. 5743.60. No person shall prepare for shipment, ship, transport, deliver, prepare for distribution, or distribute tobacco products or vapor products, or otherwise engage or participate in the business of distributing tobacco products or vapor products, with the intent to avoid payment of the tax levied by section 5743.51, 5743.62, or 5743.63 of the Revised Code, when the wholesale price of the tobacco products or the first invoice price of the vapor products exceeds three hundred dollars during any twelve-month period.

Sec. 5743.61. (A) Except as otherwise provided in this division, no distributor shall engage in the business of distributing tobacco products within this state without having a
license issued by the department of taxation to engage in that business. On

   (b) No vapor distributor shall engage in the business of distributing vapor products within this state without first having a license issued by the department of taxation to engage in that business.

   (2) On the dissolution of a partnership by death, the surviving partner may operate under the license of the partnership until the expiration of the license, and the heirs or legal representatives of deceased persons, and receivers and trustees in bankruptcy appointed by any competent authority, may operate under the license of the person succeeded in possession by the heir, representative, receiver, or trustee in bankruptcy if the partner or successor notifies the department of taxation of the dissolution or succession within thirty days after the dissolution or succession.

   (B)(1) Each applicant for a license to engage in the business of distributing tobacco products described by division (A)(1) of this section, annually, on or before the first day of February, shall make and deliver to the tax commissioner, upon a form furnished by the commissioner for that purpose, a statement showing the name of the applicant, each physical place from which the applicant distributes to distributors, vapor distributors, retail dealers, or wholesale dealers, or secondary manufacturers, and any other information the commissioner considers necessary for the administration of sections 5743.51 to 5743.66 of the Revised Code.

   (2) At the time of making the license application, the applicant shall pay an application fee of one thousand dollars for each place listed on the application where the applicant proposes to carry on that business. The fee charged for the application shall accompany the application and shall be made payable to the
treasurer of state for deposit into the cigarette tax enforcement fund.

(3) Upon receipt of the application and payment of any licensing fee required by this section, the commissioner shall verify that the applicant has filed all returns, submitted all information, and paid all outstanding taxes, charges, or fees as required for any taxes, charges, or fees administered by the commissioner, to the extent the commissioner is aware of the returns, information, taxes, charges, or fees at the time of the application. Upon approval, the commissioner shall issue to the applicant a license for each place of distribution designated in the application authorizing the applicant to engage in business at that location for one year commencing on the first day of February. For licenses issued after the first day of February, the license application fee shall be reduced proportionately by the remainder of the twelve-month period for which the license is issued, except that the application fee required to be paid under this section shall be not less than two hundred dollars. If the original license is lost, destroyed, or defaced, a duplicate license may be obtained from the commissioner upon payment of a license replacement fee of twenty-five dollars.

(4)(a) License application fees for the tobacco products license described in division (A)(1)(a) of this section shall be deposited into the cigarette tax enforcement fund.

(b) License application fees for the vapor products license described in division (A)(1)(b) of this section shall be deposited into the general revenue fund.

(C) The holder of a tobacco products license or vapor products license may transfer the license to a place of business on condition that the licensee's ownership and business structure remains unchanged and the licensee applies to the commissioner for the transfer on a form issued by the commissioner, and pays a
transfer fee of twenty-five dollars.

(D) If a distributor or vapor distributor fails to file forms as required under Chapter 1346. or section 5743.52 of the Revised Code or pay the tax due for two consecutive periods or three periods during any twelve-month period, the commissioner may suspend the license issued to the distributor or vapor distributor under this section. The suspension is effective ten days after the commissioner notifies the distributor or vapor distributor of the suspension in writing personally or by certified mail. The commissioner shall lift the suspension when the distributor or vapor distributor files the delinquent forms and pays the tax due, including any penalties, interest, and additional charges. The commissioner may refuse to issue the annual renewal of the license required by this section and may refuse to issue a new license for the same location of the distributor or vapor distributor until all delinquent forms are filed and outstanding taxes are paid. This division does not apply to any unpaid or underpaid tax liability that is the subject of a petition or appeal filed pursuant to section 5743.56, 5717.02, or 5717.04 of the Revised Code.

(E)(1) The tax commissioner may impose a penalty of up to one thousand dollars on any person found to be engaging in the business of distributing tobacco products or vapor products without a license as required by this section.

(2) Any person engaging in the business of distributing tobacco products without a license as required by this section shall comply with divisions (B)(1) and (2) of this section within ten days after being notified of the requirement to do so. Failure to comply with division (E)(2) of this section subjects a person to penalties imposed under section 5743.99 of the Revised Code.

Sec. 5743.62. (A) To provide revenue for the general revenue
fund of the state, an excise tax is hereby levied on the seller of tobacco products or vapor products in this state at one of the following rates:

(1) For tobacco products other than little specialty cigars, seventeen sixty-nine per cent of the wholesale price of the tobacco product whenever the tobacco product is delivered to a consumer in this state for the storage, use, or other consumption of such tobacco products.

(2) For little specialty cigars, thirty-seven the lesser of sixty-nine per cent of the wholesale price of the little cigars or two dollars per specialty cigar whenever the little specialty cigars are delivered to a consumer in this state for the storage, use, or other consumption of the little specialty cigars.

(3) For vapor products, sixty-nine per cent of the first invoice price when, on or after January 1, 2018, the vapor products are delivered to a consumer in this state for the storage, use, or other consumption of the vapor products.

The tax imposed by this section applies only to sellers having nexus in this state, as defined in section 5741.01 of the Revised Code.

(B) A seller of tobacco products or vapor products who has nexus in this state as defined in section 5741.01 of the Revised Code shall register with the tax commissioner and supply any information concerning the seller's contacts with this state as may be required by the tax commissioner. A seller who does not have nexus in this state may voluntarily register with the tax commissioner. A seller who voluntarily registers with the tax commissioner is entitled to the same benefits and is subject to the same duties and requirements as a seller required to be registered with the tax commissioner under this division.

(C) Each seller of tobacco products or vapor products subject
to the tax levied by this section, on or before the last day of each month, shall file with the tax commissioner a return for the preceding month showing any information the tax commissioner finds necessary for the proper administration of sections 5743.51 to 5743.66 of the Revised Code, together with remittance of the tax due, payable to the treasurer of state. The return and payment of the tax required by this section shall be filed in such a manner that it is received by the tax commissioner on or before the last day of the month following the reporting period. If the return is filed and the amount of the tax shown on the return to be due is paid on or before the date the return is required to be filed, the seller is entitled to a discount equal to two and five-tenths per cent of the amount shown on the return to be due.

(D) The tax commissioner shall immediately forward to the treasurer of state all money received from the tax levied by this section, and the treasurer shall credit the amount to the general revenue fund.

(E) Each seller of tobacco products or vapor products subject to the tax levied by this section shall mark on the invoices of tobacco products or vapor products sold that the tax levied by that section has been paid and shall indicate the seller's account number as assigned by the tax commissioner.

Sec. 5743.63. (A) To provide revenue for the general revenue fund of the state, an excise tax is hereby levied on the storage, use, or other consumption of tobacco products or vapor products at one of the following rates:

(1) For tobacco products other than little specialty cigars, seventeen sixty-nine per cent of the wholesale price of the tobacco product.

(2) For little specialty cigars, thirty-seven the lesser of sixty-nine per cent of the wholesale price of the little cigars or
two dollars per specialty cigar;

(3) On and after January 1, 2018, for vapor products, sixty-nine per cent of the first invoice price.

The tax levied under division (A) of this section is imposed only if the tax has not been paid by the seller as provided in section 5743.62 of the Revised Code, or by the distributor or vapor distributor as provided in section 5743.51 of the Revised Code.

(B) Each person subject to the tax levied by this section, on or before the last day of each month, shall file with the tax commissioner a return for the preceding month showing any information the tax commissioner finds necessary for the proper administration of sections 5743.51 to 5743.66 of the Revised Code, together with remittance of the tax due, payable to the treasurer of state. The return and payment of the tax required by this section shall be filed in such a manner that it is received by the tax commissioner on or before the last day of the month following the reporting period.

(C) The tax commissioner shall immediately forward to the treasurer of state all money received from the tax levied by this section, and the treasurer shall credit the amount to the general revenue fund.

Sec. 5747.02. (A) For the purpose of providing revenue for the support of schools and local government functions, to provide relief to property taxpayers, to provide revenue for the general revenue fund, and to meet the expenses of administering the tax levied by this chapter, there is hereby levied on every individual, trust, and estate residing in or earning or receiving income in this state, on every individual, trust, and estate earning or receiving lottery winnings, prizes, or awards pursuant to Chapter 3770. of the Revised Code, on every individual, trust,
and estate earning or receiving winnings on casino gaming, and on every individual, trust, and estate otherwise having nexus with or in this state under the Constitution of the United States, an annual tax measured as prescribed in divisions (A)(1) to (4) of this section.

(1) In the case of trusts, the tax imposed by this section shall be measured by modified Ohio taxable income under division (D) of this section and levied at the same rates prescribed in division (A)(3) of this section for individuals.

(2) In the case of estates, the tax imposed by this section shall be measured by Ohio taxable income and levied at the same rates prescribed in division (A)(3) of this section for individuals.

(3) In the case of individuals, for taxable years beginning in 2015 or thereafter, the tax imposed by this section on income other than taxable business income shall be measured by Ohio adjusted gross income, less taxable business income and less an exemption for the taxpayer, the taxpayer's spouse, and each dependent as provided in section 5747.025 of the Revised Code.

(a) For taxable years beginning in 2017, the tax imposed on the balance thus obtained is hereby levied as follows:

<table>
<thead>
<tr>
<th>OHIO ADJUSTED GROSS INCOME LESS TAXABLE BUSINESS INCOME AND EXEMPTIONS (INDIVIDUALS)</th>
<th>OR</th>
</tr>
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<tbody>
<tr>
<td>MODIFIED OHIO TAXABLE INCOME (TRUSTS)</td>
<td>OR</td>
</tr>
<tr>
<td>OHIO TAXABLE INCOME (ESTATES)</td>
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<td>More than $15,000 but not more than $20,000</td>
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<tr>
<td>More than $100,000 but not more than $200,000</td>
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<td>More than $200,000</td>
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(b) For taxable years beginning in 2018 and thereafter, the tax imposed on the balance thus obtained is hereby levied as follows:

**OHIO ADJUSTED GROSS INCOME LESS TAXABLE BUSINESS INCOME AND EXEMPTIONS (INDIVIDUALS)**

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<thead>
<tr>
<th>Range</th>
<th>Tax</th>
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<td>More than $10,000 but not more than $25,000</td>
<td>$45.60 plus 1.367% of the amount in excess of $10,000</td>
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**MODIFIED OHIO TAXABLE INCOME (TRUSTS)**

**OHIO TAXABLE INCOME (ESTATES)**

<p>| Tax |</p>
<table>
<thead>
<tr>
<th>Amount Range</th>
<th>Tax Calculation</th>
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</tr>
<tr>
<td>(4)(a) In the case of individuals, for taxable years beginning in 2015, the tax imposed by this section on taxable business income shall be measured by taxable business income less any amount allowed under division (A)(4)(c) of this section. The tax imposed on the balance thus obtained is hereby levied as follows:</td>
<td></td>
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<tr>
<td>TAXABLE BUSINESS INCOME</td>
<td></td>
</tr>
<tr>
<td>LESS ALLOWED EXEMPTION AMOUNT</td>
<td>TAX</td>
</tr>
<tr>
<td>$5,000 or less</td>
<td>$.495%</td>
</tr>
<tr>
<td>More than $5,000 but not more</td>
<td>$24.75 plus .990% of the amount in excess of $5,000</td>
</tr>
<tr>
<td>than $10,000</td>
<td></td>
</tr>
<tr>
<td>More than $10,000 but not more</td>
<td>$74.25 plus 1.980% of the amount in excess of $10,000</td>
</tr>
<tr>
<td>than $15,000</td>
<td></td>
</tr>
<tr>
<td>More than $15,000 but not more</td>
<td>$173.25 plus 2.476% of the amount in excess of $15,000</td>
</tr>
<tr>
<td>than $20,000</td>
<td></td>
</tr>
<tr>
<td>More than $20,000 but not more</td>
<td>$297.05 plus 2.969% of the amount in excess of $20,000</td>
</tr>
<tr>
<td>than $40,000</td>
<td></td>
</tr>
<tr>
<td>More than $40,000</td>
<td>$890.85 plus 3% of the amount in excess of $40,000</td>
</tr>
<tr>
<td>(b) In the case of individuals, for taxable years beginning in 2016 or thereafter, the tax imposed by this section on taxable business income shall equal three per cent of the result obtained by subtracting any amount allowed under division (A)(4)(c)(b) of this section from the individual's taxable business income.</td>
<td></td>
</tr>
</tbody>
</table>
| (c)(b) If the exemptions allowed to an individual under division (A)(3) of this section exceed the taxpayer's Ohio
adjusted gross income less taxable business income, the excess shall be deducted from taxable business income before computing the tax under division (A)(4)(a) or (b) of this section.

Except as otherwise provided in this division, in August of each year, the tax commissioner shall make a new adjustment to the income amounts prescribed in division (A)(3) of this section by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the new adjustment of the income amounts. The rates of taxation shall not be adjusted.

The adjusted amounts apply to taxable years beginning in the calendar year in which the adjustments are made and to taxable years beginning in each ensuing calendar year until a calendar year in which a new adjustment is made pursuant to this division. The tax commissioner shall not make a new adjustment in any year in which the amount resulting from the adjustment would be less than the amount resulting from the adjustment in the preceding year. The commissioner shall not make a new adjustment for taxable years beginning in 2013, 2014, or 2015 2017 or 2018.

(B) If the director of budget and management makes a certification to the tax commissioner under division (B) of section 131.44 of the Revised Code, the amount of tax as determined under divisions (A)(1) to (3) of this section shall be reduced by the percentage prescribed in that certification for taxable years beginning in the calendar year in which that certification is made.
(C) The levy of this tax on income does not prevent a municipal corporation, a joint economic development zone created under section 715.691, or a joint economic development district created under section 715.70, 715.71, or 715.72 of the Revised Code from levying a tax on income.

(D) This division applies only to taxable years of a trust beginning in 2002 or thereafter.

(1) The tax imposed by this section on a trust shall be computed by multiplying the Ohio modified taxable income of the trust by the rates prescribed by division (A) of this section.

(2) A resident trust may claim a credit against the tax computed under division (D) of this section equal to the lesser of (1) the tax paid to another state or the District of Columbia on the resident trust's modified nonbusiness income, other than the portion of the resident trust's nonbusiness income that is qualifying investment income as defined in section 5747.012 of the Revised Code, or (2) the effective tax rate, based on modified Ohio taxable income, multiplied by the resident trust's modified nonbusiness income other than the portion of the resident trust's nonbusiness income that is qualifying investment income. The credit applies before any other applicable credits.

(3) The credits enumerated in divisions (A)(1) to (10) and (A)(19) to (21) of section 5747.98 of the Revised Code do not apply to a trust subject to division (D) of this section. Any credits enumerated in other divisions of section 5747.98 of the Revised Code apply to a trust subject to division (D) of this section. To the extent that the trust distributes income for the taxable year for which a credit is available to the trust, the credit shall be shared by the trust and its beneficiaries. The tax commissioner and the trust shall be guided by applicable regulations of the United States treasury regarding the sharing of credits.
(E) For the purposes of this section, "trust" means any trust described in Subchapter J of Chapter 1 of the Internal Revenue Code, excluding trusts that are not irrevocable as defined in division (I)(3)(b) of section 5747.01 of the Revised Code and that have no modified Ohio taxable income for the taxable year, charitable remainder trusts, qualified funeral trusts and preneed funeral contract trusts established pursuant to sections 4717.31 to 4717.38 of the Revised Code that are not qualified funeral trusts, endowment and perpetual care trusts, qualified settlement trusts and funds, designated settlement trusts and funds, and trusts exempted from taxation under section 501(a) of the Internal Revenue Code.

Sec. 5747.025. (A) For taxable years beginning in 2014 or 2015, the personal exemption for the taxpayer, the taxpayer's spouse, and each dependent shall be one of the following amounts:

(1) Two thousand two hundred dollars if the taxpayer's Ohio adjusted gross income for the taxable year as shown on an individual or joint annual return is less than or equal to forty thousand dollars;

(2) One thousand nine hundred fifty dollars if the taxpayer's Ohio adjusted gross income for the taxable year as shown on an individual or joint annual return is greater than forty thousand dollars but less than or equal to eighty thousand dollars;

(3) One thousand seven hundred fifty dollars if the taxpayer's Ohio adjusted gross income for the taxable year as shown on an individual or joint annual return is greater than eighty thousand dollars.

(B) For taxable years beginning in 2016 and thereafter, the personal exemption amounts prescribed in division (A) of this section

Sec. 5747.025. (A) For taxable years beginning in 2014 or 2015, the personal exemption for the taxpayer, the taxpayer's spouse, and each dependent shall be one of the following amounts:

(1) Two thousand two hundred dollars if the taxpayer's Ohio adjusted gross income for the taxable year as shown on an individual or joint annual return is less than or equal to forty thousand dollars;

(2) One thousand nine hundred fifty dollars if the taxpayer's Ohio adjusted gross income for the taxable year as shown on an individual or joint annual return is greater than forty thousand dollars but less than or equal to eighty thousand dollars;

(3) One thousand seven hundred fifty dollars if the taxpayer's Ohio adjusted gross income for the taxable year as shown on an individual or joint annual return is greater than eighty thousand dollars.

(B) For taxable years beginning in 2016 and thereafter, the personal exemption amounts prescribed in division (A) of this section
section shall be adjusted each year in the manner prescribed in division (C) of this section. In the case of an individual with respect to whom an exemption under section 5747.02 of the Revised Code is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, the exemption amount applicable to such individual for such individual's taxable year shall be zero.

(C) Except as otherwise provided in this division, in August of each year, the tax commissioner shall determine the percentage increase in the gross domestic product deflator determined by the bureau of economic analysis of the United States department of commerce from the first day of January of the preceding calendar year to the last day of December of the preceding year, and make a new adjustment to the personal exemption amount for taxable years beginning in the current calendar year by multiplying that amount by the percentage increase in the gross domestic product deflator for that period; adding the resulting product to the personal exemption amount for taxable years beginning in the preceding calendar year; and rounding the resulting sum upward to the nearest multiple of fifty dollars. The adjusted amount applies to taxable years beginning in the calendar year in which the adjustment is made and to taxable years beginning in each ensuing calendar year until a calendar year in which a new adjustment is made pursuant to this division. The commissioner shall not make a new adjustment in any calendar year in which the amount resulting from the adjustment would be less than the amount resulting from the adjustment in the preceding calendar year.

**Sec. 5747.056.** For taxable years beginning in 2015, 2017 or thereafter, a nonrefundable credit equal to eighty-eight dollars the tax otherwise due on the return shall be allowed per return against the aggregate amount of tax due under section 5747.02 of the Revised Code on an individual's individual or jointly filed return.
return that indicates Ohio adjusted gross income less exemptions of fifteen thousand dollars or less. The credit shall be claimed in the order required under section 5747.98 of the Revised Code.

Sec. 5747.113. (A) Any taxpayer claiming a refund under section 5747.11 of the Revised Code who wishes to contribute any part of the taxpayer's refund to the natural areas and preserves fund created in section 1517.11 of the Revised Code, the nongame and endangered wildlife fund created in section 1531.26 of the Revised Code, the military injury relief fund created in section 5902.05 of the Revised Code, the Ohio history fund created in section 149.308 of the Revised Code, the breast and cervical cancer project income tax contribution fund created in section 3701.601 of the Revised Code, the wishes for sick children income tax contribution fund created in section 3701.602 of the Revised Code, or all of those funds may designate on the taxpayer's income tax return the amount that the taxpayer wishes to contribute to the fund or funds. A designated contribution is irrevocable upon the filing of the return and shall be made in the full amount designated if the refund found due the taxpayer upon the initial processing of the taxpayer's return, after any deductions including those required by section 5747.12 of the Revised Code, is greater than or equal to the designated contribution. If the refund due as initially determined is less than the designated contribution, the contribution shall be made in the full amount of the refund. The tax commissioner shall subtract the amount of the contribution from the amount of the refund initially found due the taxpayer and shall certify the difference to the director of budget and management and treasurer of state for payment to the taxpayer in accordance with section 5747.11 of the Revised Code. For the purpose of any subsequent determination of the taxpayer's
net tax payment, the contribution shall be considered a part of the refund paid to the taxpayer.

(B) The tax commissioner shall provide a space on the income tax return form in which a taxpayer may indicate that the taxpayer wishes to make a donation in accordance with this section. The tax commissioner shall also print in the instructions accompanying the income tax return form a description of the purposes for which the natural areas and preserves fund, the nongame and endangered wildlife fund, the military injury relief fund, the Ohio history fund, the breast and cervical cancer project income tax contribution fund, and the wishes for sick children income tax contribution fund were created and the use of moneys from the income tax refund contribution system established in this section. No person shall designate on the person's income tax return any part of a refund claimed under section 5747.11 of the Revised Code as a contribution to any fund other than the natural areas and preserves fund, the nongame and endangered wildlife fund, the military injury relief fund, the Ohio history fund, the breast and cervical cancer project income tax contribution fund, or the wishes for sick children income tax contribution fund.

(C) The money collected under the income tax refund contribution system established in this section shall be deposited by the tax commissioner into the natural areas and preserves fund, the nongame and endangered wildlife fund, the military injury relief fund, the Ohio history fund, the breast and cervical cancer project income tax contribution fund, and the wishes for sick children income tax contribution fund in the amounts designated on the tax returns.

(D) No later than the thirtieth day of September each year, the tax commissioner shall determine the total amount contributed to each fund under this section during the preceding eight months,
any adjustments to prior months, and the cost to the department of

any adjustments to prior years made during that four-month period, and

taxation of administering the income tax refund contribution

taxation of administering the income tax refund contribution system during that eight-month period. The commissioner shall make

the department of taxation of administering the income
tax contribution system during that period. The cost of

the department of taxation of administering the income

tax contribution system during that period. The cost of

administering the income tax contribution system shall be

administering the income tax contribution system shall be

certified by the tax commissioner to the director of budget and

management, who shall transfer an amount equal to one-sixth of

such administrative costs from each of the six funds to the income
tax contribution fund, which is hereby created, provided that the

moneys that the department receives to pay the cost of

administering the income tax refund contribution system in any

year shall not exceed two and one-half per cent of the total

amount contributed under that system during that year.

(F) If the total amount contributed to a fund under this

section in each of five consecutive calendar years, as annually
determined by the tax commissioner, is less than fifty thousand
dollars in each of five consecutive calendar years, no person may
designate a contribution to that fund for any taxable year ending

after the last day of that five-year period. In such a case, the
tax commissioner shall remove the space dedicated to the fund on
the income tax return and the description of the fund in the
instructions accompanying the income tax return.

(F)(E) The general assembly may authorize taxpayer refund

contributions to no more than six funds under the income tax
refund contribution system established in this section. If the
general assembly authorizes income tax refund contributions to a
fund other than the natural areas and preserves fund, the nongame
and endangered wildlife fund, the military injury relief fund, the Ohio history fund, the breast and cervical cancer project income tax contribution fund, or the wishes for sick children income tax contribution fund, such contributions may be authorized only for a period of two calendar years.

With the exception of the Ohio history fund, the general assembly may authorize income tax refund contributions to a fund only if all the money in the fund will be expended or distributed by a state agency as defined in section 1.60 of the Revised Code.

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

(2) The director of veterans services, the director of the Ohio history connection, and the director of health, in January of every odd-numbered year, each shall report to the general assembly on the effectiveness of the income tax refund contribution system as it pertains to the military injury relief fund, the Ohio history fund, the breast and cervical cancer project income tax contribution fund, and the wishes for sick children income tax contribution fund respectively. The report shall include the amount of money contributed to the fund in each of the previous five years, the amount of money contributed directly to the fund in addition to or independently of the income tax refund contribution system in each of the previous five years, and the purposes for which the money was expended.
Sec. 5747.122. (A) The tax commissioner, in accordance with section 5101.184 of the Revised Code, shall cooperate with the director of job and family services to collect overpayments of assistance under Chapter 5107. or, former Chapter 5115., former Chapter 5113., or section 5101.54 of the Revised Code from refunds of state income taxes for taxable year 1992 and thereafter that are payable to the recipients of such overpayments.

(B) At the request of the department of job and family services in connection with the collection of an overpayment of assistance from a refund of state income taxes pursuant to this section and section 5101.184 of the Revised Code, the tax commissioner shall release to the department the home address and social security number of any recipient of assistance whose overpayment may be collected from a refund of state income taxes under those sections.

(C) In the case of a joint income tax return for two people who were not married to each other at the time one of them received an overpayment of assistance, only the portion of a refund that is due to the recipient of the overpayment shall be available for collection of the overpayment under this section and section 5101.184 of the Revised Code. The tax commissioner shall determine such portion. A recipient's spouse who objects to the portion as determined by the commissioner may file a complaint with the commissioner within twenty-one days after receiving notice of the collection, and the commissioner shall afford the spouse an opportunity to be heard on the complaint. The commissioner shall waive or extend the twenty-one-day period if the recipient's spouse establishes that such action is necessary to avoid unjust, unfair, or unreasonable results. After the hearing, the commissioner shall make a final determination of the portion of the refund available for collection of the overpayment.
(D) The welfare overpayment intercept fund is hereby created in the state treasury. The tax commissioner shall deposit amounts collected from income tax refunds under this section to the credit of the welfare overpayment intercept fund. The director of job and family services shall distribute money in the fund in accordance with appropriate federal or state laws and procedures regarding collection of welfare overpayments.

Sec. 5747.50. (A) As used in this section:

(1) "County's proportionate share of the calendar year 2007 LGF and LGRAF distributions" means the percentage computed for the county a county's calendar year 2017 undivided local government fund distributions as a percentage of the total calendar year 2017 undivided local government fund distributions made to all counties under division (B)(1)(a) of this section §747.501 of the Revised Code.

(2) "County's proportionate share of the total amount of the local government fund additional revenue formula" means each county's proportionate share of the state's population as determined for and certified to the county for distributions to be made during the current calendar year under division (B)(2)(a) of section §747.501 of the Revised Code. If prior to the first day of January of the current calendar year the federal government has issued a revision to the population figures reflected in the estimate produced pursuant to division (B)(2)(a) of section §747.501 of the Revised Code, such revised population figures shall be used for making the distributions during the current calendar year.

(3) "2007 County LGF and LGRAF county distribution base available in that month" means the lesser product of the amounts described in division (A)(2)(2)(a) and (b) of this section provided that the amount shall not be less than zero.
(a) The total amount available for distribution to counties from the local government fund during the current month after distributions are made from the fund under section 5747.503 of the Revised Code.

(b) The total amount distributed to counties from the local government fund and the local government revenue assistance fund to counties in calendar year 2007 less the total amount distributed to counties under division (B)(1) of this section during previous months of the current calendar year.

(4) "Local government fund additional revenue distribution base available during that month" means the total amount available for distribution to counties during the month from the local government fund, less any amounts to be distributed in that month from the local government fund under division (B)(1) of this section, provided that the local government fund additional revenue distribution base available during that month shall not be less than zero.

(5) "Total amount available for distribution to counties" means the total amount available for distribution from the local government fund during the current month less the total amount available for distribution to municipal corporations during the current month under division (C) of this section (i) For distributions made under this section in calendar year 2018, ninety-five per cent; (ii) For distributions made under this section in calendar year 2019, eighty-seven per cent; (iii) For distributions made under this section in calendar year 2020 and thereafter, eighty per cent.

(B)(1) On or before the tenth day of each month other than December, the tax commissioner shall provide for payment to each county an amount equal to the sum product of:
(1) (a) The county's proportionate share of the calendar year 2007 LGF and LGRAF distributions multiplied by the 2007 LGF and LGRAF county distribution base available in that month, provided that if the 2007 LGF and LGRAF county distribution base available in that month is zero, no payment shall be made under division (B)(1) of this section for the month or the remainder of the calendar year; and, or, if the most recent distribution estimate under section 5747.501 of the Revised Code for the county for the current year was calculated using division (B)(2)(a)(ii) of that section, the county's proportionate share calculated under that division:

(b) The county LGF distribution base available in that month.

(2) The county's proportionate share of the total amount of the local government fund additional revenue formula multiplied by the local government fund additional revenue distribution base available during that month.

Money received into the treasury of a county under this division shall be credited to the undivided local government fund in the treasury of the county on or before the fifteenth day of each month. On or before the twentieth day of each month, the county auditor shall issue warrants against all of the undivided local government fund in the county treasury in the respective amounts allowed as provided in section 5747.51 of the Revised Code, and the treasurer shall distribute and pay such sums to the subdivision therein. On or before the tenth day of December of each year, the commissioner shall provide for payment to each county of the amount in division (B)(2)(a) of this section less the amount in division (B)(2)(b) of this section, subject to division (B)(2)(c) of this section.

(a) The total amount to be distributed to the county during the calendar year, calculated under the formula set forth in section 5747.501 of the Revised Code. For purposes of this
division, division (B) of section 5747.501 of the Revised Code shall exclude any reference to the phrase "projected to be."

(b) The total amount distributed to the county under this section during the preceding eleven months of the calendar year.

(c)(i) If the difference calculated by subtracting the amount in division (B)(2)(b) of this section from the amount in division (B)(2)(a) of this section is less than zero, the distribution made to the county in December shall be adjusted to equal zero. The amount of the county's adjustment shall be divided by six and the resulting quotient shall be deducted from the distributions made to the county under this section during the first six months of the next calendar year.

(ii) If the difference calculated by subtracting the total amount for all counties under division (B)(2)(b) of this section from the total amount for all counties under division (B)(2)(a) of this section exceeds the total amount available for distribution from the local government fund in December as a result of adjustments made under division (A)(1)(a) of section 5747.504 of the Revised Code, the amounts distributed to each county under this section shall be reduced proportionately. The amount of a county's reduction shall be divided by six and the resulting quotient shall be added to the distributions made to the county under this section during the first six months of the next calendar year.

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

(a) "Total amount available for distribution to municipalities during the current month" means the product obtained by multiplying the total amount available for distribution from the local government fund during the current month by the aggregate municipal share.

(b) "Aggregate municipal share" means the quotient obtained
by dividing the total amount distributed directly from the local government fund to municipal corporations during calendar year 2007 by the total distributions from the local government fund and local government revenue assistance fund during calendar year 2007.

(2) On or before the tenth day of each month, the tax commissioner shall provide for payment from the local government fund to each municipal corporation an amount equal to the product derived by multiplying the municipal corporation's percentage of the total amount distributed to all such municipal corporations under this division during calendar year 2007 by the total amount available for distribution to municipal corporations during the current month.

(3) Payments received by a municipal corporation under this division shall be paid into its general fund and may be used for any lawful purpose.

(4) The amount distributed to municipal corporations under this division during any calendar year shall not exceed the amount distributed directly from the local government fund to municipal corporations during calendar year 2007. If that maximum amount is reached during any month, distributions to municipal corporations in that month shall be as provided in divisions (C)(1) and (2) of this section, but no further distributions shall be made to municipal corporations under division (C) of this section during the remainder of the calendar year.

(5) Upon being informed of a municipal corporation's dissolution, the tax commissioner shall cease providing for payments to that municipal corporation under division (C) of this section. The proportionate shares of the total amount available for distribution to each of the remaining municipal corporations under this division shall be increased on a pro rata basis.
The tax commissioner shall reduce payments under division (C) of this section to municipal corporations for which reduced payments are required under section 5747.502 of the Revised Code.

(D) Each municipal corporation which has in effect a tax imposed under Chapter 718. of the Revised Code shall, no later than the thirty-first day of August of each year, certify to the tax commissioner, on a form prescribed by the commissioner, the amount of income tax revenue collected and refunded by such municipal corporation pursuant to such chapter during the preceding calendar year, arranged, when possible, by the type of income from which the revenue was collected or the refund was issued. The municipal corporation shall also report the amount of income tax revenue collected and refunded on behalf of a joint economic development district or a joint economic development zone that levies an income tax administered by the municipal corporation and the amount of such revenue distributed to contracting parties during the preceding calendar year. The tax commissioner may withhold payment of local government fund moneys pursuant to division (C) of this section from any municipal corporation for failure to comply with this reporting requirement.

Sec. 5747.501. (A) On or before the twenty-fifth day of July of each year, the tax commissioner shall estimate and certify to each county auditor the amount to be distributed from the local government fund to each undivided local government fund during the following calendar year under section 5747.50 of the Revised Code. The estimate shall equal the sum of the separate amounts computed under divisions (B)(1) and (2) of this section On or after the first day of December, but not later than the thirty-first day of December, the commissioner may also estimate the amount to be distributed from the local government fund to each undivided local government fund during the following calendar year under sections 5747.50 and 5747.504 of the Revised Code. If estimates are
produced in December, the commissioner is not required to certify
the estimates to county auditors, but shall make the estimates
available on the web site established by the commissioner under
section 5703.49 of the Revised Code.

The estimated amount to be distributed to each county under
section 5747.50 of the Revised Code shall equal one of the
following amounts:

(1) The amount computed for the county under division (B)(1)
of this section, if the amount determined under division (B)(1)(b)
of this section is greater than the amount determined under
division (B)(2)(b) of this section.

(2) The amount computed for the county under division (B)(2)
of this section, if the amount determined under division (B)(2)(b)
of this section is greater than the amount determined under
division (B)(1)(b) of this section.

(B)(1) The product obtained by multiplying the percentage
described in division (B)(1)(a) of this section by the amount
described in division (B)(1)(b) of this section.

(a) Each county's proportionate share of the total amount
distributed to the counties from the local government fund and the
local government revenue assistance fund under section 5747.50 of
the Revised Code during calendar year 2007 2017. In fiscal year
2014 and thereafter, the amount distributed to any county
undivided local government fund shall be an amount not less than
seven hundred fifty thousand dollars or the amount distributed to
such fund in fiscal year 2013, whichever amount is smaller. To the
extent necessary to implement this minimum distribution
requirement, the proportionate shares computed under this division
shall be adjusted accordingly.

(b) The lesser of the amounts in division (B)(1)(b)(i) or
(ii) of this section.
(i) The total amount distributed to counties from the local
government fund and the local government revenue assistance fund
during calendar year 2007, adjusted downward if, and to the extent
that, total local government fund distributions to counties for
the following year are projected to be less than what was
distributed to counties from the local government fund and local
government revenue assistance fund during calendar year 2007
multiplied by (I) ninety-five per cent, for distributions to be
made in calendar year 2018 or (II) ninety per cent, for
distributions made in calendar year 2019 or thereafter.

(ii) The total amount projected to be available for
distribution from the local government fund after the
distributions required by section 5747.503 of the Revised Code.

(2) The product obtained by multiplying the percentage
described in division (B)(2)(a) of this section by the amount
described in division (B)(2)(b) of this section.

(a) Each county's proportionate share of the state's
population as reflected in the most recent federal decennial
census or the federal government's most recent census estimates,
whichever represents the most recent year total amount distributed
to counties from the local government fund under section 5747.50

(ii) If the amount in division (B)(2)(b) of this section
exceeds the total amount distributed to counties during calendar
year 2017 under section 5747.50 of the Revised Code, each county's
proportionate share of the total amount distributed to counties
from the local government fund under section 5747.50 of the
Revised Code during calendar year 2011, provided that, if
necessary, all such proportionate shares shall be proportionately
adjusted to ensure that each county receives at least the lesser
of (I) seven hundred fifty thousand dollars or (II) the amount
of
distributed to the county in calendar year 2011.

(b) The amount by which total estimated distributions from the local government fund during the immediately succeeding calendar year, less the total estimated amount to be distributed from the fund to municipal corporations under division (C) of section 5747.50 of the Revised Code during the immediately succeeding calendar year, exceed the total amount distributed to counties from the local government fund and local government revenue assistance fund during calendar year 2007. Eighty per cent of the total amount projected to be available for distribution from the local government fund during the calendar year after the distributions required by section 5747.503 of the Revised Code.

Sec. 5747.502. (A) As used in this section:

(1) "Delinquent subdivision" means a municipal corporation, township, or county that has not filed a report or signed statement under section 4511.0915 of the Revised Code, as required under that section.

(2) "Noncompliant subdivision" means a municipal corporation, township, or county that files a report under division (A)(1) of section 4511.0915 of the Revised Code for the most recent calendar quarter.

(B)(1)(a) Upon receiving notification of a delinquent subdivision under division (C)(2) of section 4511.0915 of the Revised Code, the tax commissioner shall do both of the following:

(i) If the delinquent subdivision is a municipal corporation, cease providing for payments to the municipal corporation under division (C) of section 5747.50 of the Revised Code, beginning with the next required payment;

(ii) Immediately notify the county auditor and county treasurer required to provide for payments to the
delinquent subdivision from a county undivided local government fund that such payments are to cease until the tax commissioner notifies the auditor and treasurer under division (B)(3)(a)(ii) of this section.

(b) A county treasurer receiving the notice under division (B)(1)(a)(ii) of this section shall cease providing for payments to the delinquent subdivision from a county undivided local government fund, beginning with the next required payment.

(2)(a) Upon receiving notification that a county, township, or municipal corporation is no longer a delinquent subdivision under division (C)(3) of section 4511.0915 of the Revised Code, the tax commissioner shall do both of the following:

(i) If the formerly delinquent subdivision is a municipal corporation, begin providing for payments to the municipal corporation as required under division (C) of section 5747.50 of the Revised Code, beginning with the next required payment.

(ii) Immediately notify the county auditor and county treasurer who ceased payments to the formerly delinquent subdivision under division (B)(1)(b) of this section that the treasurer shall begin providing for payment from a county undivided local government fund to the formerly delinquent subdivision under section 5747.51 or 5747.53 of the Revised Code.

(b) A county treasurer receiving notice under division (B)(2)(a)(ii) of this section shall provide for payments to the formerly delinquent subdivision from a county undivided local government fund, beginning with the next required payment.

(C)(1) Upon receiving notification of a noncompliant subdivision under division (C)(1) of section 4511.0915 of the Revised Code, the tax commissioner shall do both of the following:

(a) If the delinquent subdivision is a municipal corporation, reduce the amount of each of the next three local government fund
payments the noncompliant subdivision would otherwise receive under division (C) of section 5747.50 of the Revised Code in an amount equal to one-third of the gross amount of fines reported by the noncompliant subdivision on the report filed for the calendar quarter.

(b) If the reduction described in division (C)(1)(a) of this section exceeds the amount of money the noncompliant subdivision would otherwise receive under division (C) of section 5747.50 of the Revised Code, immediately notify the county auditor and county treasurer required to provide for payments to the noncompliant subdivision from a county undivided local government fund that each of the next three such payments are to be reduced to that subdivision in an amount equal to one-third of that excess.

(2) A county treasurer receiving notice under division (C)(1)(b) of this section shall reduce the payments to the noncompliant subdivision from a county undivided local government fund as required by the notice.

(D)(1) The tax commissioner shall provide for payment of an amount equal to amounts withheld from municipal corporations under divisions (B)(1)(a)(i) and (C)(1)(a) of this section to the undivided local government fund of the county from which the municipal corporation receives payments under section 5747.51 or 5747.53 of the Revised Code. The county treasurer shall distribute that money among subdivisions that are not delinquent or noncompliant subdivisions and that are entitled to receive distributions under those sections by increasing each such subdivision's distribution on a pro rata basis.

(2) A county treasurer shall distribute any amount withheld from a delinquent or noncompliant subdivision under division (B)(1)(b) or (C)(2) of this section among other subdivisions that are not delinquent or noncompliant subdivisions by increasing each such subdivision's distribution from the county's undivided local government fund.
government fund on a pro rata basis.

(D) A county, township, or municipal corporation receiving an increased distribution under division (B) or (C) of this section shall use such money for the current operating expenses of the subdivision.

Sec. 5747.503. (A) On or before the tenth day of each month, the tax commissioner shall provide for payment to each county undivided local government fund of a supplement for townships. The commissioner shall determine the amounts paid to each fund as follows:

(1) Four hundred sixteen thousand six hundred sixty-six dollars and sixty-seven cents shall be divided among every county fund so that each township in the state receives an equal amount.

(2) Four hundred sixteen thousand six hundred sixty-six dollars and sixty-six cents shall be divided among every county fund so that each township receives a proportionate share based on the proportion that the total township road miles in the township is of the total township road miles in all townships in the state.

(B) (1) As used in this division, "qualifying village" means a village with a population of less than one thousand according to the most recent federal decennial census.

(2) On or before the tenth day of each month, the tax commissioner shall provide for payment to each county undivided local government fund of a supplement for qualifying villages. The commissioner shall determine the amounts paid to each fund as follows:

(a) Eighty-three thousand three hundred thirty-three dollars and thirty-four cents shall be divided among every county fund so that each qualifying village in the state receives an equal amount.
(b) Eighty-three thousand three hundred thirty-three dollars and thirty-three cents shall be divided among every county fund so that each qualifying village receives a proportionate share based on the proportion that the total village road miles in the qualifying village is of the total village road miles in all qualifying villages in the state.

(C) The tax commissioner shall separately identify to the county treasurer the amounts to be allocated to each township under divisions (A)(1) and (2) of this section and to each qualifying village under divisions (B)(2)(a) and (b) of this section. The treasurer shall transfer those amounts to townships and qualifying villages from the undivided local government fund.

(D) The tax commissioner shall update the road mile information used to determine payments under divisions (A) and (B) of this section at least once every five years, and may update such information more often at the commissioner's discretion.

Sec. 5747.504. (A) As used in this section:

(1) "Available direct distribution base" means the amount available for distribution in a month from the local government fund after amounts are distributed pursuant to sections 5747.50 and 5747.503 of the Revised Code, subject to the adjustments required by divisions (A)(1)(a) and (b) of this section.

(a) If the calculation required by division (B)(2) of section 5747.50 of the Revised Code, before application of division (B)(2)(c)(ii) of that section, would result in an available direct distribution base equal to an amount less than zero, the available direct distribution base in that month shall be adjusted to equal zero. The total amount of that adjustment shall be divided by six and the resulting quotient shall be deducted from the available direct distribution base for each of the first six months of the next calendar year.
(b) If the calculation required by division (B)(2) of section 5747.50 of the Revised Code results in an adjustment required by division (B)(2)(c)(i) of that section, the total amount of such adjustment shall be divided by six and the resulting quotient shall be added to the available direct distribution base for each of the first six months of the next calendar year.

(2) "Qualifying village" means a village that has levied an income tax and has certified the rate of its tax to the tax commissioner pursuant to section 5745.03 of the Revised Code for at least three of the immediately preceding taxable years.

(3) "Assigned value" means one of the following:

(a) For counties, the product obtained by multiplying the amount in division (A)(3)(a)(i) of this section by the amount in division (A)(3)(a)(ii) of this section.

(i) The fraction obtained by dividing the county's population by the total population of all counties;

(ii) The sum of (I) the fraction obtained by dividing the statewide average annual per capita taxable sales by the county's average annual per capita taxable sales, as determined under section (B)(1) of this section, multiplied by eighty per cent, and (II) the fraction obtained by dividing the statewide average annual per capita taxable property value by the county's average annual per capita taxable property value, as determined under division (B)(3) of this section, multiplied by twenty per cent.

(b) For cities, the product obtained by multiplying the amount in division (A)(3)(b)(i) of this section by the amount in division (A)(3)(b)(ii) of this section.

(i) The fraction obtained by dividing the city's population by the total population of all cities;

(ii) The fraction obtained by dividing the statewide average.
annual per capita municipal effective taxable income by the city's average annual per capita municipal effective taxable income, as determined under division (B)(2) of this section. In the case of a city that did not levy an income tax for at least one of the three preceding calendar years, the value determined under this section shall be one.

(c) For villages, the product obtained by multiplying the amount in division (A)(3)(c)(i) of this section by the amount in division (A)(3)(c)(ii) or (iii) of this section, as appropriate.

(i) The fraction obtained by dividing the village's population by the total population of all villages;

(ii) In the case of qualifying villages, the fraction obtained by dividing the statewide average annual per capita municipal effective taxable income by the village's average annual per capita municipal effective taxable income, as determined under division (B)(2) of this section.

(iii) In the case of all other villages, the fraction obtained by dividing the statewide average annual per capita taxable property value by the village's average annual per capita taxable property value, as determined under division (B)(3) of this section.

(d) For townships, the product obtained by multiplying the amount in division (A)(3)(d)(i) of this section by the amount in division (A)(3)(d)(ii) of this section.

(i) The fraction obtained by dividing the township's population by the total population of all townships;

(ii) The fraction obtained by dividing the statewide average annual per capita taxable property value by the township's average annual per capita taxable property value, as determined under division (B)(3) of this section.
(4) "Capacity share" means one of the following:

(a) For counties, the fraction obtained by dividing the county's assigned value for that year by the total assigned values of all counties for that year.

(b) For cities, the fraction obtained by dividing the city's assigned value for that year by the total assigned values of all cities for that year.

(c)(i) For qualifying villages, the fraction obtained by dividing the qualifying village's assigned value for that year by the total assigned values of all qualifying villages for that year.

(ii) For all other villages, the fraction obtained by dividing the village's assigned value for that year by the total assigned values of all villages that were not qualifying villages for that year.

(d) For townships, the fraction obtained by dividing the township's assigned value for that year by the total assigned values of all townships for that year.

(5) "Calculation period" means the five-year period beginning on the first day of the fifth year before the year in which the tax commissioner makes the determinations required under division (B) of this section.

(6) "Population" means population according to the most recent federal decennial census.

(B) On or before the thirty-first day of December of each year, the tax commissioner shall determine all of the following amounts:

(1)(a) The "average annual taxable sales" made in each county during the calculation period, which shall be computed by adding together the county's estimated taxable sales for all of the years
of the calculation period, and dividing that sum by five. The commissioner shall develop and use a standard methodology for calculating estimated taxable sales made in each county based on sales tax distributions to counties, but may make adjustments as deemed necessary to produce reasonable estimates.

(b) The "average annual per capita taxable sales" made in each county, which shall equal the county's average annual taxable sales determined for that year, divided by the county's population.

(c) The "statewide average annual per capita taxable sales" for that year, which is calculated by adding together the amounts determined in division (B)(1)(a) of this section for all counties, and dividing that sum by the total population of the state.

(2)(a) The "municipal tax liability" due in each municipal corporation that levies an income tax for a taxable year, which shall equal the total income taxes due from all taxpayers to a municipal corporation for that year, after allowing for any credits to which such taxpayers were entitled during that year, but prior to applying estimated tax payments, withholding payments, or credits from another year.

On or before the thirty-first day of August of each year, each municipal corporation shall certify to the commissioner, in the manner prescribed by the commissioner, the municipal tax liability of the municipal corporation for the immediately preceding taxable year. Certification is required even if the municipal corporation did not levy an income tax during that taxable year. A municipal corporation that does not provide a certification required by this division or division (F) of section 5745.03 of the Revised Code in a year shall not receive any distribution under this section during the following year.

(b) The "municipal effective taxable income" of each such
municipal corporation for a taxable year, which shall equal the municipal corporation's municipal tax liability for that year divided by the income tax rate in effect in that municipal corporation for that year.

The commissioner shall develop and use a standard methodology for calculating municipal effective taxable income, but may make adjustments as deemed necessary to produce reasonable estimates. The commissioner may use a reasonable alternative to municipal tax liability at the commissioner's discretion.

(c) A municipal corporation's "average annual municipal effective taxable income" which shall be computed by adding together the municipal corporation's municipal effective taxable income for all of the years of the calculation period, and dividing that sum by five. If a municipal corporation did not levy an income tax for all five years of the calculation period, the computation shall be adjusted to reflect only the years in which a tax was levied.

(d) The "average annual per capita municipal effective taxable income" of each municipal corporation, which shall equal the municipal corporation's average annual municipal effective taxable income determined for that year, divided by the municipal corporation's population.

(e) The "statewide average annual per capita municipal effective taxable income of cities" for that year, which is calculated by adding together the amounts determined for all cities under division (B)(2)(c) of this section, and dividing that sum by the total population of all of the cities included in determining that sum.

(f) The "statewide average annual per capita municipal effective taxable income of villages" for that year, which is calculated by adding together the amounts determined for all
qualifying villages under division (B)(2)(c) of this section, and dividing that sum by the total population of all of the qualifying villages included in determining that sum.

(3)(a) The "taxable property value" of each township, each village that is not a qualifying village, and each county, which shall equal the total amount of taxable property listed on the general tax list of real and public utility property of that political subdivision for the preceding tax year.

(b) The "average annual taxable property value" of each township, each village that is not a qualifying village, and each county, which shall be computed by adding together the political subdivision's taxable property value for all of the years of the calculation period, and dividing that sum by five.

(c) The "average annual per capita taxable property value" of each township, each village that is not a qualifying village, and each county, which shall equal the political subdivision's average annual taxable property value determined for that year, divided by the political subdivision's population.

(d) The "average annual per capita taxable property value of counties" for that year, which is calculated by adding together the amounts determined for all counties under division (B)(3)(b) of this section, and dividing that sum by the total population of all counties.

(e) The "average annual per capita taxable property value of villages" for that year, which is calculated by adding together the amounts determined for all villages under division (B)(3)(b) of this section, and dividing that sum by the total population of all of the villages included in determining that sum.

(f) The "average annual per capita taxable property value of townships" for that year, which is calculated by adding together the amounts determined for all townships under division (B)(3)(b)
of this section, and dividing that sum by the total population of all of the townships.

(C) On or before the tenth day of each month, the tax commissioner shall provide for payment to each county, municipal corporation, and township of one of the following amounts:

(1) For counties, the product of (a) thirty-seven and three-tenths per cent of the available direct distribution base for that month and (b) the county's capacity share.

(2) For cities, the product of (a) forty-seven and seven-tenths per cent of the available direct distribution base for that month and (b) the city's capacity share.

(3) For qualifying villages, the product of (a) three and seven-tenths per cent of the available direct distribution base for that month and (b) the qualifying village's capacity share.

(4) For all other villages, the product of (a) one and one-half per cent of the available direct distribution base for that month and (b) the village's capacity share.

(5) For townships, the product of (a) nine and four-fifths per cent of the available direct distribution base for that month and (b) the township's capacity share.

(D) All money received into the treasury of a political subdivision from the local government fund under this section shall be paid into the general fund and used for the current operating expenses of the subdivision.

Sec. 5747.51. (A) On or before the twenty-fifth day of July of each year, the tax commissioner shall make and certify to the county auditor of each county an estimate of the amount of the local government fund to be allocated to the undivided local government fund of each county for the ensuing calendar year, adjusting the total as required to account for subdivisions.
receiving local government funds under section 5747.502 of the Revised Code.

(B) At each annual regular session of the county budget commission convened pursuant to section 5705.27 of the Revised Code, each auditor shall present to the commission the certificate of the commissioner, the annual tax budget and estimates, and the records showing the action of the commission in its last preceding regular session. The commission, after extending to the representatives of each subdivision an opportunity to be heard, under oath administered by any member of the commission, and considering all the facts and information presented to it by the auditor, shall determine the amount of the undivided local government fund needed by and to be apportioned to each subdivision for current operating expenses, as shown in the tax budget of the subdivision. This determination shall be made pursuant to divisions (C) to (I) of this section, unless the commission has provided for a formula pursuant to section 5747.53 of the Revised Code. The commissioner shall reduce or increase the amount of funds from the undivided local government fund to a subdivision required to receive reduced or increased funds under section 5747.502 of the Revised Code.

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

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

(D) From the combined total of expenditures calculated 
pursuant to division (C) of this section, the commission shall 
deduct the following expenditures, if included in these funds in 
the tax budget:

(1) Expenditures for permanent improvements as defined in 
division (E) of section 5705.01 of the Revised Code;

(2) In the case of counties and townships, transfers to the 
road and bridge fund, and in the case of municipalities, transfers 
to the street construction, maintenance, and repair fund and the 
state highway improvement fund;

(3) Expenditures for the payment of debt charges;

(4) Expenditures for the payment of judgments.

(E) In addition to the deductions made pursuant to division 
(D) of this section, revenues accruing to the general fund and any 
special fund considered under division (C) of this section from 
the following sources shall be deducted from the combined total of 
expenditures calculated pursuant to division (C) of this section:

(1) Taxes levied within the ten-mill limitation, as defined 
in section 5705.02 of the Revised Code;

(2) The budget commission allocation of estimated county 
public library fund revenues to be distributed pursuant to section 
5747.48 of the Revised Code;

(3) Estimated unencumbered balances as shown on the tax 
budget as of the thirty-first day of December of the current year 
in the general fund, but not any estimated balance in any special
fund considered in division (C) of this section; 87976

(4) Revenue, including transfers, shown in the general fund 87977
and any special funds other than special funds established for 87978
road and bridge; street construction, maintenance, and repair; 87979
state highway improvement; and gas, water, sewer, and electric 87980
public utilities, from all other sources except those that a 87981
subdivision receives from an additional tax or service charge voted by its electorate or receives from special assessment or 87982
revenue bond collection. For the purposes of this division, where 87983
the charter of a municipal corporation prohibits the levy of an income tax, an income tax levied by the legislative authority of 87984
such municipal corporation pursuant to an amendment of the charter of that municipal corporation to authorize such a levy represents an additional tax voted by the electorate of that municipal corporation. For the purposes of this division, any measure adopted by a board of county commissioners pursuant to section 322.02, 4504.02, or 5739.021 of the Revised Code, including those measures upheld by the electorate in a referendum conducted pursuant to section 322.021, 4504.021, or 5739.022 of the Revised Code, shall not be considered an additional tax voted by the electorate. 87987

Subject to division (G) of section 5705.29 of the Revised Code, money in a reserve balance account established by a county, 87988
township, or municipal corporation under section 5705.13 of the Revised Code shall not be considered an unencumbered balance or revenue under division (E)(3) or (4) of this section. Money in a reserve balance account established by a township under section 5705.132 of the Revised Code shall not be considered an unencumbered balance or revenue under division (E)(3) or (4) of this section. 87989

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

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

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

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

Percentage of municipal population within the county: Percentage share of the county shall not exceed:
Less than forty-one per cent  Sixty per cent  88039
Forty-one per cent or more but less than eighty-one per cent  Fifty per cent  88040
Eighty-one per cent or more  Thirty per cent  88041

Where the proportionate share of the county exceeds the limitations established in this division, the budget commission shall adjust the proportionate shares determined pursuant to this division so that the proportionate share of the county does not exceed these limitations, and it shall increase the proportionate shares of all other subdivisions on a pro rata basis. In counties having a population of less than one hundred thousand, not less than ten per cent shall be distributed to the townships therein.

(I) The proportionate share of each subdivision in the undivided local government fund determined pursuant to division (H) of this section for any calendar year shall not be less than the product of the average of the percentages of the undivided local government fund of the county as apportioned to that subdivision for the calendar years 1968, 1969, and 1970, multiplied by the total amount of the undivided local government fund of the county apportioned pursuant to former section 5735.23 of the Revised Code for the calendar year 1970. For the purposes of this division, the total apportioned amount for the calendar year 1970 shall be the amount actually allocated to the county in 1970 from the state collected intangible tax as levied by section 5707.03 of the Revised Code and distributed pursuant to section 5725.24 of the Revised Code, plus the amount received by the county in the calendar year 1970 pursuant to division (B)(1) of former section 5739.21 of the Revised Code, and distributed pursuant to former section 5739.22 of the Revised Code. If the total amount of the undivided local government fund for any calendar year is less than the amount of the undivided local government fund apportioned pursuant to former section 5739.23 of the Revised Code for the calendar year 1970, the minimum amount
guaranteed to each subdivision for that calendar year pursuant to
this division shall be reduced on a basis proportionate to the
amount by which the amount of the undivided local government fund
for that calendar year is less than the amount of the undivided
local government fund apportioned for the calendar year 1970.

(J) On the basis of such an apportionment determined under
this section or section 5747.53 of the Revised Code, the county
auditor shall compute the percentage share of each such
subdivision in the undivided local government fund and shall at
the same time certify to the tax commissioner the percentage share
of the county as a each such subdivision. No payment shall be made
from the undivided local government fund, except in accordance
with such percentage shares.

Each calendar year, the commissioner shall collect from the
auditor information pertaining to the distributions made from the
undivided local government fund during the previous calendar year
to each subdivision, including the amounts distributed and other
pertinent details requested by the commissioner. If the auditor
fails to provide such information, money allocated to the county
from the local government fund may be withheld until such time as
the auditor has provided the required information.

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

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

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

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

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

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

(1) Either the retirement income credit under division (B) of section 5747.055 of the Revised Code or the lump sum retirement income credits under divisions (C), (D), and (E) of that section;
(2) Either the senior citizen credit under division (F) of section 5747.055 of the Revised Code or the lump sum distribution credit under division (G) of that section;

(3) The dependent care credit under section 5747.054 of the Revised Code;

(4) The low-income credit under section 5747.056 of the Revised Code;

(5) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;

(6) The campaign contribution credit under section 5747.29 of the Revised Code;

(7) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;

(8) The joint filing credit under division (G) of section 5747.05 of the Revised Code;

(9) The earned income credit under section 5747.71 of the Revised Code;

(10) The credit for adoption of a minor child under section 5747.37 of the Revised Code;

(11) The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;

(12) The enterprise zone credit under section 5709.66 of the Revised Code;

(13) The ethanol plant investment credit under section 5747.75 of the Revised Code;

(14) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;

(15) The small business investment credit under section 5747.81 of the Revised Code;
(16) (15) The enterprise zone credits under section 5709.65 of the Revised Code;

(17) (16) The research and development credit under section 5747.331 of the Revised Code;

(18) (17) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;

(19) (18) The nonresident credit under division (A) of section 5747.05 of the Revised Code;

(20) (19) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;

(21) (20) The refundable motion picture production credit under section 5747.66 of the Revised Code;

(22) (21) The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;

(23) (22) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;

(24) (23) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;

(25) (24) The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;

(26) (25) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;

(27) (26) The refundable credit for financial institution taxes paid by a pass-through entity granted under section 5747.65 of the Revised Code.

(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (H) of...
section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the taxpayer's aggregate amount of tax due under section 5747.02 of the Revised Code, after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.

Sec. 5748.10. (A) As used in this section:

(1) "School district consolidation" means a consolidation of some or all of the territories of two or more school districts by transfer, merger, joinder, or creation pursuant to any of such procedures under Chapter 3311. of the Revised Code.

(2) "Surviving school district" means a school district into which territory of another school district will be consolidated pursuant to a school district consolidation.

(3) "Identification number" means the number designated by the tax commissioner for the purpose of enabling a taxpayer to identify the taxpayer's school district of residence pursuant to rules adopted by the commissioner in accordance with section 5747.04 of the Revised Code.

(B) On or before ninety days before the effective date of a school district consolidation, the board of education of a surviving school district that levies a school district income tax pursuant to a resolution that will be in effect on and after that effective date shall notify the tax commissioner in writing of all of the following:

(1) The name and identification number of each of the school districts involved in the consolidation, designating which is the
surviving school district;

(2) The effective date of the consolidation;

(3) The rate of school district income tax levied by the surviving school district and, if applicable, any of the other school districts, pursuant to a resolution levying such a tax that will be in effect on and after the effective date of the consolidation.

(C) School district income tax shall be levied on the school district income of residents of a school district resulting from a school district consolidation pursuant to a resolution, if any, levying such a tax on such income of the surviving school district's residents adopted by the board of education of that district and in effect on and after that effective date. Nothing in this division prohibits the board of education of a school district from amending or adopting a resolution to levy a school district income tax in accordance with this chapter after a school district consolidation.

Sec. 5749.01. As used in this chapter:

(A) "Ton" shall mean two thousand pounds as measured at the point and time of severance, after the removal of any impurities, under such rules and regulations as the tax commissioner may prescribe.

(B) "Taxpayer" means any person required to pay the tax levied by Chapter 5749. of the Revised Code.

(C) "Natural resource" means all forms of coal, salt, limestone, dolomite, sand, gravel, natural gas, and oil condensate, and natural gas liquids.

(D) "Owner," has "exempt domestic well," "oil," and "condensate," have the same meaning as in section 1509.01 of the Revised Code.
(E) "Person" means any individual, firm, partnership, association, joint stock company, corporation, or estate, or combination thereof.

(F) "Return" means any report or statement required to be filed pursuant to Chapter 5749 of the Revised Code used to determine the tax due.

(G) "Severance" means the extraction or other removal of a natural resource from the soil or water of this state.

(H) "Severed" means the point at which the natural resource has been separated from the soil or water in this state.

(I) "Severer" means any person who actually removes the natural resources from the soil or water in this state.

(J) "Gas" means all hydrocarbons that are in a gaseous state at standard temperature and pressure.

(K) "Natural gas liquids" means hydrocarbons separated from gas, including ethane, propane, butanes, pentanes, hexanes, and natural gasolines.

(L) "Average quarterly spot price" means the following:

(1) For oil, the average of each day's closing spot price reported for one barrel of crude oil for the calendar quarter that begins six months before the current calendar quarter, as reported by a publicly available source determined by the commissioner;

(2) For gas, the average of each day's closing spot price reported for one thousand cubic feet of natural gas for the calendar quarter that begins six months before the current calendar quarter, as reported by a publicly available source determined by the commissioner;

(3) For condensate, the average of each day's closing spot price reported for one barrel of Appalachian condensate for the calendar quarter that begins six months before the current
calendar quarter, as reported by a source determined by the commissioner:

(4) For natural gas liquids, the average of each day's closing spot price reported for one million British thermal units of natural gas plant liquids composite for the calendar quarter that begins six months before the current calendar quarter, as reported by a publicly available source determined by the commissioner.

(M) "Former section 1509.50 of the Revised Code" means section 1509.50 of the Revised Code as it existed before its repeal by ...B... of the 131st general assembly.

Sec. 5749.02. (A) For the purpose of providing revenue to administer the state's coal mining and reclamation regulatory program, to meet the environmental and resource management needs of this state, to provide revenue to the general revenue fund, and to reclaim land affected by mining, an excise tax is hereby levied on the privilege of engaging in the severance of natural resources from the soil or water of this state. The tax shall be imposed upon the severer at the rates prescribed by divisions (A)(1) to (9) of this section:

(1) Ten cents per ton of coal;

(2) Four cents per ton of salt;

(3) Two cents per ton of limestone or dolomite;

(4) Two cents per ton of sand and gravel;

(5) Ten cents per barrel of oil;

(6) Two and one-half cents per thousand cubic feet of natural gas;

(7) Six and one-half per cent of the product of the total volume of oil severed during the calendar quarter multiplied by
the average quarterly spot price for oil applicable to that quarter; 88310

(6) (a) For gas that enters the natural gas distribution system without further processing, six and one-half per cent of the product of the total volume of such gas severed during the calendar quarter multiplied by the average quarterly spot price for gas applicable to that quarter; 88311

(b) For gas other than that described in division (A)(6)(a) of this section, four and one-half per cent of the product of the total volume of such gas after the gas is processed during the calendar quarter, regardless of where the processing facility is located, multiplied by the average quarterly spot price for gas applicable to that quarter. 88312

(7) Six and one-half per cent of the product of the volume of condensate collected during the calendar quarter at a point other than the wellhead, regardless of where title is transferred, multiplied by the average quarterly spot price for condensate applicable to that quarter; 88313

(8) Four and one-half per cent of the product of the volume of natural gas liquids collected during the calendar year at a point other than the wellhead, regardless of where title is transferred, multiplied by the average quarterly spot price for natural gas liquids applicable to that quarter; 88314

(9) One cent per ton of clay, sandstone or conglomerate, shale, gypsum, or quartzite; 88315

(10) Except as otherwise provided in this division or in rules adopted by the reclamation forfeiture fund advisory board under section 1513.182 of the Revised Code, an additional fourteen cents per ton of coal produced from an area under a coal mining and reclamation permit issued under Chapter 1513. of the Revised Code for which the performance security is provided under division.
(C) (2) of section 1513.08 of the Revised Code. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the reclamation forfeiture fund created in section 1513.18 of the Revised Code is equal to or greater than ten million dollars, the rate levied shall be twelve cents per ton. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the fund is at least five million dollars, but less than ten million dollars, the rate levied shall be fourteen cents per ton. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the fund is less than five million dollars, the rate levied shall be sixteen cents per ton. Beginning July 1, 2009, not later than thirty days after the close of a fiscal biennium, the chief of the division of mineral resources management shall certify to the tax commissioner the amount of the balance of the reclamation forfeiture fund as of the close of the fiscal biennium. Any necessary adjustment of the rate levied shall take effect on the first day of the following January and shall remain in effect during the calendar biennium that begins on that date.

(9) (11) An additional one and two-tenths cents per ton of coal mined by surface mining methods.

(B) After the director of budget and management transfers money from the severance tax receipts fund as required in division (H) of section 5749.06 of the Revised Code, money remaining in the severance tax receipts fund, except for money in the fund from the amounts due under section 1509.50 of the Revised Code, shall be credited as follows:

(1) Of all of the moneys in the fund from the tax levied in division (A)(1) of this section, four and seventy-six hundredths per cent shall be credited to the geological mapping fund created in section 1505.09 of the Revised Code, eighty and ninety-five hundredths per cent shall be credited to the coal mining administration and reclamation reserve fund created in
section 1513.181 of the Revised Code, and fourteen and
twenty-nine hundredths per cent shall be credited to the
unreclaimed lands mining regulation and safety fund created in
section 1513.30 of the Revised Code.

(2) The money in the fund from the tax levied in division
(A)(2) of this section shall be credited to the geological mapping
mining regulation and safety fund.

(3) Of the moneys in the fund from the tax levied in
divisions (A)(3) and (4) of this section, seven and five-tenths per cent shall be credited to the geological mapping fund,
forty-two and five-tenths per cent shall be credited to the
unreclaimed lands fund, and the remainder shall be credited to the
surface mining regulation and safety fund created in section
1514.06 1513.30 of the Revised Code.

(4) Of all of the moneys in the fund from the tax levied in
divisions (A)(5) and (6) to (8) of this section, ninety per cent shall be credited to the oil and gas well general revenue fund created in section 1509.02 of the Revised Code and ten per cent shall be credited to the geological mapping fund. All

(5) All of the moneys in the fund from the tax levied in
division (A)(7) of this section shall be credited to the
surface mining regulation and safety fund.

(6) All of the moneys in the fund from the tax levied in
division (A)(8) of this section shall be credited to the reclamation forfeiture fund.

(7) All of the moneys in the fund from the tax levied in
division (A)(9) of this section shall be credited to the
unreclaimed lands mining regulation and safety fund.

(C) When, at the close of any fiscal year, the chief finds
that the balance of the reclamation forfeiture fund, plus
estimated transfers to it from the coal mining administration and
reclamation reserve fund under section 1513.181 of the Revised Code, plus the estimated revenues from the tax levied by division (A)(8)(10) of this section for the remainder of the calendar year that includes the close of the fiscal year, are sufficient to complete the reclamation of all lands for which the performance security has been provided under division (C)(2) of section 1513.08 of the Revised Code, the purposes for which the tax under division (A)(8)(10) of this section is levied shall be deemed accomplished at the end of that calendar year. The chief, within thirty days after the close of the fiscal year, shall certify those findings to the tax commissioner, and the tax levied under division (A)(8)(10) of this section shall cease to be imposed for the subsequent calendar year after the last day of that calendar year on coal produced under a coal mining and reclamation permit issued under Chapter 1513. of the Revised Code if the permittee has made tax payments under division (A)(8)(10) of this section during each of the preceding five full calendar years. Not later than thirty days after the close of a fiscal year, the chief shall certify to the tax commissioner the identity of any permittees who accordingly no longer are required to pay the tax levied under division (A)(8)(10) of this section for the subsequent calendar year.

(D) On or before the last day of the first month of each calendar quarter, the tax commissioner shall certify and post to the department of taxation's web site the average quarterly spot price applicable to oil, gas, condensate, and natural gas liquids for that quarter.

Sec. 5749.03. The following Natural resources severed from an exempt domestic well shall be exempt from the tax imposed by section 5749.02 of the Revised Code and the amount due under section 1509.50 of the Revised Code:
The severance of natural resources from land or water in this state owned legally or beneficially by the severer, which natural resources will be used on the land from which they are taken by the severer as part of the improvement of or use in the severer's homestead and which have a yearly cumulative market value of not greater than one thousand dollars. When severed natural resources so used exceed a cumulative market value of one thousand dollars during any year, the further severance of natural resources shall be subject to the tax imposed by section 5749.02 of the Revised Code.

Sec. 5749.04. No severer shall sever or sell a natural resource in this state without first having obtained a license or permit therefor from or having registered with the department of natural resources.

Unless the severer has obtained a license or permit from another department of this state, the license or permit shall be issued by the tax commissioner upon receipt of a completed application on a form which he shall prescribe. The license or permit shall become effective on the date the application is accepted by the commissioner, who shall notify the applicant in writing of the acceptance, and shall remain in effect until such time as the commissioner revokes the license or permit. The commissioner may request that the department of natural resources revoke the license or permit or registration of a severer or owner if he finds that the applicant has failed to fully and truthfully complete the application or has failed to pay the tax required by comply with former section 1509.50 or Chapter 5749. of the Revised Code.

The fee charged for the license or permit shall be fifty dollars. The remittance for such fee shall accompany the application and shall be made payable to the treasurer of state.

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for deposit in the general revenue fund. Upon receipt of such a request, that officer may revoke the permit or registration.

Except as provided in section 5749.03 of the Revised Code, before severing a natural resource each severer shall file an application with the commissioner on a form prescribed by the commissioner to establish a severance tax account. The application may require the severer to disclose any information the commissioner considers necessary to establish that account.

Sec. 5749.06. (A)(1) Each severer liable for the tax imposed by section 5749.02 of the Revised Code and each severer or owner liable for the amounts due under section 1509.50 of the Revised Code shall make and file returns with the tax commissioner in the prescribed form and as of at the prescribed times, computing and reflecting therein the tax as required by this chapter and amounts due under section 1509.50 of the Revised Code.

(2) The returns shall be filed for every quarterly period, which periods shall end on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December of each year calendar quarter, as required by this section, unless a different return period is prescribed for a taxpayer by the commissioner.

(B)(1) A separate return shall be filed for each calendar quarterly period quarter, or other period, or any part thereof, during which the severer holds a license permit or has registered as provided by section 5749.04 of the Revised Code, or is required to hold the license, or during which an owner is required to file a return permit or be registered. The return shall be filed within forty-five days after the last on or before the fifteenth day of each such calendar month, or other period, or any part thereof, for which the return is required the second month following the end of each return period. The tax due is payable along with the
return. All such returns shall contain such information as the commissioner may require to fairly administer the tax.

(2) All returns shall be signed by the severer or owner, as applicable, shall contain the full and complete information requested, and shall be made under penalty of perjury.

(C) If the commissioner believes that quarterly payments of tax would result in a delay that might jeopardize the collection of such tax payments, the commissioner may order that such payments be made weekly, or more frequently if necessary, such payments to be made not later than seven days following the close of the period for which the jeopardy payment is required. Such an order shall be delivered to the taxpayer personally or by certified mail and shall remain in effect until the commissioner notifies the taxpayer to the contrary.

(D) Upon good cause the commissioner may extend for thirty days the period for filing any notice or return required to be filed under this section, and may remit all or a part of penalties that may become due under this chapter.

(E) Any tax and any amount due under section 1509.50 of the Revised Code not paid by the day the tax or amount is due shall bear interest computed at the rate per annum prescribed by section 5703.47 of the Revised Code on that amount due from the day that the amount tax was originally required to be paid to the day of actual payment or to the day an assessment was issued under section 5749.07 or 5749.10 of the Revised Code, whichever occurs first.

(F) A severer or owner, as applicable, that fails to file a complete return or pay the full amount due under this chapter within the time prescribed, including any extensions of time granted by the commissioner, shall be subject to a penalty not to exceed the greater of fifty dollars or ten per cent of the amount.
due for the period.

(G)(1) A severer or owner, as applicable, shall remit payments electronically and, if required by the commissioner, file each return electronically. The commissioner may require that the severer or owner use the Ohio business gateway, as defined in section 718.01 of the Revised Code, or another electronic means to file returns and remit payments electronically.

(2) A severer or owner that is required to remit payments electronically under this section may apply to the commissioner, in the manner prescribed by the commissioner, to be excused from that requirement. The commissioner may excuse a severer or owner from the requirements of division (G) of this section for good cause.

(3) If a severer or owner that is required to remit payments or file returns electronically under this section fails to do so, the commissioner may impose a penalty on the severer or owner not to exceed the following:

(a) For the first or second payment or return the severer or owner fails to remit or file electronically, the greater of five per cent of the amount of the payment that was required to be remitted or twenty-five dollars;

(b) For every payment or return after the second that the severer or owner fails to remit or file electronically, the greater of ten per cent of the amount of the payment that was required to be remitted or fifty dollars.

(H)(1) All amounts that the commissioner receives under this section shall be deemed to be revenue from taxes imposed under this chapter or from the amount due under former section 1509.50 of the Revised Code, as applicable, and shall be deposited in the severance tax receipts fund, which is hereby created in the state treasury.
(2) The director of budget and management shall transfer from the severance tax receipts fund, as necessary, to the tax refund fund amounts equal to the refunds certified by the commissioner under section 5749.08 of the Revised Code. Any amount transferred under division (H)(2) of this section shall be derived from receipts of the same tax or other amount from which the refund arose.

(3) After the director of budget and management makes any transfer required by division (H)(2) of this section, but not later than the fifteenth twenty-fifth day of the each month following the end of each calendar quarter, the commissioner shall certify to the director the total amount remaining in the severance tax receipts fund organized according to the amount attributable to each natural resource and according to the amount attributable to a tax imposed by this chapter and the amounts due under section 1509.50 of the Revised Code and provide for payment to the funds specified in division (B) of section 5749.02 of the Revised Code.

(I) Penalties imposed under this section are in addition to any other penalty imposed under this chapter and shall be considered as revenue arising from the tax levied under this chapter or the amount due under former section 1509.50 of the Revised Code, as applicable. The commissioner may collect any penalty or interest imposed under this section in the same manner as provided for the making of an assessment in section 5749.07 of the Revised Code. The commissioner may abate all or a portion of such interest or penalties and may adopt rules governing such abatements.

(J) For the purposes of this section:

(1) "Tax imposed by section 5749.02 of the Revised Code" and "tax" includes amounts due under former section 1509.50 of the Revised Code.
(2) "Severer" includes an owner as defined in section 1509.01 of the Revised Code, with regard to amounts due from an owner under former section 1509.50 of the Revised Code.

Sec. 5749.07. (A) If any severer required by this chapter to make and file returns and pay the tax levied imposed by section 5749.02 of the Revised Code, or any severer or owner liable for the amounts due under section 1509.50 of the Revised Code, fails to make such return or pay such tax or amounts, the tax commissioner may make an assessment against the severer or owner based upon any information in the commissioner's possession.

No assessment shall be made or issued against any severer for any tax imposed by section 5749.02 of the Revised Code or against any severer or owner for any amount due under section 1509.50 of the Revised Code more than four years after the return was due or was filed, whichever is later. This section does not bar an assessment against a severer or owner who fails to file a return as required by this chapter, or who files a fraudulent return.

The commissioner shall give the party assessed written notice of such assessment in the manner provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the party assessed files with the commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the party assessed to the treasurer of state. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the
commissioner prior to the date shown on the final determination. If the petition has
been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the party assessed resides or in which the party's business is conducted. If the party assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of such entry, the clerk shall enter a judgment for the state against the party assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state severance tax," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

If the assessment is not paid in its entirety within sixty days after the day the assessment is issued, the portion of the assessment consisting of tax due or amounts due under section 5703.50 of the Revised Code shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until it is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification.
until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(D) All money collected by the commissioner under this section shall be paid to the treasurer of state, and when paid shall be considered as revenue arising from the tax imposed by section 5749.02 of the Revised Code and the amount due under section 1509.50 of the Revised Code, as applicable.

(E) For the purposes of this section:

(1) "Tax imposed by section 5749.02 of the Revised Code" and "tax" includes amounts due under former section 1509.50 of the Revised Code.

(2) "Severer" includes an owner as defined in section 1509.01 of the Revised Code, with regard to amounts due from an owner under former section 1509.50 of the Revised Code.

Sec. 5749.08. The tax commissioner shall refund to taxpayers the amount of taxes levied by section 5749.02 of the Revised Code and amounts due under former section 1509.50 of the Revised Code that were paid illegally or erroneously or paid on an illegal or erroneous assessment. Applications for refund shall be filed with the commissioner, on the form prescribed by the commissioner, within four years from the date of the illegal or erroneous payment. On the filing of the application, the commissioner shall determine the amount of refund to which the applicant is entitled, plus interest computed in accordance with section 5703.47 of the Revised Code from the date of the payment of an erroneous or illegal assessment until the date the refund is paid. If the amount is not less than that claimed, the commissioner shall certify the amount to the director of budget and management and treasurer of state for payment from the tax refund fund created by section 5703.052 of the Revised Code. If the amount is less than
that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code.

Sec. 5749.10. If the tax commissioner finds that a taxpayer, person liable for tax under this chapter or for any amount due under former section 1509.50 of the Revised Code is about to depart from the state, or remove the taxpayer's person's property therefrom, or conceal the taxpayer's person themselves or their property, or do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect such tax or other amount due unless such proceedings are brought without delay, or if the commissioner believes that the collection of the tax or amount due from any taxpayer person will be jeopardized by delay, the commissioner shall give notice of such findings to such taxpayer the person together with the demand for an immediate return and immediate payment of such tax or other amount due, with penalty as provided in section 5749.15 of the Revised Code, whereupon such tax or other amount due shall become immediately due and payable. In such cases the commissioner may immediately file an entry with the clerk of the court of common pleas in the same manner and with the same effect as provided in section 5749.07 of the Revised Code, provided that if such taxpayer the person, within five days from notice of the assessment, furnishes evidence satisfactory to the commissioner, under the regulations prescribed rules adopted by the commissioner, that the taxpayer person is not in default in making returns or paying any tax prescribed by this chapter or amount due under former section 1509.50 of the Revised Code, or that the taxpayer person will duly return and pay, or post bond satisfactory to the commissioner conditioned upon payment of the tax or other amount finally determined to be due, then such tax or other amount due shall not be payable prior to the time and manner otherwise fixed for payment under section 5749.07 of the Revised Code, and the person...
assessed shall be restored the rights granted under such section.

Upon satisfaction of the assessment the commissioner shall order
the bond cancelled, securities released, and judgment vacated.

Any assessment issued under this section shall bear interest
as prescribed under section 5749.07 of the Revised Code.

**Sec. 5749.11.** (A) There is hereby allowed a nonrefundable
credit against the taxes imposed under division (A)(8)(10) of
section 5749.02 of the Revised Code for any severer to which a
reclamation tax credit certificate is issued under section
1513.171 of the Revised Code. The credit shall be claimed in the
amount shown on the certificate. The credit shall be claimed by
deducting the amount of the credit from the amount of the first
tax payment due under section 5749.06 of the Revised Code after
the certificate is issued.

If the amount of the credit shown on a certificate exceeds
the amount of the tax otherwise due with that first payment, the
excess shall be claimed against the amount of tax otherwise due on
succeeding payment dates until the entire credit amount has been
deducted. The total amount of credit claimed against payments
shall not exceed the total amount of credit shown on the
certificate.

(B) A severer claiming a credit under this section shall
retain a reclamation tax credit certificate for not less than four
years following the date of the last tax payment against which the
credit allowed under that certificate was applied. Severers shall
make tax credit certificates available for inspection by the tax
commissioner upon the tax commissioner's request.

**Sec. 5749.12.** Any nonresident of this state who accepts the
privilege extended by the laws of this state to nonresidents
severing natural resources in this state, and any resident of this
state who subsequently becomes a nonresident or conceals the resident's whereabouts, makes the secretary of state of Ohio the person's agent for the service of process or notice in any assessment, action, or proceedings instituted in this state against such person under this chapter or for purposes of amounts due under former section 1509.50 of the Revised Code.

Such process or notice shall be served as provided under section 5703.37 of the Revised Code.

Sec. 5749.13. The tax commissioner may prescribe requirements as to the keeping of records and other pertinent documents and the filing of copies of federal income tax returns and determinations. The commissioner may require any person, by rule or by notice served on that person, to keep such records as the commissioner considers necessary to show whether that person is liable, and the extent of liability, for the tax imposed under this chapter and the amount due under former section 1509.50 of the Revised Code. Such records and other documents shall be open during business hours to the inspection of the commissioner, and shall be preserved for a period of four years after the date the return was required to be filed or actually was filed, whichever is later, unless the commissioner, in writing, consents to their destruction within that period, or by order requires that they be kept longer.

Sec. 5749.14. The tax commissioner shall enforce and administer this chapter and applicable provisions of section 1509.50 of the Revised Code. In addition to any other powers conferred upon the commissioner by law, the commissioner may:

(A) Prescribe all forms required to be filed pursuant to this chapter;

(B) Adopt such rules as the commissioner finds
necessary to carry out this chapter and applicable provisions of section 1509.50 of the Revised Code;

(C) Appoint and employ such personnel as may be necessary to carry out the duties imposed upon the commissioner by this chapter.

Sec. 5749.15. Any person who fails to file a return or pay the tax as required under this chapter or other amount due under former section 1509.50 of the Revised Code who is assessed such taxes or other amount due pursuant to section 5749.07 or 5749.10 of the Revised Code may be liable for a penalty of up to twenty-five per cent of the amount assessed. The tax commissioner may adopt rules relating to the imposition and remission of penalties imposed under this section.

Sec. 5749.17. Except for purposes of enforcing Chapter 1509. of the Revised Code, any information provided to the department of natural resources by the department of taxation in accordance with division (C)(12) of section 5703.21 of the Revised Code shall not be disclosed publicly by the department of natural resources. However the department of natural resources may provide such information to the attorney general for purposes of enforcement of Chapter 1509. of the Revised Code.

Sec. 5751.01. As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

(3) A financial institution, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter;

(4) A person directly or indirectly owned by one or more financial institutions, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter.

For the purposes of division (E)(4) of this section, a person owns another person under the following circumstances:

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

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

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

(5) A domestic insurance company or foreign insurance company, as defined in section 5725.01 of the Revised Code, that paid the insurance company premiums tax imposed by section 5725.18 or Chapter 5729. of the Revised Code, or an unauthorized insurance company whose gross premiums are subject to tax under section 3905.36 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter;

(6) A person that solely facilitates or services one or more securitizations of phase-in-recovery property pursuant to a final financing order as those terms are defined in section 4928.23 of the Revised Code. For purposes of this division, "securitization" means transferring one or more assets to one or more persons and then issuing securities backed by the right to receive payment from the asset or assets so transferred.

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

(8) Nonprofit organizations or the state and its agencies, instrumentalities, or political subdivisions.

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

(1) The following are examples of gross receipts:

(a) Amounts realized from the sale, exchange, or other disposition of the taxpayer's property to or with another;

(b) Amounts realized from the taxpayer's performance of services for another;

(c) Amounts realized from another's use or possession of the taxpayer's property or capital;

(d) Any combination of the foregoing amounts.

(2) "Gross receipts" excludes the following amounts:

(a) Interest income, except interest on credit sales and interest on loans made in the normal course of the taxpayer's business;

(b) Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity as defined under section 5733.04 of the Revised Code;

(c) Receipts from the sale, exchange, or other disposition of
an asset described in section 1221 or 1231 of the Internal Revenue Code, without regard to the length of time the person held the asset. Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board. For the purposes of division (F)(2)(c) of this section, the actual transfer of title of real or tangible personal property to another entity is not a hedging transaction.

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

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

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

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

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

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

(j) Gifts or charitable contributions received; membership dues received by trade, professional, homeowners', or condominium associations; and payments received for educational courses, meetings, meals, or similar payments to a trade, professional, or other similar association; and fundraising receipts received by any person when any excess receipts are donated or used exclusively for charitable purposes;

(k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross receipts;

(l) Property, money, and other amounts received or acquired by an agent on behalf of another in excess of the agent's commission, fee, or other remuneration;

(m) Tax refunds, other tax benefit recoveries, and reimbursements for the tax imposed under this chapter made by entities that are part of the same combined taxpayer or consolidated elected taxpayer group, and reimbursements made by entities that are not members of a combined taxpayer or consolidated elected taxpayer group that are required to be made for economic parity among multiple owners of an entity whose tax obligation under this chapter is required to be reported and paid.
entirely by one owner, pursuant to the requirements of sections 5751.011 and 5751.012 of the Revised Code;

(n) Pension reversions;

(o) Contributions to capital;

(p) Sales or use taxes collected as a vendor or an out-of-state seller on behalf of the taxing jurisdiction from a consumer or other taxes the taxpayer is required by law to collect directly from a purchaser and remit to a local, state, or federal tax authority;

(q) In the case of receipts from the sale of cigarettes or tobacco products by a wholesale dealer, retail dealer, distributor, manufacturer, or seller, all as defined in section 5743.01 of the Revised Code, an amount equal to the federal and state excise taxes paid by any person on or for such cigarettes or tobacco products under subtitle E of the Internal Revenue Code or Chapter 5743. of the Revised Code;

(r) In the case of receipts from the sale, transfer, exchange, or other disposition of motor fuel as "motor fuel" is defined in section 5736.01 of the Revised Code, an amount equal to the value of the motor fuel, including federal and state motor fuel excise taxes and receipts from billing or invoicing the tax imposed under section 5736.02 of the Revised Code to another person;

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

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

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

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

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

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

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

(z) Qualifying distribution center receipts.

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

(I) "Qualifying distribution center receipts" means receipts of a supplier from qualified property that is delivered to a qualified distribution center, multiplied by a quantity that equals one minus the Ohio delivery percentage. If the qualified distribution center is a refining facility, "supplier" includes all dealers, brokers, processors, sellers, vendors, cosigners, and distributors of qualified property.

(II) "Qualified property" means tangible personal property delivered to a qualified distribution center that is shipped to that qualified distribution center solely for further shipping by the qualified distribution center to another location in this state or elsewhere or, in the case of gold, silver, platinum, or palladium delivered to a refining facility solely for refining to a grade and fineness acceptable for delivery to a registered commodities exchange. "Further shipping" includes storing and repackaging property into smaller or larger bundles, so long as the property is not subject to further manufacturing or processing. "Refining" is limited to extracting impurities from gold, silver, platinum, or palladium through smelting or some other process at a refining facility.

(III) "Qualified distribution center" means a warehouse, a facility similar to a warehouse, or a refining facility in this state that, for the qualifying year, is operated by a person that
is not part of a combined taxpayer group and that has a qualifying certificate. All warehouses or facilities similar to warehouses that are operated by persons in the same taxpayer group and that are located within one mile of each other shall be treated as one qualified distribution center. All refining facilities that are operated by persons in the same taxpayer group and that are located in the same or adjacent counties may be treated as one qualified distribution center.

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

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

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

The applicant must substantiate to the commissioner's satisfaction that, for the qualifying period, all persons operating the distribution center have more than fifty per cent of the cost of the qualified property shipped to a location such that it would be sitused outside this state under the provisions of division (E) of section 5751.033 of the Revised Code. The applicant must also substantiate that the distribution center cumulatively had costs from its suppliers equal to or exceeding five hundred million dollars during the qualifying period. (For purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" excludes any person that is part of the consolidated elected taxpayer group, if applicable, of the operator of the qualified
distribution center.) The commissioner may require the applicant to have an independent certified public accountant certify that the calculation of the minimum thresholds required for a qualified distribution center by the operator of a distribution center has been made in accordance with generally accepted accounting principles. The commissioner shall issue or deny the issuance of a certificate within sixty days after the receipt of the application. A denial is subject to appeal under section 5717.02 of the Revised Code. If the operator files a timely appeal under section 5717.02 of the Revised Code, the operator shall be granted a qualifying certificate effective for the remainder of the qualifying year or until the appeal is finalized, whichever is earlier. If the operator does not prevail in the appeal, the operator shall pay the ineligible operator's supplier tax liability.

(VII) "Ohio delivery percentage" means the proportion of the total property delivered to a destination inside Ohio from the qualified distribution center during the qualifying period compared with total deliveries from such distribution center everywhere during the qualifying period or ten per cent, whichever is greater.

(VIII) "Refining facility" means one or more buildings located in a county in the Appalachian region of this state as defined by section 107.21 of the Revised Code and utilized for refining or smelting gold, silver, platinum, or palladium to a grade and fineness acceptable for delivery to a registered commodities exchange.

(IX) "Registered commodities exchange" means a board of trade, such as New York mercantile exchange, inc. or commodity exchange, inc., designated as a contract market by the commodity futures trading commission under the "Commodity Exchange Act," 7 U.S.C. 1 et seq., as amended.
(X) "Ineligible operator's supplier tax liability" means an amount equal to the tax liability of all suppliers of a distribution center had the distribution center not been issued a qualifying certificate for the qualifying year. Ineligible operator's supplier tax liability shall not include interest or penalties. The tax commissioner shall determine an ineligible operator's supplier tax liability based on information that the commissioner may request from the operator of the distribution center. An operator shall provide a list of all suppliers of the distribution center and the corresponding costs of qualified property for the qualifying year at issue within sixty days of a request by the commissioner under this division.

(ii)(I) If the distribution center is new and was not open for the entire qualifying period, the operator of the distribution center may request that the commissioner grant a qualifying certificate. If the certificate is granted and it is later determined that more than fifty per cent of the qualified property during that year was not shipped to a location such that it would be situated outside of this state under the provisions of division (E) of section 5751.033 of the Revised Code or if it is later determined that the person that operates the distribution center had average monthly costs from its suppliers of less than forty million dollars during that year, then the operator of the distribution center shall pay the ineligible operator's supplier tax liability. (For purposes of division (F)(2)(z)(ii) of this section, "supplier" excludes any person that is part of the consolidated elected taxpayer group, if applicable, of the operator of the qualified distribution center.)

(II) The commissioner may grant a qualifying certificate to a distribution center that does not qualify as a qualified distribution center for an entire qualifying period if the operator of the distribution center demonstrates that the business
operations of the distribution center have changed or will change
such that the distribution center will qualify as a qualified
distribution center within thirty-six months after the date the
operator first applies for a certificate. If, at the end of that
thirty-six-month period, the business operations of the
distribution center have not changed such that the distribution
center qualifies as a qualified distribution center, the operator
of the distribution center shall pay the ineligible operator's
supplier tax liability for each year that the distribution center
received a certificate but did not qualify as a qualified
distribution center. For each year the distribution center
receives a certificate under division (F)(2)(z)(ii)(II) of this
section, the distribution center shall pay all applicable fees
required under division (F)(2)(z) of this section and shall submit
an updated business plan showing the progress the distribution
center made toward qualifying as a qualified distribution center
during the preceding year.

(III) An operator may appeal a determination under division
(F)(2)(z)(ii)(I) or (II) of this section that the ineligible
operator is liable for the operator's supplier tax liability as a
result of not qualifying as a qualified distribution center, as
provided in section 5717.02 of the Revised Code.

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

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

(II) The operator of a distribution center that receives a qualifying certificate under division (F)(2)(z)(ii)(II) of this section shall make a good faith estimate of the Ohio delivery percentage that the operator estimates will apply to the distribution center at the end of the thirty-six-month period after the operator first applied for a qualifying certificate under that division. The result of the estimate shall be multiplied by a factor of one and seventy-five one-hundredths. The product of that calculation shall be the Ohio delivery percentage used by suppliers in their reports of taxable gross receipts for each qualifying year that the distribution center receives a qualifying certificate under division (F)(2)(z)(ii)(II) of this section.
section, except that, if the product is less than five per cent, the Ohio delivery percentage used shall be five per cent and that, if the product exceeds forty-nine per cent, the Ohio delivery percentage used shall be forty-nine per cent.

(v) Qualifying certificates and Ohio delivery percentages issued by the commissioner shall be open to public inspection and shall be timely published by the commissioner. A supplier relying in good faith on a certificate issued under this division shall not be subject to tax on the qualifying distribution center receipts under division (F)(2)(z) of this section. An operator receiving a qualifying certificate is liable for the ineligible operator's supplier tax liability for each year the operator received a certificate but did not qualify as a qualified distribution center.

(vi) The annual fee for a qualifying certificate shall be one hundred thousand dollars for each qualified distribution center. If a qualifying certificate is not issued, the annual fee is subject to refund after the exhaustion of all appeals provided for in division (F)(2)(z)(i)(VI) of this section. The first one hundred thousand dollars of the annual application fees collected each calendar year shall be credited to the revenue enhancement fund. The remainder of the annual application fees collected shall be distributed in the same manner required under section 5751.20 of the Revised Code.

(vii) The tax commissioner may require that adequate security be posted by the operator of the distribution center on appeal when the commissioner disagrees that the applicant has met the minimum thresholds for a qualified distribution center as set forth in division (F)(2)(z) of this section.

(aa) Receipts of an employer from payroll deductions relating to the reimbursement of the employer for advancing moneys to an unrelated third party on an employee's behalf;
(bb) Cash discounts allowed and taken;

(cc) Returns and allowances;

(dd) Bad debts from receipts on the basis of which the tax imposed by this chapter was paid in a prior quarterly tax payment period. For the purpose of this division, "bad debts" means any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and that may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted under that section, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include repossessed property, uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, or expenses in attempting to collect any account receivable or for any portion of the debt recovered;

(ee) Any amount realized from the sale of an account receivable to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer;

(ff) Any receipts directly attributed to a transfer agreement or to the enterprise transferred under that agreement under section 4313.02 of the Revised Code.

(gg)(i) As used in this division:

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

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

(ii) Any person that owns, leases, or operates real or tangible personal property constituting or located within a uranium enrichment zone may apply to the tax commissioner to have the uranium enrichment zone certified for the purpose of excluding qualified uranium receipts under division (F)(2)(gg) of this section. The application shall include such information that the tax commissioner prescribes. Within sixty days after receiving the application, the tax commissioner shall certify the zone for that purpose if the commissioner determines that the property qualifies as a uranium enrichment zone as defined in division (F)(2)(gg) of this section, or, if the tax commissioner determines that the property does not qualify, the commissioner shall deny the application or request additional information from the applicant. If the tax commissioner denies an application, the commissioner shall state the reasons for the denial. The applicant may appeal the denial of an application to the board of tax appeals pursuant to section 5717.02 of the Revised Code. If the applicant files a timely appeal, the tax commissioner shall conditionally certify the applicant's property. The conditional certification shall expire when all of the applicant's appeals are exhausted. Until final resolution of the appeal, the applicant shall retain the applicant's records in accordance with section 5751.12 of the Revised Code, notwithstanding any time limit on the preservation of records under that section.

(hh) In the case of amounts collected by a licensed casino operator from casino gaming, amounts in excess of the casino
operator's gross casino revenue. In this division, "casino operator" and "casino gaming" have the meanings defined in section 3772.01 of the Revised Code, and "gross casino revenue" has the meaning defined in section 5753.01 of the Revised Code.

(ii) Receipts realized from the sale of agricultural commodities by an agricultural commodity handler, both as defined in section 926.01 of the Revised Code, that is licensed by the director of agriculture to handle agricultural commodities in this state.

(jj) Qualifying integrated supply chain receipts. As used in division (F)(2)(jj) of this section:

(i) "Qualifying integrated supply chain receipts" means receipts of a qualified integrated supply chain vendor from the sale of qualified property delivered to, or integrated supply chain services provided to, another qualified integrated supply chain vendor or to a retailer that is a member of the integrated supply chain. "Qualifying integrated supply chain receipts" does not include receipts of a person that is not a qualified integrated supply chain vendor from the sale of raw materials to a member of an integrated supply chain, or receipts of a member of an integrated supply chain from the sale of qualified property or integrated supply chain services to a person that is not a member of the integrated supply chain.

(ii) "Qualified property" means any of the following:

(I) Component parts used to hold, contain, package, or dispense qualified products, excluding equipment;

(II) Work-in-process inventory that will become, comprise, or form a component part of a qualified product capable of being sold at retail, excluding equipment, machinery, furniture, and fixtures;
(III) Finished goods inventory that is a qualified product capable of being sold at retail in the inventory's present form.

(iii) "Qualified integrated supply chain vendor" means a person that is a member of an integrated supply chain and that provides integrated supply chain services within a qualified integrated supply chain district to a retailer that is a member of the integrated supply chain or to another qualified integrated supply chain vendor that is located within the same such district as the person but does not share a common owner with that person.

(iv) "Qualified product" means a personal care, health, or beauty product or an aromatic product, including a candle. "Qualified product" does not include a drug that may be dispensed only pursuant to a prescription, durable medical equipment, mobility enhancing equipment, or a prosthetic device, as those terms are defined in section 5739.01 of the Revised Code.

(v) "Integrated supply chain" means two or more qualified integrated supply chain vendors certified on the most recent list certified to the tax commissioner under this division that systematically collaborate and coordinate business operations with a retailer on the flow of tangible personal property from material sourcing through manufacturing, assembly, packaging, and delivery to the retailer to improve long-term financial performance of each vendor and the supply chain that includes the retailer.

For the purpose of the certification required under this division, the reporting person for each retailer, on or before the first day of October of each year, shall certify to the tax commissioner a list of the qualified integrated supply chain vendors providing or receiving integrated supply chain services within a qualified integrated supply chain district for the ensuing calendar year. On or before the following first day of November, the commissioner shall issue a certificate to the retailer and to each vendor certified to the commissioner on that
list. The certificate shall include the names of the retailer and of the qualified integrated supply chain vendors.

The retailer shall notify the commissioner of any changes to the list, including additions to or subtractions from the list or changes in the name or legal entity of vendors certified on the list, within sixty days after the date the retailer becomes aware of the change. Within thirty days after receiving that notification, the commissioner shall issue a revised certificate to the retailer and to each vendor certified on the list. The revised certificate shall include the effective date of the change.

Each recipient of a certificate issued pursuant to this division shall maintain a copy of the certificate for four years from the date the certificate was received.

(vi) "Integrated supply chain services" means procuring raw materials or manufacturing, processing, refining, assembling, packaging, or repackaging tangible personal property that will become finished goods inventory capable of being sold at retail by a retailer that is a member of an integrated supply chain.

(vii) "Retailer" means a person primarily engaged in making retail sales and any member of that person's consolidated elected taxpayer group or combined taxpayer group, whether or not that member is primarily engaged in making retail sales.

(viii) "Qualified integrated supply chain district" means the parcel or parcels of land from which a retailer's integrated supply chain that existed on September 29, 2015, provides or receives integrated supply chain services, and to which all of the following apply:

(I) The parcel or parcels are located wholly in a county having a population of greater than one hundred sixty-five thousand but less than one hundred seventy thousand based on the
2010 federal decennial census.

(II) The parcel or parcels are located wholly in the corporate limits of a municipal corporation with a population greater than seven thousand five hundred and less than eight thousand based on the 2010 federal decennial census that is partly located in the county described in division (F)(2)(jj)(viii)(I) of this section, as those corporate limits existed on September 29, 2015.

(III) The aggregate acreage of the parcel or parcels equals or exceeds one hundred acres.

(kk) In the case of a railroad company described in division (D)(9) of section 5727.01 of the Revised Code that purchases dyed diesel fuel directly from a supplier as defined by section 5736.01 of the Revised Code, an amount equal to the product of the number of gallons of dyed diesel fuel purchased directly from such a supplier multiplied by the average wholesale price for a gallon of diesel fuel as determined under section 5736.02 of the Revised Code for the period during which the fuel was purchased multiplied by a fraction, the numerator of which equals the rate of tax levied by section 5736.02 of the Revised Code less the rate of tax computed in section 5751.03 of the Revised Code, and the denominator of which equals the rate of tax computed in section 5751.03 of the Revised Code.

(ll) Any receipts for which the tax imposed by this chapter is prohibited by the constitution or laws of the United States or the constitution of this state.

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

(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall be changed accordingly.

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

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

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

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

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

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

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

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

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

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

(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and

(c) Any amount the person pays for services performed in this state on its behalf by another.

(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars.

(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts.

(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes.

(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.

(K) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December.

(M) "Tax period" means the calendar quarter or calendar year.
on the basis of which a taxpayer is required to pay the tax imposed under this chapter.

(N) "Calendar year taxpayer" means a taxpayer for which the tax period is a calendar year.

(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter.

(P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:

(1) A person receiving a fee to sell financial instruments;

(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;

(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;

(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;

(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.

(Q) "Received" includes amounts accrued under the accrual method of accounting.

(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group.

Sec. 5751.02. (A) For the purpose of funding the needs of
this state and its local governments, there is hereby levied a
commercial activity tax on each person with taxable gross receipts
for the privilege of doing business in this state. For the
purposes of this chapter, "doing business" means engaging in any
activity, whether legal or illegal, that is conducted for, or
results in, gain, profit, or income, at any time during a calendar
year. Persons on which the commercial activity tax is levied
include, but are not limited to, persons with substantial nexus
with this state. The tax imposed under this section is not a
transactional tax and is not subject to Public Law No. 86-272, 73
Stat. 555. The tax imposed under this section is in addition to
any other taxes or fees imposed under the Revised Code. The tax
levied under this section is imposed on the person receiving the
gross receipts and is not a tax imposed directly on a purchaser.
The tax imposed by this section is an annual privilege tax for the
calendar year that, in the case of calendar year taxpayers, is the
annual tax period and, in the case of calendar quarter taxpayers,
contains all quarterly tax periods in the calendar year. A
taxpayer is subject to the annual privilege tax for doing business
during any portion of such calendar year.

(B) The tax imposed by this section is a tax on the taxpayer
and shall not be billed or invoiced to another person. Even if the
tax or any portion thereof is billed or invoiced and separately
stated, such amounts remain part of the price for purposes of the
sales and use taxes levied under Chapters 5739. and 5741. of the
Revised Code. Nothing in division (B) of this section prohibits:

(1) A person from including in the price charged for a good
or service an amount sufficient to recover the tax imposed by this
section; or

(2) A lessor from including an amount sufficient to recover
the tax imposed by this section in a lease payment charged, or
from including such an amount on a billing or invoice pursuant to the terms of a written lease agreement providing for the recovery of the lessor's tax costs. The recovery of such costs shall be based on an estimate of the total tax cost of the lessor during the tax period, as the tax liability of the lessor cannot be calculated until the end of that period.

(C)(1) The commercial activities tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed under this chapter. Eighty-five one-hundredths of one per cent of the money credited to that fund shall be credited to the revenue enhancement fund and shall be used to defray the costs incurred by the department of taxation in administering the tax imposed by this chapter and in implementing tax reform measures. The remainder of the money in the commercial activities tax receipts fund shall first be credited to the commercial activity tax motor fuel receipts fund, pursuant to division (C)(2) of this section, and the remainder shall be credited in the following percentages each fiscal year to the general revenue fund, to the school district tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5709.92 of the Revised Code, and to the local government tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5709.93 of the Revised Code, in the following percentages:

<table>
<thead>
<tr>
<th>Fiscal year</th>
<th>General Revenue Fund</th>
<th>School District Tangible Property Tax Replacement Fund</th>
<th>Local Government Tangible Property Tax Replacement Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014 and 2015</td>
<td>50.0%</td>
<td>35.0%</td>
<td>15.0%</td>
</tr>
<tr>
<td>2016 and 2017</td>
<td>75.0%</td>
<td>20.0%</td>
<td>5.0%</td>
</tr>
<tr>
<td>2018 and</td>
<td>85.0%</td>
<td>13.0%</td>
<td>2.0%</td>
</tr>
</tbody>
</table>
thereafter

(2) Not later than the twentieth day of February, May, August, and November of each year, the commissioner shall provide for payment from the commercial activities tax receipts fund to the commercial activity tax motor fuel receipts fund an amount that bears the same ratio to the balance in the commercial activities tax receipts fund that (a) the taxable gross receipts attributed to motor fuel used for propelling vehicles on public highways as indicated by returns filed by the tenth day of that month for a liability that is due and payable on or after July 1, 2013, for a tax period ending before July 1, 2014, bears to (b) all taxable gross receipts as indicated by those returns for such liabilities.

(D)(1) If the total amount in the school district tangible property tax replacement fund is insufficient to make all payments under section 5709.92 of the Revised Code at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the school district tangible property tax replacement fund the difference between the total amount to be paid and the amount in the school district tangible property tax replacement fund.

(2) If the total amount in the local government tangible property tax replacement fund is insufficient to make all payments under section 5709.93 of the Revised Code at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the local government tangible property tax replacement fund the difference between the total amount to be paid and the amount in the local government tangible property tax replacement fund.

(E)(1) On or after the first day of June of each year, the director of budget and management may transfer any balance in the school district tangible property tax replacement fund to the
(2) On or after the first day of June of each year, the director of budget and management may transfer any balance in the local government tangible property tax replacement fund to the general revenue fund.

(F)(1) There is hereby created in the state treasury the commercial activity tax motor fuel receipts fund.

(2) On or before the fifteenth day of June of each fiscal year beginning with fiscal year 2015, the director of the Ohio public works commission shall certify to the director of budget and management the amount of debt service paid from the general revenue fund in the current fiscal year on bonds issued to finance or assist in the financing of the cost of local subdivision public infrastructure capital improvement projects, as provided for in Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, that are attributable to costs for construction, reconstruction, maintenance, or repair of public highways and bridges and other statutory highway purposes. That certification shall allocate the total amount of debt service paid from the general revenue fund and attributable to those costs in the current fiscal year according to the applicable section of the Ohio Constitution under which the bonds were originally issued.

(3) On or before the thirtieth day of June of each fiscal year beginning with fiscal year 2015, the director of budget and management shall determine an amount up to but not exceeding the amount certified under division (F)(2) of this section and shall reserve that amount from the cash balance in the petroleum activity tax public highways fund or the commercial activity tax motor fuel receipts fund for transfer to the general revenue fund at times and in amounts to be determined by the director. The director shall transfer the cash balance in the petroleum activity tax public highways fund or the commercial activity tax motor fuel receipts fund.
receipts fund in excess of the amount so reserved to the highway operating fund on or before the thirtieth day of June of the current fiscal year.

Sec. 5901.06. (A) The veterans service commission may employ an executive director, who shall be a veteran and shall be employed in the unclassified service, and such shall have both of the following qualifications:

(i) Be a veteran; and

(ii) Possess at least three years of experience in one or more of the following areas:

(a) Administration;

(b) Fiscal matters;

(c) Law;

(d) Operations; or

(e) Communications.

(B) The veterans service commission may hire investigators and clerks, or other employees as are necessary to perform the duties of the commission. Each investigator and clerk, or other employee shall be a veteran or, if a qualified veteran is not available, the spouse, surviving spouse, child, or parent of a veteran. Each shall be employed in the classified service and is exempt from civil service examination. The compensation of such investigators and clerks, or other employees shall be established by the commission, and shall be paid from the county allotment of veterans service funds.

(C) Within sixty days after the date of initial employment, the executive director, investigator, clerk, or other employee shall file a copy of the veteran's DD214, DD215, NGB22, or official summary of service with the department of veterans
services in accordance with guidelines established by the director of veterans services. If the investigator, clerk, or other employee filing documentation is a spouse, surviving spouse, child, or parent of a veteran, the investigator, clerk, or other employee also shall provide documentation of the relationship to the veteran, such as a birth certificate, marriage certificate, or other official record.

(D) For purposes of this section, "veteran" has the same meaning as in section 5903.01 of the Revised Code.

Sec. 5901.07. The veterans service commission shall employ one or more county veterans service officers, one of whom may act as executive director. Each service officer shall be a veteran or, if a qualified veteran is not available, a spouse, surviving spouse, child, or parent of a veteran. Within sixty days after the date of initial employment, each service officer shall file a copy of the officer's form veteran's DD214, DD215, NGB22, or official summary of service with the department of veterans services in accordance with guidelines established by the director of that department veterans services. If the service officer filing documentation is a spouse, surviving spouse, child, or parent of a veteran, the officer also shall provide documentation of the relationship to the veteran, such as a birth certificate, marriage certificate, or other official record. Each service officer shall be employed in the classified service and is exempt from civil service examination. The commission may remove a veterans service officer who fails to maintain accreditation or whose certification is revoked by the director of veterans services. The service officers shall advise and assist present and former members of the armed forces of the United States, veterans, and their spouses, surviving spouses, children, parents, and dependents in presenting claims or obtaining rights or benefits under any law of the United States or of this state.
The commission shall employ each service officer on a part- or full-time basis and fix the officer's compensation. No county commissioner or member of the veterans service commission shall be employed as a service officer.

The commission shall employ the necessary clerks, stenographers, and other personnel to assist the service officers in the performance of duties and shall fix their compensation. Each of these employees shall be a veteran or, if a qualified veteran is not available, the spouse, surviving spouse, child, or parent of a veteran. Each of these employees shall be employed in the classified service and is exempt from civil service examination.

The board of county commissioners, upon the recommendation or approval of the veterans service commission, may provide suitable office space, supplies, and office and incidental expenses for each service officer. The compensation of each service officer and of any employee and any expenses incurred under this section shall be paid out of funds appropriated to the commission, as provided in section 5901.11 of the Revised Code.

For purposes of this section, "veteran" has the same meaning as in section 5903.01 of the Revised Code.

Sec. 5902.02. The duties of the director of veterans services shall include the following:

(A) Furnishing the veterans service commissions of all counties of the state copies of the state laws, rules, and legislation relating to the operation of the commissions and their offices;

(B) Upon application, assisting the general public in obtaining records of vital statistics pertaining to veterans or their dependents;
(C) Adopting rules pursuant to Chapter 119. of the Revised Code pertaining to minimum qualifications for hiring, certifying, and accrediting county veterans service officers, pertaining to their required duties, and pertaining to revocation of the certification of county veterans service officers;

(D) Adopting rules pursuant to Chapter 119. of the Revised Code for the education, training, certification, and duties of veterans service commissioners and for the revocation of the certification of a veterans service commissioner;

(E) Developing and monitoring programs and agreements enhancing employment and training for veterans in single or multiple county areas;

(F) Developing and monitoring programs and agreements to enable county veterans service commissions to address homelessness, indigency, and other veteran-related issues individually or jointly;

(G) Developing and monitoring programs and agreements to enable state agencies, individually or jointly, that provide services to veterans, including the veterans' homes operated under Chapter 5907. of the Revised Code and the director of job and family services, to address homelessness, indigency, employment, and other veteran-related issues;

(H) Establishing and providing statistical reporting formats and procedures for county veterans service commissions;

(I) Publishing electronically a listing of county veterans service offices and county veterans service commissioners. The listing shall include the expiration dates of commission members' terms of office and the organizations they represent; the names, addresses, and telephone numbers of county veterans service offices; and the addresses and telephone numbers of the Ohio offices and headquarters of state and national veterans service
organizations.

(J) Establishing a veterans advisory committee to advise and assist the department of veterans services in its duties. Members shall include a member of the national guard association of the United States who is a resident of this state, a member of the military officers association of America who is a resident of this state, a state representative of congressionally chartered veterans organizations referred to in section 5901.02 of the Revised Code, a representative of any other congressionally chartered state veterans organization that has at least one veterans service commissioner in the state, three representatives of the Ohio state association of county veterans service commissioners, who shall have a combined vote of one, three representatives of the state association of county veterans service officers, who shall have a combined vote of one, one representative of the county commissioners association of Ohio, who shall be a county commissioner not from the same county as any of the other county representatives, a representative of the advisory committee on women veterans, a representative of a labor organization, and a representative of the office of the attorney general. The department of veterans services shall submit to the advisory committee proposed rules for the committee's operation. The committee may review and revise these proposed rules prior to submitting them to the joint committee on agency rule review.

(K) Adopting, with the advice and assistance of the veterans advisory committee, policy and procedural guidelines that the veterans service commissions shall adhere to in the development and implementation of rules, policies, procedures, and guidelines for the administration of Chapter 5901. of the Revised Code. The department of veterans services shall adopt no guidelines or rules regulating the purposes, scope, duration, or amounts of financial assistance provided to applicants pursuant to sections 5901.01 to...
5901.15 of the Revised Code. The director of veterans services may obtain opinions from the office of the attorney general regarding rules, policies, procedures, and guidelines of the veterans service commissions and may enforce compliance with Chapter 5901 of the Revised Code.

(L) Receiving copies of form DD214 filed in accordance with the director's guidelines adopted under division (L) of this section from members of veterans service commissions appointed under section 5901.02 and from county veterans service officers employed under section 5901.07 of the Revised Code;

(M) Developing and maintaining and improving a resource, such as a telephone answering point or a web site, by means of which veterans and their dependents, through a single portal, can access multiple sources of information and interaction with regard to the rights of, and the benefits available to, veterans and their dependents. The director of veterans services may enter into agreements with state and federal agencies, with agencies of political subdivisions, with state and local instrumentalities, and with private entities as necessary to make the resource as complete as is possible.

(N) Planning, organizing, advertising, and conducting outreach efforts, such as conferences and fairs, at which veterans and their dependents may meet, learn about the organization and operation of the department of veterans services and of veterans service commissions, and obtain information about the rights of, and the benefits and services available to, veterans and their dependents;

(O) Advertising, in print, on radio and television, and otherwise, the rights of, and the benefits and services available to, veterans and their dependents;

(P) Developing and advocating improved benefits and services
for, and improved delivery of benefits and services to, veterans and their dependents;

(Q) Searching for, identifying, and reviewing statutory and administrative policies that relate to veterans and their dependents and reporting to the general assembly statutory and administrative policies that should be consolidated in whole or in part within the organization of the department of veterans services to unify funding, delivery, and accounting of statutory and administrative policy expressions that relate particularly to veterans and their dependents;

(R) Encouraging veterans service commissions to innovate and otherwise to improve efficiency in delivering benefits and services to veterans and their dependents and to report successful innovations and efficiencies to the director of veterans services;

(S) Publishing and encouraging adoption of successful innovations and efficiencies veterans service commissions have achieved in delivering benefits and services to veterans and their dependents;

(T) Establishing advisory committees, in addition to the veterans advisory committee established under division (K) of this section, on veterans issues;

(U) Developing and maintaining a relationship with the United States department of veterans affairs, seeking optimal federal benefits and services for Ohio veterans and their dependents, and encouraging veterans service commissions to maximize the federal benefits and services to which veterans and their dependents are entitled;

(V) Developing and maintaining relationships with the several veterans organizations, and encouraging the organizations in their efforts at assisting veterans and their dependents, and advocating for adequate state subsidization of the organizations;
(W) Developing and maintaining the veterans organizations grant program. The director shall adopt rules under Chapter 119. of the Revised Code to identify eligible veterans organizations and the manner in which funds will be distributed. Any rules adopted by the director shall give funding priority to organizations and programs that improve access for veterans and their families to benefits and resources from the United States department of veterans affairs and programs that enhance access to employment services and opportunities, or other resources.

(X) Requiring the several veterans organizations that receive funding from the state annually, not later than the thirtieth day of July, to report to the director of veterans services and prescribing annually, unless a shorter period of time is specified by the director. The director shall prescribe the form and content requirements of the report. No funding from the state shall be released to a veterans organization unless the director has reviewed and determined that the report required by this division meets any requirements established under this section.

(X) Reviewing the reports submitted to the director under division (W) of this section within thirty days of receipt and informing the veterans organization of any deficiencies that exist in the organization's report and that funding will not be released until the deficiencies have been corrected and a satisfactory report submitted;

(Y) Advising the director of budget and management when a report submitted to the director under division (W) of this section has been reviewed and determined to be satisfactory;

(Z)(Y) Furnishing copies of all reports that the director of veterans services has determined have been submitted satisfactorily under in compliance with division (W)(X) of this section to the chairperson of the finance committees of the general assembly;
(AA) (Z) Investigating complaints against county veterans services commissioners and county veterans service officers if the director reasonably believes the investigation to be appropriate and necessary;

(BB) (AA) Developing and maintaining a web site that is accessible by veterans and their dependents and provides a link to the web site of each state agency that issues a license, certificate, or other authorization permitting an individual to engage in an occupation or occupational activity;

(CC) (BB) Encouraging state agencies to conduct outreach efforts through which veterans and their dependents can learn about available job and education benefits;

(DD) (CC) Informing state agencies about changes in statutes and rules that affect veterans and their dependents;

(EE) (DD) Assisting licensing agencies in adopting rules under section 5903.03 of the Revised Code;

(FF) (EE) Administering the provision of grants from the military injury relief fund under section 5902.05 of the Revised Code;

(GG) (FF) Taking any other actions required by this chapter.

Sec. 5903.11. (A) Any federally funded employment and training program administered by any state agency including, but not limited to, the "Workforce Investment Act of 1998," 112 Stat. 926, codified in scattered sections of 29 U.S.C., as amended "Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et seq., shall include a veteran priority system to provide maximum employment and training opportunities to veterans and eligible persons within each targeted group as established by federal law and state and federal policy in the service area. Disabled veterans, veterans of the Vietnam era, other veterans, and
eligible persons shall receive preference over nonveterans within each targeted group in the provision of employment and training services available through these programs as required by this section.

(B) Each state agency shall refer qualified applicants to job openings and training opportunities in programs described in division (A) of this section in the following order of priority:

(1) Special disabled veterans;
(2) Veterans of the Vietnam era;
(3) Disabled veterans;
(4) All other veterans;
(5) Other eligible persons;
(6) Nonveterans.

(C) Each state agency providing employment and training services to veterans and eligible persons under programs described in division (A) of this section shall submit an annual written report to the speaker of the house of representatives and the president of the senate on the services that it provides to veterans and eligible persons. Each such agency shall report separately on all entitlement programs, employment or training programs, and any other programs that it provides to each class of persons described in divisions (B)(1) to (6) of this section. Each such agency shall also report on action taken to ensure compliance with statutory requirements. Compliance and reporting procedures shall be in accordance with the reporting procedures then in effect for all employment and training programs described in division (A) of this section, with the addition of veterans as a separate reporting module.

(D) All state agencies that administer federally funded employment and training programs described in division (A) of this section.
section for veterans and eligible persons shall do all of the following:

(1) Ensure that veterans are treated with courtesy and respect at all state governmental facilities;

(2) Give priority in referral to jobs to qualified veterans and other eligible persons;

(3) Give priority in referral to and enrollment in training programs to qualified veterans and other eligible persons;

(4) Give preferential treatment to special disabled veterans in the provision of all needed state services;

(5) Provide information and effective referral assistance to veterans and other eligible persons regarding needed benefits and services that may be obtained through other agencies.

(E) As used in this section:

(1) "Special disabled veteran" means a veteran who is entitled to, or who but for the receipt of military pay would be entitled to, compensation under any law administered by the department of veterans affairs for a disability rated at thirty per cent or more or a person who was discharged or released from active duty because of a service-connected disability.

(2) "Veteran of the Vietnam era" means an eligible veteran who served on active duty for a period of more than one hundred eighty days, any part of which occurred from August 5, 1964, through May 7, 1975, and was discharged or released therefrom with other than a dishonorable discharge or a person who was discharged or released from active duty for a service-connected disability if any part of the active duty was performed from August 5, 1964, through May 7, 1975.

(3) "Disabled veteran" means a veteran who is entitled to, or who but for the receipt of military retirement pay would be...
entitled to compensation, under any law administered by the department of veterans affairs and who is not a special disabled veteran.

(4) "Eligible veteran" means a person who served on active duty for more than one hundred eighty days and was discharged or released from active duty with other than a dishonorable discharge or a person who was discharged or released from active duty because of a service-connected disability.

(5) "Other eligible person" means one of the following:

(a) The spouse of any person who died of a service-connected disability;

(b) The spouse of any member of the armed forces serving on active duty who at the time of the spouse's application for assistance under any program described in division (A) of this section is listed pursuant to the "Act of September 6, 1966," 80 Stat. 629, 37 U.S.C.A. 556, and the regulations issued pursuant thereto, as having been in one or more of the following categories for a total of ninety or more days:

(i) Missing in action;

(ii) Captured in line of duty by a hostile force;

(iii) Forcibly detained or interned in line of duty by a foreign government or power.

(c) The spouse of any person who has a total disability permanent in nature resulting from a service-connected disability or the spouse of a veteran who died while such a disability was in existence.

(6) "Veteran" means a veteran as defined in section 5903.01 of the Revised Code who was a member of the armed forces of the United States for a period of one hundred eighty days or more; a person who was discharged or released from active duty because of
a service-connected disability; or a person who served as a member of the United States merchant marine and to whom either of the following applies:

(a) The person has an honorable report of separation from active duty military service, form DD214 or DD215; or

(b) The person served in the United States merchant marine between December 7, 1941, and December 31, 1946, and died on active duty while serving in a war zone during that period of service.

(7) "Employment program" means a program which provides referral of individuals to employer job openings in the federal, state, or private sector.

(8) "Training program" means any program that upgrades the employability of qualified applicants.

(9) "Entitlement program" means any program that enlists specific criteria in determining eligibility, including but not limited to the existence in special segments of the general population of specific financial needs.

(10) "Targeted group" means a group of persons designated by federal law or regulations or by state law to receive special assistance under an employment and training program described in division (A) of this section.

Sec. 5907.17. (A) As used in this section, "physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(B) The department of veterans services may establish a physician recruitment program under which the department agrees to repay all or part of the principal and interest of a government or other educational loan incurred by a physician who agrees to
provide services to institutions under the department's administration.

(C) A physician is eligible to participate in the recruitment program if the physician attended a medical or osteopathic medical school that was, at the time of attendance, either located in the United States and accredited by the liaison committee on medical education or the American osteopathic association or located outside the United States and acknowledged by the world health organization and verified by a member state of that organization as operating within that state's jurisdiction.

(D) The department and each physician it recruits shall enter into a contract that includes all of the following terms:

(1) The physician agrees to provide a specified scope of medical or osteopathic medical services for a specified number of hours per week and for a specified number of years to patients of one or more specified institutions administered by the department.

(2) The department agrees to repay all or a specified portion of the principal and interest of a government or other educational loan taken by the physician for the following expenses if the physician meets the service obligation agreed to and the expenses were incurred while the physician was enrolled in, for up to a maximum of four years, a school that qualifies the physician to participate in the program:

(a) Tuition;

(b) Other educational expenses for specific purposes, including fees, books, and laboratory expenses, in amounts determined to be reasonable in accordance with rules adopted under division (E) of this section;

(c) Room and board, in an amount determined to be reasonable in accordance with rules adopted under division (E) of this section.
(3) The physician agrees to pay the department a specified amount, which shall be not less than the amount already paid by the department pursuant to its agreement, as damages if the physician fails to complete the service obligation agreed to or fails to comply with other specified terms of the contract. The contract may vary the amount of damages based on the portion of the physician's service obligation that remains uncompleted as determined by the department.

(4) Other terms agreed upon by the parties.

(E) The department shall adopt rules under Chapter 119. of the Revised Code that establish all of the following:

(1) Criteria for designating institutions for which physicians will be recruited;

(2) Criteria for selecting physicians for participation in the program;

(3) Criteria for determining the portion of a physician's loan that the department will agree to repay;

(4) Criteria for determining reasonable amounts of the expenses described in divisions (D)(2)(b) and (c) of this section;

(5) Procedures for monitoring compliance by physicians with the terms of their contracts; and

(6) Any other criteria or procedures necessary to implement the program.

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

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

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

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

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

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

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

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

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

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

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

(4) "Private institution of higher education" means an Ohio institution of higher education that is nonprofit and has received a certificate of authorization pursuant to Chapter 1713. of the Revised Code, that is a private institution exempt from regulation
under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, or that holds a certificate of registration and program authorization issued by the state board of career colleges and schools pursuant to section 3332.05 of the Revised Code.

(5) "Tuition" means the charges imposed to attend an institution of higher education and includes general and instructional fees. "Tuition" does not include laboratory fees, room and board, or other similar fees and charges.

(B) There is hereby created a scholarship program to be known as the Ohio national guard scholarship program.

(C)(1) The adjutant general shall approve scholarships for all eligible applicants. The adjutant general shall process all applications for scholarships for each academic term in the order in which they are received. The scholarships shall be made without regard to financial need. At no time shall one person be placed in priority over another because of sex, race, or religion.

(2) The adjutant general shall develop and provide a written explanation that informs all eligible scholarship recipients that the recipient may become ineligible and liable for repayment for an amount of scholarship payments received in accordance with division (G) of this section. The written explanation shall be reviewed by the scholarship recipient before acceptance of the scholarship and before acceptance of an enlistment, warrant, commission, or appointment for a term not less than the recipient's remaining term in the national guard or in the active duty component of the United States armed forces.

(D)(1) Except as provided in divisions (I) and (J) of this section, for each academic term that an eligible applicant is approved for a scholarship under this section and either remains a current member in good standing of the Ohio national guard or is
eligible for a scholarship under division (F)(1) of this section, the institution of higher education in which the applicant is enrolled shall, if the applicant's enlistment obligation extends beyond the end of that academic term or if division (F)(1) of this section applies, be paid on the applicant's behalf the applicable one of the following amounts:

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

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

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

(i) An amount equal to one hundred per cent of the institution's tuition;

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

(2) The adjutant general and the chancellor of higher education may jointly adopt rules to require the use of other federal educational financial assistance programs, including such programs offered by the United States department of defense, for which an applicant is eligible based on the applicant's military service. If such rules are adopted, the rules shall require that financial assistance received by a scholarship recipient under those programs be applied to all eligible expenses prior to the use of scholarship funds awarded under this section. Scholarship
funds awarded under this section shall then be applied to the recipient's remaining eligible expenses.


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

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

<table>
<thead>
<tr>
<th>Number of credit hours of enrollment in an academic term equals</th>
<th>The following number of units if a term if a</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 or more hours</td>
<td>12 units 8 units</td>
</tr>
<tr>
<td>9 but less than 12</td>
<td>9 units 6 units</td>
</tr>
<tr>
<td>6 but less than 9</td>
<td>6 units 4 units</td>
</tr>
<tr>
<td>3 but less than 6</td>
<td>3 units 2 units</td>
</tr>
</tbody>
</table>

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

(3) If a scholarship recipient withdraws from courses prior to the end of an academic term so that the recipient's enrollment...
for that academic term is less than three credit hours, no scholarship shall be paid on behalf of that person for that academic term. Except as provided in division (F)(3) of this section, if a scholarship has already been paid on behalf of the person for that academic term, the adjutant general shall add to that person's accumulated eligibility units the number of eligibility units for which the scholarship was paid.

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

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

(2) When an individual to whom this division applies withdraws or otherwise fails to complete courses, for which scholarships have been awarded under this section, because the individual was called into active duty, the institution of higher education shall grant the individual a leave of absence from the individual's education program and shall not impose any academic penalty for such withdrawal or failure to complete courses. Division (F)(2) of this section applies regardless of whether or not the scholarship amount was paid to the institution of higher
(3) If an individual to whom this division applies withdraws or otherwise fails to complete courses because the individual was called into active duty, and if scholarships for those courses have already been paid, either:

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

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

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

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

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

(H) On or before the first day of each academic term, the adjutant general shall provide an eligibility roster to the chancellor and to each institution of higher education at which one or more scholarship recipients have applied for enrollment. The institution shall use the roster to certify the actual full-time or part-time enrollment of each scholarship recipient listed as enrolled at the institution and return the roster to the adjutant general and the chancellor. Except as provided in division (J) of this section, the chancellor shall provide for payment of the appropriate number and amount of scholarships to each institution of higher education pursuant to division (D) of this section. If an institution of higher education fails to certify the actual enrollment of a scholarship recipient listed as enrolled at the institution within thirty days of the end of an academic term, the institution shall not be eligible to receive payment from the Ohio national guard scholarship program or from
the individual enrollee. The adjutant general shall report on a
semiannual basis to the director of budget and management, the
speaker of the house of representatives, the president of the
senate, and the chancellor the number of Ohio national guard
scholarship recipients, the size of the scholarship-eligible
population, and a projection of the cost of the program for the
remainder of the biennium.

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

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

(1) Notify each private institution of higher education,
where a scholarship recipient is enrolled, that, by accepting the
Ohio national guard scholarship program as payment for all or part of the institution's tuition, the institution agrees that if the chancellor reduces the amount of each scholarship, the institution shall provide each scholarship recipient a grant or tuition waiver in an amount equal to the amount the recipient's scholarship was reduced by the chancellor.

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

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

(L) The chancellor and the adjutant general may apply for, and may receive and accept grants, and may receive and accept gifts, bequests, and contributions, from public and private sources, including agencies and instrumentalities of the United States and this state, and shall deposit the grants, gifts, bequests, or contributions into the national guard scholarship donation fund.

Sec. 6111.03. The director of environmental protection may do any of the following:

(A) Develop plans and programs for the prevention, control, and abatement of new or existing pollution of the waters of the state;

(B) Advise, consult, and cooperate with other agencies of the
state, the federal government, other states, and interstate agencies and with affected groups, political subdivisions, and industries in furtherance of the purposes of this chapter. Before adopting, amending, or rescinding a standard or rule pursuant to division (G) of this section or section 6111.041 or 6111.042 of the Revised Code, the director shall do all of the following:

(1) Mail notice to each statewide organization that the director determines represents persons who would be affected by the proposed standard or rule, amendment thereto, or rescission thereof at least thirty-five days before any public hearing thereon;

(2) Mail a copy of each proposed standard or rule, amendment thereto, or rescission thereof to any person who requests a copy, within five days after receipt of the request therefor;

(3) Consult with appropriate state and local government agencies or their representatives, including statewide organizations of local government officials, industrial representatives, and other interested persons.

Although the director is expected to discharge these duties diligently, failure to mail any such notice or copy or to so consult with any person shall not invalidate any proceeding or action of the director.

(C) Administer grants from the federal government and from other sources, public or private, for carrying out any of its functions, all such moneys to be deposited in the state treasury and kept by the treasurer of state in a separate fund subject to the lawful orders of the director;

(D) Administer state grants for the construction of sewage and waste collection and treatment works;

(E) Encourage, participate in, or conduct studies, investigations, research, and demonstrations relating to water
pollution, and the causes, prevention, control, and abatement thereof, that are advisable and necessary for the discharge of the director's duties under this chapter;

(F) Collect and disseminate information relating to water pollution and prevention, control, and abatement thereof;

(G) Adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code governing the procedure for hearings, the filing of reports, the issuance of permits, the issuance of industrial water pollution control certificates, and all other matters relating to procedure;

(H) Issue, modify, or revoke orders to prevent, control, or abate water pollution by such means as the following:

(1) Prohibiting or abating discharges of sewage, industrial waste, or other wastes into the waters of the state;

(2) Requiring the construction of new disposal systems or any parts thereof, or the modification, extension, or alteration of existing disposal systems or any parts thereof;

(3) Prohibiting additional connections to or extensions of a sewerage system when the connections or extensions would result in an increase in the polluting properties of the effluent from the system when discharged into any waters of the state;

(4) Requiring compliance with any standard or rule adopted under sections 6111.01 to 6111.05 of the Revised Code or term or condition of a permit.

In the making of those orders, wherever compliance with a rule adopted under section 6111.042 of the Revised Code is not involved, consistent with the Federal Water Pollution Control Act, the director shall give consideration to, and base the determination on, evidence relating to the technical feasibility and economic reasonableness of complying with those orders and to
evidence relating to conditions calculated to result from compliance with those orders, and their relation to benefits to the people of the state to be derived from such compliance in accomplishing the purposes of this chapter.

(I) Review plans, specifications, or other data relative to disposal systems or any part thereof in connection with the issuance of orders, permits, and industrial water pollution control certificates under this chapter;

(J)(1) Issue, revoke, modify, or deny sludge management permits and permits for the discharge of sewage, industrial waste, or other wastes into the waters of the state, and for the installation or modification of disposal systems or any parts thereof in compliance with all requirements of the Federal Water Pollution Control Act and mandatory regulations adopted thereunder, including regulations adopted under section 405 of the Federal Water Pollution Control Act, and set terms and conditions of permits, including schedules of compliance, where necessary. In issuing permits for sludge management, the director shall not allow the placement of sewage sludge on frozen ground in conflict with rules adopted under this chapter. Any person who discharges, transports, or handles storm water from an animal feeding facility, as defined in section 903.01 of the Revised Code, or pollutants from a concentrated animal feeding operation, as both terms are defined in that section, is not required to obtain a permit under division (J)(1) of this section for the installation or modification of a disposal system involving pollutants or storm water or any parts of such a system on and after the date on which the director of agriculture has finalized the program required under division (A)(1) of section 903.02 of the Revised Code. In addition, any person who discharges, transports, or handles storm water from an animal feeding facility, as defined in section 903.01 of the Revised Code, or pollutants from a concentrated...
animal feeding operation, as both terms are defined in that section, is not required to obtain a permit under division (J)(1) of this section for the discharge of storm water from an animal feeding facility or pollutants from a concentrated animal feeding operation on and after the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code.

Any permit terms and conditions set by the director shall be designed to achieve and maintain full compliance with the national effluent limitations, national standards of performance for new sources, and national toxic and pretreatment effluent standards set under that act, and any other mandatory requirements of that act that are imposed by regulation of the administrator of the United States environmental protection agency. If an applicant for a sludge management permit also applies for a related permit for the discharge of sewage, industrial waste, or other wastes into the waters of the state, the director may combine the two permits and issue one permit to the applicant.

A sludge management permit is not required for an entity that treats or transports sewage sludge or for a sanitary landfill when all of the following apply:

(a) The entity or sanitary landfill does not generate the sewage sludge.

(b) Prior to receipt at the sanitary landfill, the entity has ensured that the sewage sludge meets the requirements established in rules adopted by the director under section 3734.02 of the Revised Code concerning disposal of municipal solid waste in a sanitary landfill.

(c) Disposal of the sewage sludge occurs at a sanitary landfill that complies with rules adopted by the director under
section 3734.02 of the Revised Code.

As used in division (J)(1) of this section, "sanitary landfill" means a sanitary landfill facility, as defined in rules adopted under section 3734.02 of the Revised Code, that is licensed as a solid waste facility under section 3734.05 of the Revised Code.

(2) An application for a permit or renewal thereof shall be denied if any of the following applies:

(a) The secretary of the army determines in writing that anchorage or navigation would be substantially impaired thereby;

(b) The director determines that the proposed discharge or source would conflict with an areawide waste treatment management plan adopted in accordance with section 208 of the Federal Water Pollution Control Act;

(c) The administrator of the United States environmental protection agency objects in writing to the issuance or renewal of the permit in accordance with section 402 (d) of the Federal Water Pollution Control Act;

(d) The application is for the discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste into the waters of the United States.

(3) To achieve and maintain applicable standards of quality for the waters of the state adopted pursuant to section 6111.041 of the Revised Code, the director shall impose, where necessary and appropriate, as conditions of each permit, water quality related effluent limitations in accordance with sections 301, 302, 306, 307, and 405 of the Federal Water Pollution Control Act and, to the extent consistent with that act, shall give consideration to, and base the determination on, evidence relating to the technical feasibility and economic reasonableness of removing the polluting properties from those wastes and to evidence relating to
conditions calculated to result from that action and their relation to benefits to the people of the state and to accomplishment of the purposes of this chapter.

(4) Where a discharge having a thermal component from a source that is constructed or modified on or after October 18, 1972, meets national or state effluent limitations or more stringent permit conditions designed to achieve and maintain compliance with applicable standards of quality for the waters of the state, which limitations or conditions will ensure protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife in or on the body of water into which the discharge is made, taking into account the interaction of the thermal component with sewage, industrial waste, or other wastes, the director shall not impose any more stringent limitation on the thermal component of the discharge, as a condition of a permit or renewal thereof for the discharge, during a ten-year period beginning on the date of completion of the construction or modification of the source, or during the period of depreciation or amortization of the source for the purpose of section 167 or 169 of the Internal Revenue Code of 1954, whichever period ends first.

(5) The director shall specify in permits for the discharge of sewage, industrial waste, and other wastes, the net volume, net weight, duration, frequency, and, where necessary, concentration of the sewage, industrial waste, and other wastes that may be discharged into the waters of the state. The director shall specify in those permits and in sludge management permits that the permit is conditioned upon payment of applicable fees as required by section 3745.11 of the Revised Code and upon the right of the director's authorized representatives to enter upon the premises of the person to whom the permit has been issued for the purpose of determining compliance with this chapter, rules adopted
thereunder, or the terms and conditions of a permit, order, or other determination. The director shall issue or deny an application for a sludge management permit or a permit for a new discharge, for the installation or modification of a disposal system, or for the renewal of a permit, within one hundred eighty days of the date on which a complete application with all plans, specifications, construction schedules, and other pertinent information required by the director is received.

(6) The director may condition permits upon the installation of discharge or water quality monitoring equipment or devices and the filing of periodic reports on the amounts and contents of discharges and the quality of receiving waters that the director prescribes. The director shall condition each permit for a government-owned disposal system or any other "treatment works" as defined in the Federal Water Pollution Control Act upon the reporting of new introductions of industrial waste or other wastes and substantial changes in volume or character thereof being introduced into those systems or works from "industrial users" as defined in section 502 of that act, as necessary to comply with section 402(b)(8) of that act; upon the identification of the character and volume of pollutants subject to pretreatment standards being introduced into the system or works; and upon the existence of a program to ensure compliance with pretreatment standards by "industrial users" of the system or works. In requiring monitoring devices and reports, the director, to the extent consistent with the Federal Water Pollution Control Act, shall give consideration to technical feasibility and economic reasonableness and shall allow reasonable time for compliance.

(7) A permit may be issued for a period not to exceed five years and may be renewed upon application for renewal. In renewing a permit, the director shall consider the compliance history of the permit holder and may deny the renewal if the director
determines that the permit holder has not complied with the terms and conditions of the existing permit. A permit may be modified, suspended, or revoked for cause, including, but not limited to, violation of any condition of the permit, obtaining a permit by misrepresentation or failure to disclose fully all relevant facts of the permitted discharge or of the sludge use, storage, treatment, or disposal practice, or changes in any condition that requires either a temporary or permanent reduction or elimination of the permitted activity. No application shall be denied or permit revoked or modified without a written order stating the findings upon which the denial, revocation, or modification is based. A copy of the order shall be sent to the applicant or permit holder by certified mail.

(K) Institute or cause to be instituted in any court of competent jurisdiction proceedings to compel compliance with this chapter or with the orders of the director issued under this chapter, or to ensure compliance with sections 204(b), 307, 308, and 405 of the Federal Water Pollution Control Act;

(L) Issue, deny, revoke, or modify industrial water pollution control certificates;

(M) Certify to the government of the United States or any agency thereof that an industrial water pollution control facility is in conformity with the state program or requirements for the control of water pollution whenever the certification may be required for a taxpayer under the Internal Revenue Code of the United States, as amended;

(M) Issue, modify, and revoke orders requiring any "industrial user" of any publicly owned "treatment works" as defined in sections 212(2) and 502(18) of the Federal Water Pollution Control Act to comply with pretreatment standards; establish and maintain records; make reports; install, use, and maintain monitoring equipment or methods, including, where
appropriate, biological monitoring methods; sample discharges in accordance with methods, at locations, at intervals, and in a manner that the director determines; and provide other information that is necessary to ascertain whether or not there is compliance with toxic and pretreatment effluent standards. In issuing, modifying, and revoking those orders, the director, to the extent consistent with the Federal Water Pollution Control Act, shall give consideration to technical feasibility and economic reasonableness and shall allow reasonable time for compliance.

(N) Exercise all incidental powers necessary to carry out the purposes of this chapter;

(O) Certify or deny certification to any applicant for a federal license or permit to conduct any activity that may result in any discharge into the waters of the state that the discharge will comply with the Federal Water Pollution Control Act;

(P) Administer and enforce the publicly owned treatment works pretreatment program in accordance with the Federal Water Pollution Control Act. In the administration of that program, the director may do any of the following:

(1) Apply and enforce pretreatment standards;

(2) Approve and deny requests for approval of publicly owned treatment works pretreatment programs, oversee those programs, and implement, in whole or in part, those programs under any of the following conditions:

(a) The director has denied a request for approval of the publicly owned treatment works pretreatment program;

(b) The director has revoked the publicly owned treatment works pretreatment program;

(c) There is no pretreatment program currently being implemented by the publicly owned treatment works;
(d) The publicly owned treatment works has requested the director to implement, in whole or in part, the pretreatment program.

(3) Require that a publicly owned treatment works pretreatment program be incorporated in a permit issued to a publicly owned treatment works as required by the Federal Water Pollution Control Act, require compliance by publicly owned treatment works with those programs, and require compliance by industrial users with pretreatment standards;

(4) Approve and deny requests for authority to modify categorical pretreatment standards to reflect removal of pollutants achieved by publicly owned treatment works;

(5) Deny and recommend approval of requests for fundamentally different factors variances submitted by industrial users;

(6) Make determinations on categorization of industrial users;

(7) Adopt, amend, or rescind rules and issue, modify, or revoke orders necessary for the administration and enforcement of the publicly owned treatment works pretreatment program.

Any approval of a publicly owned treatment works pretreatment program may contain any terms and conditions, including schedules of compliance, that are necessary to achieve compliance with this chapter.

Except as otherwise provided in this division, adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures, methods, and equipment and other requirements for equipment to prevent and contain discharges of oil and hazardous substances into the waters of the state. The rules shall be consistent with and equivalent in scope, content, and coverage to section 311(j)(1)(c) of the Federal Water Pollution Control Act and regulations adopted under it. The
director shall not adopt rules under this division relating to discharges of oil from oil production facilities and oil drilling and workover facilities as those terms are defined in that act and regulations adopted under it.

(S) (R) (1) Administer and enforce a program for the regulation of sludge management in this state. In administering the program, the director, in addition to exercising the authority provided in any other applicable sections of this chapter, may do any of the following:

(a) Develop plans and programs for the disposal and utilization of sludge and sludge materials;

(b) Encourage, participate in, or conduct studies, investigations, research, and demonstrations relating to the disposal and use of sludge and sludge materials and the impact of sludge and sludge materials on land located in the state and on the air and waters of the state;

(c) Collect and disseminate information relating to the disposal and use of sludge and sludge materials and the impact of sludge and sludge materials on land located in the state and on the air and waters of the state;

(d) Issue, modify, or revoke orders to prevent, control, or abate the use and disposal of sludge and sludge materials or the effects of the use of sludge and sludge materials on land located in the state and on the air and waters of the state;

(e) Adopt and enforce, modify, or rescind rules necessary for the implementation of division (S) (R) of this section. The rules reasonably shall protect public health and the environment, encourage the beneficial reuse of sludge and sludge materials, and minimize the creation of nuisance odors.

The director may specify in sludge management permits the net volume, net weight, quality, and pollutant concentration of the
sludge or sludge materials that may be used, stored, treated, or disposed of, and the manner and frequency of the use, storage, treatment, or disposal, to protect public health and the environment from adverse effects relating to those activities. The director shall impose other terms and conditions to protect public health and the environment, minimize the creation of nuisance odors, and achieve compliance with this chapter and rules adopted under it and, in doing so, shall consider whether the terms and conditions are consistent with the goal of encouraging the beneficial reuse of sludge and sludge materials.

The director may condition permits on the implementation of treatment, storage, disposal, distribution, or application management methods and the filing of periodic reports on the amounts, composition, and quality of sludge and sludge materials that are disposed of, used, treated, or stored.

An approval of a treatment works sludge disposal program may contain any terms and conditions, including schedules of compliance, necessary to achieve compliance with this chapter and rules adopted under it.

(2) As a part of the program established under division (S+(R)(1) of this section, the director has exclusive authority to regulate sewage sludge management in this state. For purposes of division (S+(R)(2) of this section, that program shall be consistent with section 405 of the Federal Water Pollution Control Act and regulations adopted under it and with this section, except that the director may adopt rules under division (S+(R) of this section that establish requirements that are more stringent than section 405 of the Federal Water Pollution Control Act and regulations adopted under it with regard to monitoring sewage sludge and sewage sludge materials and establishing acceptable sewage sludge management practices and pollutant levels in sewage sludge and sewage sludge materials.
This chapter authorizes the state to participate in any national sludge management program and the national pollutant discharge elimination system, to administer and enforce the publicly owned treatment works pretreatment program, and to issue permits for the discharge of dredged or fill materials, in accordance with the Federal Water Pollution Control Act. This chapter shall be administered, consistent with the laws of this state and federal law, in the same manner that the Federal Water Pollution Control Act is required to be administered.

(T) Develop technical guidance and offer technical assistance, upon request, for the purpose of minimizing wind or water erosion of soil, and assist in compliance with permits for storm water management issued under this chapter and rules adopted under it.

(U) Study, examine, and calculate nutrient loading from point and nonpoint sources in order to determine comparative contributions by those sources and to utilize the information derived from those calculations to determine the most environmentally beneficial and cost-effective mechanisms to reduce nutrient loading to watersheds in the Lake Erie basin and the Ohio river basin. In order to evaluate nutrient loading contributions, the director or the director's designee shall conduct a study of the nutrient mass balance for both point and nonpoint sources in watersheds in the Lake Erie basin and the Ohio river basin using available data, including both of the following:

(1) Data on water quality and stream flow;

(2) Data on point source discharges into those watersheds.

The director or the director's designee shall report and update the results of the study to coincide with the release of the Ohio integrated water quality monitoring and assessment report prepared by the director.
(U) For each impaired water of the state, or segment thereof, establish total maximum daily loads (TMDL) and submit the TMDL to the United States environmental protection agency for approval.

This section does not apply to residual farm products and manure disposal systems and related management and conservation practices subject to rules adopted pursuant to division (E)(1) of section 939.02 of the Revised Code. For purposes of this exclusion, "residual farm products" and "manure" have the same meanings as in section 939.01 of the Revised Code. However, until the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code, this exclusion does not apply to animal waste treatment works having a controlled direct discharge to the waters of the state or any concentrated animal feeding operation, as defined in 40 C.F.R. 122.23(b)(2). On and after the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code, this section does not apply to storm water from an animal feeding facility, as defined in section 903.01 of the Revised Code, or to pollutants discharged from a concentrated animal feeding operation, as both terms are defined in that section. Neither of these exclusions applies to the discharge of animal waste into a publicly owned treatment works.

Not later than December 1, 2016, a publicly owned treatment works with a design flow of one million gallons per day or more, or designated as a major discharger by the director, shall be required to begin monthly monitoring of total and dissolved reactive phosphorus pursuant to a new NPDES permit, an NPDES permit renewal, or a director-initiated modification. The director shall include in each applicable new NPDES permit, NPDES permit renewal, or director-initiated modification a requirement that
such monitoring be conducted. A director-initiated modification for that purpose shall be considered and processed as a minor modification pursuant to Ohio Administrative Code 3745-33-04. In addition, not later than December 1, 2017, a publicly owned treatment works with a design flow of one million gallons per day or more that, on July 3, 2015, is not subject to a phosphorus limit shall complete and submit to the director a study that evaluates the technical and financial capability of the existing treatment facility to reduce the final effluent discharge of phosphorus to one milligram per liter using possible source reduction measures, operational procedures, and unit process configurations.

Sec. 6111.036. (A) There is hereby created the water pollution control loan fund to provide financial, technical, and administrative assistance as follows:

(1) For the construction of publicly owned wastewater treatment works, as "construction" and "treatment works" are defined in section 212 of the Federal Water Pollution Control Act, by municipal corporations, other political subdivisions, state agencies, and interstate agencies having territory in this state;

(2) For the implementation of a nonpoint source pollution management program under section 319 of that act;

(3) For the development and implementation of estuary conservation and management programs under section 320 of that act;

(4) For the construction, repair, or replacement of decentralized wastewater treatment systems that treat municipal wastewater or domestic sewage;

(5) For measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water;
(6) For measures to reduce the demand for publicly owned wastewater treatment works capacity through water conservation, efficiency, or reuse by any municipal corporation, other political subdivision, state agency, or interstate agency having territory in this state;

(7) For the development and implementation of watershed projects meeting the criteria established in section 122 of that act;

(8) For measures to reduce the energy consumption needs of publicly owned wastewater treatment works by any municipal corporation, other political subdivision, state agency, or interstate agency having territory in this state;

(9) For reusing or recycling wastewater, stormwater, or subsurface drainage water;

(10) For measures to increase the security of publicly owned wastewater treatment works;

(11) To any qualified nonprofit entity, as determined by the director of environmental protection, to provide assistance to owners and operators of small and medium publicly owned wastewater treatment works for either of the following:

(a) To plan, develop, and obtain financing for eligible projects under this division, including planning, design, and associated preconstruction activities;

(b) To assist such treatment works in achieving compliance with the Federal Water Pollution Control Act.

To the extent they are otherwise allowable as determined by the director, the purposes identified under division (A) of this section are intended to include activities benefiting the waters of the state that are authorized under Chapter 3746. of the Revised Code.
The fund shall be administered by the director consistent with the Federal Water Pollution Control Act; regulations adopted under it, including, without limitation, regulations establishing public participation requirements applicable to the providing of financial assistance; this section; and rules adopted under division (O) of this section.

Moneys in the water pollution control loan fund shall be separate and apart from and not a part of the state treasury or of the other funds of the Ohio water development authority. Subject to the terms of the agreements provided for in divisions (B), (C), (D), and (F) of this section, moneys in the fund shall be held in trust by the Ohio water development authority for the purposes of this section, shall be kept in the same manner that funds of the authority are kept under section 6121.11 of the Revised Code, and may be invested in the same manner that funds of the authority are invested under section 6121.12 of the Revised Code. No withdrawals or disbursements shall be made from the water pollution control loan fund without the written authorization of the director or the director's designated representative. The manner of authorization for any withdrawals or disbursements from the fund to be made by the authority shall be established in the agreements authorized under division (C) of this section.

(B) The director may enter into agreements to receive and assign moneys credited or to be credited to the water pollution control loan fund. The director may reserve capitalization grant moneys allotted to the state under sections 601 and 604(c)(2) of the Federal Water Pollution Control Act for the other purposes authorized for the use of capitalization grant moneys under sections 603(d)(7) and 604(b) of that act.

(C) The director shall ensure that fiscal controls are established for prudent administration of the water pollution control loan fund. For that purpose, the director and the Ohio
water development authority shall enter into any necessary and
appropriate agreements under which the authority may perform or
provide any of the following:

(1) Fiscal controls and accounting procedures governing fund
balances, receipts, and disbursements;

(2) Administration of loan accounts;

(3) Maintaining, managing, and investing moneys in the fund.

Any agreement entered into under this division shall provide
for the payment of reasonable fees to the Ohio water development
authority for any services it performs under the agreement and may
provide for reasonable fees for the assistance of financial or
accounting advisors. Payments of any such fees to the authority
may be made from the water pollution control loan fund to the
extent authorized by division (H)(7) of this section or from the
water pollution control loan administrative fund created in
division (E) of this section. The authority may enter into loan
agreements with the director and recipients of financial
assistance from the fund as provided in this section.

(D) The water pollution control loan fund shall consist of
the moneys credited to it from all capitalization grants received
under sections 601 and 604(c)(2) of the Federal Water Pollution
Control Act, all moneys received as capitalization grants under
section 205(m) of that act, all matching moneys credited to the
fund arising from nonfederal sources, all payments of principal
and interest for loans made from the fund, and all investment
earnings on moneys held in the fund. On or before the date on
which a quarterly capitalization grant payment will be received
under that act, matching moneys equal to at least twenty per cent
of the quarterly capitalization grant payment shall be credited to
the fund. The Ohio water development authority may make moneys
available to the director for the purpose of providing the
matching moneys required by this division, subject to such terms 
as the director and the authority consider appropriate, and may 
pledge moneys that are held by the authority to secure the payment 
of bonds or notes issued by the authority to provide those 
matching moneys. The authority may make moneys available to the 
director for that purpose from any funds now or hereafter 
available to the authority from any source, including, without 
limitation, the proceeds of bonds or notes heretofore or hereafter 
issued by the authority under Chapter 6121. of the Revised Code. 
Matching moneys made available to the director by the authority 
from the proceeds of any such bonds or notes shall be made 
available subject to the terms of the trust agreements relating to 
the bonds or notes. Any such matching moneys shall be made 
available to the director pursuant to a written agreement between 
the director and the authority that contains such terms as the 
director and the authority consider appropriate, including, 
without limitation, a provision providing for repayment to the 
authority of those matching moneys from moneys deposited in the 
water pollution control loan fund, including, without limitation, 
the proceeds of bonds or notes issued by the authority for the 
benefit of the fund and payments of principal and interest on 
loans made from the fund, or from any other sources now or 
hereafter available to the director for the repayment of those 
matching moneys.

(E) All moneys credited to the water pollution control loan 
fund, all interest earned on moneys in the fund, and all payments 
of principal and interest for loans made from the fund shall be 
dedicated in perpetuity and used and reused solely for the 
purposes set forth in division (A) of this section, except as 
otherwise provided in division (D) or (F) of this section. The 
director may establish and collect fees to be paid by recipients 
of financial assistance under this section, and all moneys arising 
from the fees shall be credited to the water pollution control
loan administrative fund, which is hereby created in the state treasury, and shall be used to defray the costs of administering this section or other water quality related programs administered by the environmental protection agency.

(F) The director and the Ohio water development authority shall enter into trust agreements to enable the authority to issue and refund bonds or notes for the sole benefit of the water pollution control loan fund, including, without limitation, the raising of the matching moneys required by division (D) of this section. These agreements may authorize the pledge of moneys accruing to the fund from payments of principal and interest on loans made from the fund adequate to secure bonds or notes, the proceeds of which bonds or notes shall be for the sole benefit of the water pollution control loan fund. The agreements may contain such terms as the director and the authority consider reasonable and proper for the security of the bondholders or noteholders.

(G) The director shall enter into binding commitments to provide financial assistance from the water pollution control loan fund in an amount equal to one hundred twenty per cent of the amount of each capitalization grant payment received, within one year after receiving each such grant payment. The director shall provide the financial assistance in compliance with this section and rules adopted under division (O) of this section. The director shall ensure that all moneys credited to the fund are disbursed in an expeditious and timely manner. During the second year of operation of the water pollution control loan program, the director also shall ensure that not less than twenty-five per cent of the financial assistance provided under this section during that year is provided for the purpose of division (H)(2) of this section for the purchase or refinancing of debt obligations incurred after March 7, 1985, but not later than July 1, 1988, except that if the amount of money reserved during the second year
of operation of the program for the purchase or refinancing of those debt obligations exceeds the amount required for the projects that are eligible to receive financial assistance for that purpose, the director shall distribute the excess moneys in accordance with the current priority system and list prepared under division (I) of this section to provide financial assistance for projects that otherwise would not receive assistance in that year.

(H) Moneys credited to the water pollution control loan fund shall be used only for the following purposes:

(1) To make loans, subject to all of the following conditions:

(a) The loans are made at or below market rates of interest, including, without limitation, interest free loans.

(b) Periodic payments of principal and interest, on the dates and in the amounts approved by the director, shall commence not later than one year after completion of the project, and all loans shall be fully amortized not later than thirty years after project completion.

(c) Each recipient of a loan shall establish a dedicated source of revenue for repayment of the loan.

(d) All payments of principal and interest on the loans shall be credited to the fund, except as otherwise provided in division (D) or (F) of this section.

(2) To purchase or refinance at or below market rates of interest debt obligations incurred after March 7, 1985, by municipal corporations, other political subdivisions, and interstate agencies having territory in the state. If, and to the extent allowed under the Federal Water Pollution Control Act, debt obligations are purchased or refinanced under this section to provide financial assistance for any of the purposes allowed under
division (A) of this section, the repayment period may extend up to forty-five years. However, the repayment period shall not exceed the expected useful life of any facilities that are financed by the obligations.

(3) To guarantee or purchase insurance for debt obligations of municipal corporations, other political subdivisions, and interstate agencies having territory within the state when the guarantee or insurance would improve the borrower's access to credit markets or would reduce the interest rate paid on those obligations;

(4) As a source of revenue or security for the payment of principal and interest on general obligation or revenue bonds or notes issued by this state if the proceeds of the sale of the bonds or notes will be deposited in the fund;

(5) To provide loan guarantees for revolving loan funds established by municipal corporations and other political subdivisions that are similar to the water pollution control loan fund;

(6) To earn interest on moneys credited to the fund;

(7) For the payment of the reasonable costs of administering the fund and conducting activities under this section, except that those amounts shall not exceed four per cent of the total amount of the capitalization grants received, four hundred thousand dollars per year, or one-fifth of one per cent per year of the current valuation of the fund, whichever amount is greater, plus the amount of any fees collected by the state for that purpose regardless of the source;

(8) To provide assistance in any manner or for any purpose that is consistent with Title VI of the Federal Water Pollution Control Act or with any other federal law related to the use of federal funds administered under Title VI of the Federal Water
Pollution Control Act, including, without limitation, the awarding of principal forgiveness assistance under that act.

(I) The director periodically shall prepare in accordance with rules adopted under division (O) of this section a state priority system and list ranking assistance proposals principally on the basis of their relative water quality and public health benefits and the financial need of the applicants for assistance. Assistance for proposed activities from the water pollution control loan fund shall be limited to those activities appearing on that priority list and shall be awarded based upon their priority sequence on the list and the applicants' readiness to proceed with their proposed activities. The director annually shall prepare and circulate for public review and comment a plan that defines the goals and intended uses of the fund, as required by section 606(c) of the "Federal Water Pollution Control Act."

(J) Financial assistance from the water pollution control loan fund first shall be used to ensure maintenance of progress, as determined by the governor, toward compliance with enforceable deadlines, goals, and requirements under the "Federal Water Pollution Control Act" that are pertinent to the purposes of the fund set forth in divisions (A)(1) to (3) of this section, including, without limitation, the municipal compliance deadline under that act.

(K) The director may provide financial assistance from the water pollution control loan fund for a publicly owned treatment works project only after determining that:

(1) The applicant for financial assistance has the legal, institutional, managerial, and financial capability to construct, operate, and maintain its publicly owned treatment works.

(2) The applicant will implement a financial management plan that includes, without limitation, provisions for satisfactory
restitution of the financial assistance, a user charge system to pay
the operation, maintenance, and replacement expenses of the
project, and, if appropriate in the director's judgment, an
adequate capital improvements fund.

(3) The proposed disposal system of which the project is a
part is economically and nonmonetarily cost-effective, based upon
an evaluation of feasible alternatives that meet the waste water
treatment needs of the planning area in which the proposed project
is located.

(4) Based upon the environmental review conducted by the
director under division (L) of this section, there are no
significant adverse environmental effects resulting from the
proposed disposal system and the system has been selected from
among environmentally sound alternatives.

(5) Public participation has occurred during the process of
planning the project in compliance with applicable requirements
under the Federal Water Pollution Control Act.

(6) The applicant has submitted a facilities plan for the
project that meets the applicable program requirements and that
has been approved by the director.

(7) The application meets the requirements of this section
and rules adopted under division (O) of this section and is
consistent with the intent of Title VI of the Federal Water
Pollution Control Act and regulations adopted under it.

(8) The application meets such other requirements as the
director considers necessary or appropriate to protect the
environment or ensure the financial integrity of the fund while
implementing this section.

(L) The director shall perform and document for public review
an independent, comprehensive environmental review of the
assistance proposal for each activity receiving financial
assistance under this section. The review shall serve as the basis for the determinations to be made under division (K)(4) or (Q)(4) of this section, as applicable, and may include, without limitation, an environmental assessment, any necessary supplemental studies, and an enforceable mitigation plan. The director may establish environmental impact mitigation terms or conditions for the implementation of an assistance proposal, including, without limitation, the installation or modification of a disposal system, in the director's approval of the plans for the installation or modification as authorized by section 6111.44 of the Revised Code or through other legally enforceable means. The review shall be conducted in accordance with applicable rules adopted under division (O) of this section.

(M) The director, consistent with this section and applicable rules adopted under division (O) of this section, may enter into any agreement with an applicant that is necessary or appropriate to provide assistance from the water pollution control loan fund. Based upon the director's review of an assistance proposal, including, without limitation, approval for the project under section 6111.44 of the Revised Code, the environmental review conducted under division (L) of this section, and the other requirements of this section and rules adopted under it, the director may establish in the agreement terms and conditions of the assistance to be offered to an applicant. In addition to any other available remedies, the director may terminate, suspend, or require immediate repayment of financial assistance provided under this section to, or take any other enforcement action available under this chapter against, a recipient of financial assistance under this section who defaults on any payment required in the agreement for financial assistance or otherwise violates a term or condition of the agreement or of the plan approval for the project under section 6111.44 of the Revised Code.
(N) Based upon the director's judgment as to the financial need of the applicant and as to what constitutes the most effective allocation of funds to achieve statewide water pollution control objectives, the director may establish the terms, conditions, and amount of financial assistance to be offered to an applicant from the water pollution control loan fund. The director, to the extent consistent with the water quality improvement priorities reflected in the current priority system and list prepared under division (I) of this section and with the long-term financial integrity of the fund, shall ensure each year that financial assistance in an amount equal to the cost of the assistance proposals of applicants having a high level of economic need that are on the current priority list and for which funding is available in that year is made available from the fund to those applicants at an interest rate that is lower than that offered to other applicants for financial assistance from the fund for assistance proposals that are on the current priority list and for which funding is available in that year.

The director shall determine the economic need of applicants for financial assistance in accordance with uniform criteria established in rules adopted under division (O) of this section.

(O) The director may adopt rules in accordance with Chapter 119. of the Revised Code for the implementation and administration of this section and section 6111.037 of the Revised Code. Any such rules governing the planning, design, and construction of water pollution control projects, establishing an environmental review process, establishing requirements for the preparation of environmental impact reports and mitigation plans, governing the establishment of priority systems for providing financial assistance under this section and section 6111.037 of the Revised Code, and governing the terms and conditions of assistance, shall be consistent with the intent of Titles II and VI and sections 319.
and 320 of the Federal Water Pollution Control Act. The rules
governing the establishment of priority systems for financial
assistance and governing terms and conditions of assistance shall
provide for the most effective allocation of moneys from the water
pollution control loan fund to achieve water quality and public
health objectives throughout the state as determined by the
director.

(P)(1) For the purpose of this section, appealable actions of
the director pursuant to section 3745.04 of the Revised Code are
limited to the following:

(a) Approval of draft priority systems, draft priority lists,
and draft written program administration policies;

(b) Approval or disapproval of project facility plans under
division (K)(6) of this section;

(c) Approval or disapproval of plans and specifications for a
project under section 6111.44 of the Revised Code and issuance of
a permit to install in connection with a project pursuant to rules
adopted under section 6111.03 of the Revised Code;

(d) Approval or disapproval of an application for assistance.

(2) Notwithstanding section 119.06 of the Revised Code, the
director may take final action described in division (P)(1)(a),
(b), (c), or (d) of this section without holding an adjudication
hearing in connection with the action and without first issuing a
proposed action under section 3745.07 of the Revised Code.

(3) Each action described in divisions (P)(1)(a), (b), (c),
and (d) of this section is a separate and discrete action of the
director. Appeals of any such action are limited to the issues
concerning the specific action appealed, and the appeal shall not
include issues determined under the scope of any prior action.

(Q) The director may provide financial assistance for the
implementation of a nonpoint source management program activity only after determining all of the following:

(1) The activity is consistent with the state's nonpoint source management program.

(2) The applicant has the legal, institutional, managerial, and financial capability to implement, operate, and maintain the activity.

(3) The cost of the activity is reasonable considering monetary and nonmonetary factors.

(4) Based on the environmental review conducted by the director under division (L) of this section, the activity will not result in significant adverse environmental impacts.

(5) The application meets the requirements of this section and rules adopted under division (O) of this section and is consistent with the intent of Title VI of the Federal Water Pollution Control Act and regulations adopted under it.

(6) The applicant will implement a financial management plan, including, without limitation, provisions for satisfactory repayment of the financial assistance.

(7) The application meets such other requirements as the director considers necessary or appropriate to protect the environment and ensure the financial integrity of the fund while implementing this section.

Sec. 6111.04. (A) Both of the following apply except as otherwise provided in division (A) or (F) of this section:

(1) No person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state.

(2) Such an action prohibited under division (A)(1) of this section is hereby declared to be a public nuisance.

Divisions (A)(1) and (2) of this section do not apply if the person causing pollution or placing or causing to be placed wastes in a location in which they cause pollution of any waters of the state holds a valid, unexpired permit, or renewal of a permit, governing the causing or placement as provided in sections 6111.01 to 6111.08 of the Revised Code or if the person's application for renewal of such a permit is pending.

(B) If the director of environmental protection administers a sludge management program pursuant to division (S)(R) of section 6111.03 of the Revised Code, both of the following apply except as otherwise provided in division (B) or (F) of this section:

(1) No person, in the course of sludge management, shall place on land located in the state or release into the air of the state any sludge or sludge materials.

(2) An action prohibited under division (B)(1) of this section is hereby declared to be a public nuisance.

Divisions (B)(1) and (2) of this section do not apply if the person placing or releasing the sludge or sludge materials holds a
valid, unexpired permit, or renewal of a permit, governing the
placement or release as provided in sections 6111.01 to 6111.08 of
the Revised Code or if the person's application for renewal of
such a permit is pending.

(C) No person to whom a permit has been issued shall place or
discharge, or cause to be placed or discharged, in any waters of
the state any sewage, sludge, sludge materials, industrial waste,
or other wastes in excess of the permissive discharges specified
under an existing permit without first receiving a permit from the
director to do so.

(D) No person to whom a sludge management permit has been
issued shall place on the land or release into the air of the
state any sludge or sludge materials in excess of the permissive
amounts specified under the existing sludge management permit
without first receiving a modification of the existing sludge
management permit or a new sludge management permit to do so from
the director.

(E) The director may require the submission of plans,
specifications, and other information that the director considers
relevant in connection with the issuance of permits.

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

(1) Waters used in washing sand, gravel, other aggregates, or
mineral products when the washing and the ultimate disposal of the
water used in the washing, including any sewage, industrial waste,
or other wastes contained in the waters, are entirely confined to
the land under the control of the person engaged in the recovery
and processing of the sand, gravel, other aggregates, or mineral
products and do not result in the pollution of waters of the
state;

(2) Water, gas, or other material injected into a well to
facilitate, or that is incidental to, the production of oil, gas,
artificial brine, or water derived in association with oil or gas production and disposed of in a well, in compliance with a permit issued under Chapter 1509. of the Revised Code, or sewage, industrial waste, or other wastes injected into a well in compliance with an injection well operating permit. Division (F)(2) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, regulation of the United States environmental protection agency.

(3) Application of any materials to land for agricultural purposes or runoff of the materials from that application or pollution by residual farm products, manure, or soil sediment, including attached substances, resulting from farming, silvicultural, or earthmoving activities regulated by Chapter 307. or 939. of the Revised Code. Division (F)(3) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, the Federal Water Pollution Control Act or regulations adopted under it. As used in division (F)(3) of this section, "residual farm products" and "manure" have the same meanings as in section 939.01 of the Revised Code.

(4) The excrement of domestic and farm animals defecated on land or runoff therefrom into any waters of the state. Division (F)(4) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, the Federal Water Pollution Control Act or regulations adopted under it.

(5) On and after the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code, any discharge that is within the scope of the approved NPDES program submitted by the director of agriculture;
(6) The discharge of sewage, industrial waste, or other wastes into a sewerage system tributary to a treatment works. Division (F)(6) of this section does not authorize any discharge into a publicly owned treatment works in violation of a pretreatment program applicable to the publicly owned treatment works.

(7) A household sewage treatment system or a small flow on-site sewage treatment system, as applicable, as defined in section 3718.01 of the Revised Code that is installed in compliance with Chapter 3718. of the Revised Code and rules adopted under it. Division (F)(7) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, regulation of the United States environmental protection agency.

(8) Exceptional quality sludge generated outside of this state and contained in bags or other containers not greater than one hundred pounds in capacity. As used in division (F)(8) of this section, "exceptional quality sludge" has the same meaning as in division (Y) of section 3745.11 of the Revised Code.

(G) The holder of a permit issued under section 402 (a) of the Federal Water Pollution Control Act need not obtain a permit for a discharge authorized by the permit until its expiration date. Except as otherwise provided in this division, the director of environmental protection shall administer and enforce those permits within this state and may modify their terms and conditions in accordance with division (J) of section 6111.03 of the Revised Code. On and after the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code, the director of agriculture shall administer and enforce those permits within this state that are issued for any discharge that is within the scope of the approved NPDES program.
submitted by the director of agriculture.

Sec. 6111.046. (A) Each person who is issued an injection well operating permit or a renewal of an injection well operating permit for a class I injection well shall pay an annual permit fee of twelve thousand five hundred dollars, except that a person who is issued such a permit or renewal of such a permit for a class I injection well that disposes of any hazardous waste identified or listed in rules adopted under section 3734.12 of the Revised Code and that is located on the premises where the hazardous waste injected into the well is generated shall pay an annual permit fee of thirty thousand dollars. The appropriate permit fee shall be paid to the director of environmental protection within thirty days after the issuance of the injection well operating permit or renewal of such a permit. Annually thereafter during the term of the permit or renewal, the appropriate annual permit fee shall be paid to the director on or before the anniversary of the date of issuance of the injection well operating permit or renewal of such a permit. The director, by rules adopted in accordance with Chapter 119. of the Revised Code, shall prescribe the procedures for collecting the annual permit fees established in this section and may prescribe other requirements necessary to carry out this section.

No person shall fail to comply with this division.

(B) All moneys received by the director under division (A) of this section shall be credited to the underground injection control fund, which is hereby created in the state treasury. Beginning July 1, 1992, and annually thereafter, the director shall request the office of budget and management to, and the office shall, transfer fifteen per cent of the moneys in the fund to the injection well review geological mapping fund created in section 1501.022 1505.09 of the Revised Code for the purpose of...
paying the expenses of the department of natural resources incurred in executing its duties under sections 6111.043 to 6111.047 of the Revised Code. The director shall use the remainder of the moneys credited to the underground injection control fund solely to administer and enforce the requirements of sections 6111.043 to 6111.047 of the Revised Code and rules adopted under them pertaining to class I injection wells.

Sec. 6111.14. The director of environmental protection may enter into an agreement with a political subdivision or investor-owned public utility that owns or operates a disposal system and that intends to extend the sewerage lines of its disposal system or to increase the number of service connections to its sewerage system, which agreement authorizes a qualified official or employee of the political subdivision or investor-owned public utility, as determined by the director, to review plans for the extension of the sewerage system or increase in the number of service connections for compliance with this chapter and the rules adopted under it and to certify to the director whether the plans comply with this chapter and the rules adopted under it. If, pursuant to such an agreement, the official or employee of the political subdivision or investor-owned public utility designated in the agreement certifies to the director that the plans comply with this chapter and the rules adopted under it and if the plans and certification are accompanied by an administrative service fee calculated in accordance with division (L)(4)(2) of section 3745.11 of the Revised Code, the director, by final action, shall approve the plans without further review. The director or the director's authorized representative may inspect the construction or installation of an extension of a sewerage system or additional service connections for which plans have been approved under this section.

The approval of plans by the director pursuant to this

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section constitutes the approval of the plans for the purposes of any rules adopted under division (E) of section 6111.03 of the Revised Code that require the approval of plans for extensions of sewerage systems or increases in the number of service connections to sewerage systems.

As used in this section, "investor-owned public utility" means a person, other than an individual, that is a sewage disposal system company, as defined in section 4905.03 of the Revised Code, and that is not owned or operated by a municipal corporation or operated not-for-profit.

**Sec. 6111.30.** (A) Applications for a section 401 water quality certification required under division (P)(O) of section 6111.03 of the Revised Code shall be submitted on forms provided by the director of environmental protection and shall include all information required on those forms as well as all of the following:

1. A copy of a letter from the United States army corps of engineers documenting its jurisdiction over the wetlands, streams, or other waters of the state that are the subject of the section 401 water quality certification application;

2. If the project involves impacts to a wetland, a wetland characterization analysis consistent with the Ohio rapid assessment method;

3. If the project involves a stream for which a specific aquatic life use designation has not been made, data sufficient to determine the existing aquatic life use;

4. A specific and detailed mitigation proposal, including the location and proposed real estate instrument or other available mechanism for protecting the property long term;

5. Applicable fees;
(6) Site photographs;

(7) Adequate documentation confirming that the applicant has requested comments from the department of natural resources and the United States fish and wildlife service regarding threatened and endangered species, including the presence or absence of critical habitat;

(8) Descriptions, schematics, and appropriate economic information concerning the applicant's preferred alternative, nondegradation alternatives, and minimum degradation alternatives for the design and operation of the project;

(9) The applicant's investigation report of the waters of the United States in support of a section 404 permit application concerning the project;

(10) A copy of the United States army corps of engineers' public notice regarding the section 404 permit application concerning the project.

(B) Not later than fifteen business days after the receipt of an application for a section 401 water quality certification, the director shall review the application to determine if it is complete and shall notify the applicant in writing as to whether the application is complete. If the director fails to notify the applicant within fifteen business days regarding the completeness of the application, the application is considered complete. If the director determines that the application is not complete, the director shall include with the written notification an itemized list of the information or materials that are necessary to complete the application. If the applicant fails to provide the information or materials within sixty days after the director's receipt of the application, the director may return the incomplete application to the applicant and take no further action on the application. If the application is returned to the applicant
because it is incomplete, the director shall return the review fee levied under division (A)(1), (2), or (3) of section 3745.114 of the Revised Code to the applicant, but shall retain the application fee levied under that section.

(C) Not later than twenty-one days after a determination that an application is complete under division (B) of this section, the applicant shall publish public notice of the director's receipt of the complete application in a newspaper of general circulation in the county in which the project that is the subject of the application is located. The public notice shall be in a form acceptable to the director. The applicant shall promptly provide the director with proof of publication. The applicant may choose, subject to review by and approval of the director, to include in the public notice an advertisement for an antidegradation public hearing on the application pursuant to section 6111.12 of the Revised Code. There shall be a public comment period of thirty days following the publication of the public notice.

(D) If the director determines that there is significant public interest in a public hearing as evidenced by the public comments received concerning the application and by other requests for a public hearing on the application, the director or the director's representative shall conduct a public hearing concerning the application. Notice of the public hearing shall be published by the applicant, subject to review and approval by the director, at least thirty days prior to the date of the hearing in a newspaper of general circulation in the county in which the project that is the subject of the application is to take place. If a public hearing is requested concerning an application, the director shall accept comments concerning the application until five business days after the public hearing. A public hearing conducted under this division shall take place not later than one hundred days after the application is determined to be complete.
(E) The director shall forward all public comments concerning an application submitted under this section that are received through the public involvement process required by rules adopted under this chapter to the applicant not later than five business days after receipt of the comments by the director.

(F) The applicant shall respond in writing to written comments or to deficiencies identified by the director during the course of reviewing the application not later than fifteen days after receiving or being notified of them.

(G) The director shall issue or deny a section 401 water quality certification not later than one hundred eighty days after the complete application for the certification is received. The director shall provide an applicant for a section 401 water quality certification with an opportunity to review the certification prior to its issuance.

(H) The director shall maintain an accessible database that includes environmentally beneficial water restoration and protection projects that may serve as potential mitigation projects for projects in the state for which a section 401 water quality certification is required. A project's inclusion in the database does not constitute an approval of the project.

(I) Mitigation required by a section 401 water quality certification may be accomplished by any of the following:

1. Purchasing credits at a mitigation bank approved in accordance with 33 C.F.R. 332.8;

2. Participating in an in-lieu fee mitigation program approved in accordance with 33 C.F.R. 332.8;

3. Constructing individual mitigation projects.

Notwithstanding the mitigation hierarchy specified in section 3745-1-54 of the Administrative Code, mitigation projects shall be
approved in accordance with the hierarchy specified in 33 C.F.R. 332.3 unless the director determines that the size or quality of the impacted resource necessitates reasonably identifiable, available, and practicable mitigation conducted by the applicant. The director shall adopt rules in accordance with Chapter 119. of the Revised Code consistent with the mitigation hierarchy specified in 33 C.F.R. 332.3.

(J) The director may establish a program and adopt rules in accordance with Chapter 119. of the Revised Code for the purpose of certifying water quality professionals to assess streams to determine existing aquatic life use and to categorize wetlands in support of applications for section 401 water quality certification under divisions (A)(2) and (3) of this section and isolated wetland permits under sections 6111.022 to 6111.024 of the Revised Code. The director shall use information submitted by certified water quality professionals in the review of those applications.

Rules adopted under this division shall do all of the following:

(1) Provide for the certification of water quality professionals to conduct activities in support of applications for section 401 water quality certification and isolated wetland permits, including work necessary to determine existing aquatic life use of streams and categorize wetlands. Rules adopted under division (J)(1) of this section shall do at least all of the following:

(a) Authorize the director to require an applicant for water quality professional certification to submit information considered necessary by the director to assess a water quality professional's experience in conducting stream assessments and wetlands categorizations;
(b) Authorize the director to establish experience requirements and to use tests to determine the competency of applicants for water quality professional certification; 

(c) Authorize the director to approve applicants for water quality professional certification who comply with the requirements established in rules and deny applicants that do not comply with those requirements; 

(d) Require the director to revoke the certification of a water quality professional if the director finds that the professional falsified any information on the professional's application for certification regarding the professional's credentials; 

(e) Require periodic renewal of a water quality professional's certification and establish continuing education requirements for purposes of that renewal. 

(2) Establish an annual fee to be paid by water quality professionals certified under rules adopted under division (J)(1) of this section in an amount calculated to defray the costs incurred by the environmental protection agency for reviewing applications for water quality professional certification and for issuing those certifications; 

(3) Authorize the director to suspend or revoke the certification of a water quality professional if the director finds that the professional's performance has resulted in submission of documentation that is inconsistent with standards established in rules adopted under division (J)(7) of this section; 

(4) Authorize the director to review documentation submitted by a certified water quality professional to ensure compliance with requirements established in rules adopted under division (J)(7) of this section;
(5) Require a certified water quality professional to submit any documentation developed in support of an application for a section 401 water quality certification or an isolated wetland permit upon the request of the director;

(6) Authorize random audits by the director of documentation developed or submitted by certified water quality professionals to ensure compliance with requirements established in rules adopted under division (J)(7) of this section;

(7) Establish technical standards to be used by certified water quality professionals in conducting stream assessments and wetlands categorizations.

(K) As used in this section and section 6111.31 of the Revised Code, "section 401 water quality certification" means certification pursuant to section 401 of the Federal Water Pollution Control Act and this chapter and rules adopted under it that any discharge, as set forth in section 401, will comply with sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act.

Sec. 6111.561. (A) The director of environmental protection shall establish the total maximum daily load (TMDL) for pollutants for each impaired water of the state or segment thereof identified and listed under section 1313(d) of the Federal Water Pollution Control Act. The director shall establish each TMDL pursuant to a priority ranking established by the director. Further, the director shall establish a TMDL only for pollutants that the administrator of the United States environmental protection agency has identified under section 1314(a)(2) of that act as suitable.

The director shall establish each TMDL at a level necessary to implement applicable water quality standards that accounts for seasonal variations, a margin of safety, and lack of knowledge concerning the relationship between effluent limitations and water...
quality.

(B) A TMDL submitted to and approved by the United States environmental protection agency prior to March 24, 2015, is valid and remains in full force and effect as approved, but may be revised in accordance with this section.

(C) The holder of a national pollutant discharge elimination system (NPDES) permit containing water quality based effluent limitations derived from a TMDL subject to division (B) of this section may appeal the lawfulness and reasonableness of those limitations by doing one of the following:

(1) Filing an appeal with the environmental review appeals commission not later than thirty days after the first eligible NPDES permit renewal date subsequent to the effective date of this section;

(2) Seeking a modification of the water quality based effluent limitations contained in the NPDES permit from the director. If the director denies the request for modification, the permit holder may appeal that denial to the environmental review appeals commission not later than thirty days after the denial.

(D) The development, establishment, amendment, or modification of a TMDL after March 24, 2015, is not subject to Chapters 106., 119., or 121. of the Revised Code.

(E) The director shall provide opportunities for interested parties to provide input during the development of a TMDL. The opportunities to provide input may include comment on and meeting with interested parties on any of the following aspects of the TMDL process:

(1) The project assessment plan development process, including the process for determining the cause and source of water quality impairments or threats;
The technical support document that identifies and analyzes water quality data and habitat assessments that will assist in determining TMDL target conditions;

(3) The preliminary draft TMDL that shall include development of modeling, management choices, restoration targets, load allocations, waste load allocations, and associated TMDL-derived permit limits necessary to establish and select a TMDL restoration scenario;

(4) The proposed TMDL implementation plan, under which specific actions, schedules, and monitoring necessary to implement a TMDL are established.

The proposed TMDL implementation plan also may include considerations of the cost and cost effectiveness of pollutant controls supplied by interested parties, sources of funding necessary to address pollutant load reductions, and the environmental benefit of incremental reductions in pollutant levels.

(F) Before establishing a final TMDL under this section, the director shall prepare an official draft TMDL. The official draft TMDL shall include, at a minimum, all of the following:

(1) An estimate of the total amount of each pollutant that causes the water quality impairment from all sources;

(2) An estimate of the total amount of pollutants that may be added to the water of the state or segment thereof while still achieving and maintaining applicable water quality standards;

(3) Draft allocations among point and nonpoint sources contributing to the impairment sufficient to meet applicable water quality standards.

The official draft TMDL implementation plan also may include, as the director determines appropriate, interim water quality
target values and principles of adaptive management necessary to achieve applicable water quality standards.

(G)(1) The director shall provide all of the following:

(a) Public notice of the official draft TMDL;

(b) An opportunity for comment on the draft TMDL;

(c) An opportunity for a public hearing regarding the draft TMDL if there is significant public interest, as determined by the director.

(2) The director shall specify both of the following in the public notice:

(a) The water of the state or segment thereof to which the draft TMDL relates;

(b) The time, date, and place of the hearing, if applicable.

At a minimum, the director shall send the public notice to all interested parties that participated in the public input activities described in division (E) of this section.

(3) After the opportunity for public comment expires, the director shall prepare and make available a written responsiveness summary of the comments.

(H) After concluding the public comment process and completion of the responsiveness summary under division (G) of this section, the director may establish a final TMDL. The final TMDL is appealable to the environmental review appeals commission in accordance with division (B) of section 3745.04 of the Revised Code. However, submission of the final TMDL to the United States environmental protection agency under section 1313(d) of the Federal Water Pollution Control Act is a ministerial act and is not appealable under section 3745.04 of the Revised Code. Further, such submission is not affected by any appeal of the establishment of the final TMDL under this division.
(I) The director may revise an established TMDL to accommodate new information.

(J) Not later than December 31, 2018, the director shall adopt rules in accordance with Chapter 119. of the Revised Code that do all of the following:

1. Allocate pollutant load between and among nonpoint sources and point sources in a TMDL report;

2. Establish procedures and requirements for developing and issuing a new TMDL;

3. Establish procedures and requirements for revising and updating a TMDL;

4. Establish procedures and requirements for validation of existing TMDLs following implementation and additional assessment.

Sec. 6301.01. As used in this chapter:

(A) "Local area" means any of the following:

1. A municipal corporation that is authorized to administer and enforce the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, under this chapter and is not joining in partnership with any other political subdivisions in order to do so;

2. A single county;

3. A consortium of any of the following political subdivisions:

   (a) A group of two or more counties in the state;

   (b) One or more counties and one municipal corporation in the state;

   (c) One or more counties with or without one municipal corporation in the state and one or more counties with or without
one municipal corporation in another state, on the condition that those in another state share a labor market area with those in the state.

"Local area" does not mean a region for purposes of determinations concerning administrative incentives.

(B) "Municipal corporation" means a municipal corporation that is eligible for automatic or temporary designation as a local workforce investment area pursuant to section 116(a)(2) or (3) of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2831(a)(2) or (3), but that does not request that the governor grant such automatic or temporary designation, and that instead elects to administer and enforce workforce development activities pursuant to this chapter.

(C) "County" means a county that is eligible to be designated as a local workforce investment area pursuant to the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, but that does not request such designation, and instead elects to administer and enforce workforce development activities pursuant to this chapter.

(D) "Workforce development agency" means the entity given responsibility for workforce development activities that is designated by the board of county commissioners in accordance with section 330.04 of the Revised Code, the chief elected official of a municipal corporation in accordance with section 763.05 of the Revised Code, or the chief elected officials of a local area defined in division (A)(3) of this section a local workforce development area designated under section 106 of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3121, pursuant to this chapter.

(E) (B) "Workforce development activity" means a program, grant, or other function, the primary goal of which is to do one
or more of the following:

(1) Help individuals maximize their employment opportunities;

(2) Help employers gain access to skilled workers;

(3) Help employers retain skilled workers;

(4) Help develop or enhance the skills of incumbent workers;

(5) Improve the quality of the state's workforce;

(6) Enhance the productivity and competitiveness of the state's economy an activity carried out through a workforce development system.

(F) "Chief elected official or officials," when used in reference to a local area, means the board of county commissioners of the county or of each county in the local area or, if the county has adopted a charter under Section 3 of Article X, Ohio Constitution, the chief governing body of that county, and the chief elected official of the municipal corporation, if the local area includes a municipal corporation, except that when the local area is the type defined in division (A)(1) of this section, "chief elected officials" means the chief elected official of the municipal corporation chief elected executive officer of a unit of general local government in the local area or, in the case of a local area that includes more than one unit of general local government, the individual or individuals designated under an agreement described in section 107 of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3122.

(G) "State board" means the governor's executive workforce board established by required under section 101 of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3111, and established pursuant to section 6301.04 of the Revised Code.

(H) "Local board" means a local workforce investment development board established in each local area of the state and

(F) "OhioMeansJobs website" means the statewide electronic system for labor exchange and job placement activity operated by the state.

(G) "OhioMeansJobs center" means a physical one-stop center described in section 121(e)(2) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3151(e)(2).

(H) "OhioMeansJobs center operator" means an entity or a consortium of entities designated or certified through a competitive process to operate a one-stop center under section 121(d) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3151(d).

(I) "Planning region" means an area consisting of two or more local areas that are collectively aligned to engage in the regional planning process outlined in section 106(c)(1) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3121(c)(1).

(J) "Workforce Innovation and Opportunity Act" means the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et seq., or other citation as specifically provided.

acts, the director shall assist the state board in establishing and administering a workforce development system that is designed to provide leadership, support, and oversight to locally designed workforce development systems. The director shall conduct investigations and hold hearings as necessary for the administration of this chapter.

To the extent permitted by state and federal law, the director may adopt rules pursuant to Chapter 119. of the Revised Code to establish any program or pilot program for the purposes of providing workforce development activities or family services to individuals who do not meet eligibility criteria for those activities or services under applicable federal law. Prior to the initiation of any program of that nature, the director of budget and management shall certify to the governor that sufficient funds are available to administer a program of that nature. The director of job and family services shall advise the state board shall have final approval of any such program.

Unless otherwise prohibited by state or federal law, every state agency, board, or commission shall provide to the state board and the director all information and assistance requested by the state board and the director in furtherance of workforce development activities.

Sec. 6301.03. (A) In administering the Workforce Innovation and Opportunity Act, the former "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801 Pub. L. No. 105-220, as amended, and the "Wagner-Peyser Act," 48 Stat. 113 (1933), 29 U.S.C.A. 49, as amended, the funds received pursuant to those acts, and the workforce development system, the director of job and family services may, at the direction of in consultation with the state board, make allocations and payment of funds for the local administration of the workforce development activities.
established under this chapter.

(B) The director shall allocate to local areas all funds required to be allocated to local areas pursuant to the Workforce Innovation and Opportunity Act, and the former "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801 Pub. L. No. 105-220, as amended. The director shall make allocations only with funds available. Local areas, as defined by either section 101 of the former "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801 Pub. L. No. 105-220, as amended, or section 6301.01 of the Revised Code, and subrecipients of a local area shall establish a workforce development fund and the entity receiving funds shall deposit all funds received under this section into the workforce development fund. All expenditures for activities funded under this section shall be made from the workforce development fund, including reimbursements to a county public assistance fund for expenditures made for activities funded under this section.

(C) The use of funds, reporting requirements, and other administrative and operational requirements governing the use of funds received by the director pursuant to this section shall be governed by internal management rules adopted by and approved by the state board director pursuant to section 111.15 of the Revised Code.

(1) A local area described in division (B) of this section shall use the OhioMeansJobs web site as the labor exchange and job placement system for the area.

(2) No additional federal or state workforce funds shall be used to build or maintain any labor exchange and job placement system that is duplicative to the OhioMeansJobs web site.

(D) To the extent permitted by state or federal law, the director, and local areas, counties, and municipal corporations
authorized to administer workforce development activities may assess a fee for specialized services requested by an employer. The director shall adopt rules pursuant to Chapter 119. of the Revised Code governing the nature and amount of those types of fees.

Sec. 6301.04. (A) The governor shall establish a state board and. The state board shall consist of the following members:

(1) The governor;

(2) Two members of the house of representatives, appointed by the speaker of the house of representatives;

(3) Two members of the senate, appointed by the president of the senate;

(4) Members required under section 101(b)(1)(C) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3111(b)(1)(C);

(5) Any additional members appointed by the governor.

(B) The governor shall appoint members to the board, who serve at the governor's pleasure, to perform duties under the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended Workforce Innovation and Opportunity Act, as authorized by the governor. The

(C) The board is not subject to sections 101.82 to 101.87 of the Revised Code. All

(D) All state agencies engaged in workforce development activities shall assist the board in the performance of its duties.

(E) The board shall have the power and authority to do all of the following:

(A) Provide oversight and policy direction to ensure that the state workforce development activities are aligned and serving the
needs of the state's employers, incumbent workers, and job
seekers;

(B) Adopt rules necessary to administer state workforce
development activities;

(C) Adopt rules necessary for the auditing and monitoring of
subrecipients of the workforce development system grant funds;

(D) Designate local workforce investment areas in accordance
with 29 U.S.C. 2831;

(E) Develop a unified budget for all state and federal
workforce funds;

(F) Establish a statewide employment and data collection
system;

(G) Develop statewide performance measures for workforce
development and investment;

(H)(1) Develop, implement, and modify the state workforce
development plan;

(I) Prepare the annual report to the United States secretary
of labor, pursuant to section 136(d) of the "Workforce Investment

(J) Carry out any additional functions, duties, or
responsibilities assigned to the board by the governor (2) Review
statewide workforce policies and programs and recommendations on
actions to be taken by the state to align workforce development
programs to support a comprehensive and streamlined workforce
development system;

(3) Recommend measures for the development and continuous
improvement of the workforce development system in the state,
including updating comprehensive state performance accountability
measures, also known as workforce success measures;

(4) Continue to identify and disseminate information on
promising practices in the area of workforce development;

(5) Perform other related work that is required of the board by the Workforce Innovation and Opportunity Act or requested by the governor.

Sec. 6301.05. The chief elected official of a local area shall enter into a written grant agreement with the director of job and family services in accordance with section 5101.20 of the Revised Code.

A grant agreement entered into pursuant to this section shall include the responsibility of municipal corporations and the board of county commissioners to be accountable to the department of job and family services for the use of funds provided through the "Workforce Investment Act of 1998," 112 Stat. 926, 29 U.S.C. 2801, as amended Workforce Innovation and Opportunity Act, including regulations issued by the United States department of labor pursuant to that act.

Sec. 6301.06. (A) The chief elected official or officials of a local area shall create a local board, which shall consist of the following individuals:

(1) The chief elected official from the municipal corporation with the largest population in the local area, except that if the municipal corporation is a local area as defined in division (A)(1) of section 6301.01 of the Revised Code, the chief elected official of that municipal corporation may determine whether to be a member of the board. Notwithstanding division (B) of section 6301.01 of the Revised Code, as used in division (A)(1) of this section, "municipal corporation" means any municipal corporation.

(2) The following individuals appointed to the board by the chief elected officials of the local area, who shall make those appointments according to all of the following specifications:
(a) At least five members of the board shall be representatives of private sector businesses in the general labor market area that includes that local area, and shall be appointed from among individuals nominated by local business organizations and business trade associations. Among these members, at least one shall represent small businesses, at least one shall represent medium-sized businesses, and at least one shall represent large businesses. When determining what constitutes small, medium-sized, and large businesses for purposes of this division, the chief elected officials of the local area shall define those sizes as those sizes are generally understood within the labor market area that includes that local area. A majority of the members of the board shall be representatives of private sector businesses.

(b) At least two members of the board shall represent organized labor and shall be appointed from nominations submitted by local federations of labor representing workers employed in the local area.

(c) At least two members of the board shall be representatives of local educational entities. For purposes of this division, "local educational entities" includes local educational agencies, school district boards of education, entities providing educational and literacy activities, and post-secondary educational institutions.

(d) At least one member of the board shall be a representative of consumers of workforce development activities.

(e) Any other individuals the chief elected officials of the local area determine are necessary to carry out the functions described in section 107(d) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3122(d). The chief elected official or officials shall appoint members of the local board in accordance with the requirements of section 107(b)(2) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3122(b)(2).
(B) Members of the local board serve at the pleasure of the chief elected official or officials of the local area. Members shall not be compensated but may be reimbursed for actual, reasonable, and necessary expenses incurred in the performance of their duties as board members. Those expenses shall be paid from funds allocated pursuant to section 6301.03 of the Revised Code.

The chief elected official or officials of a local area may provide office space, staff, or other administrative support as needed to the board. For purposes of section 102.02 of the Revised Code, members of the board are not public officials or employees.

(C) The chief elected official or officials of a local area other than a local area as defined in division (A)(1) of section 6301.01 of the Revised Code, shall coordinate the workforce development activities of the county family services planning committees and the local boards in the local area in any manner that is efficient and effective to meet the needs of the local area. The chief elected officials of the local area may, but are not required to, consolidate all boards and committees as they determine appropriate into a single board for purposes of workforce development activities. A majority of the members of that consolidated board shall represent private sector businesses. The membership of that consolidated board shall include a representative from each group granted representation as described in division (A) of this section and also a member who represents consumers of family services and a member who represents the county department of job and family services. The membership of that consolidated board may include a representative of one or more groups and entities that may be represented on a county family services planning committee, as specified in section 329.06 of the Revised Code shall adopt a process for appointing members to the local board for the local area.

(D) The chief elected official or officials of a local area
may contract with the local board. The parties shall specify in the contract the workforce development activities that the local board is to administer and shall establish in the contract standards, including performance standards, for the local board's operation. The contract may include any other provisions that the chief elected official or officials consider necessary.

(E) The chief elected official or officials may contract with any government or private entity to enhance the administration of local workforce development activities for which the local board is responsible. The entity with which the chief elected official or officials contract is not required to be located in the local area in which the chief elected official or officials serve as chief elected executive officer.

(F)(1) As used in this division, "public library" means a library that is open to the public and that is one of the following:

(a) A library that is maintained and regulated under section 715.13 of the Revised Code;

(b) A library that is created, maintained, and regulated under Chapter 3375. of the Revised Code;

(c) A library that is created and maintained by a public or private school, college, university, or other educational institution;

(d) A library that is created and maintained by a historical or charitable organization, institution, association, or society.

(2) Not later than September 1, 2018, and every two years thereafter, an OhioMeansJobs center operator shall enter into a memorandum of understanding with one or more public libraries to facilitate collaboration and coordination of workforce programs and education and job training resources.
Sec. 6301.061. A board of county commissioners may appoint an advisory committee on workforce development. A committee appointed under this section may do both of the following:

(A) Work to further cooperation between the county and other workforce development and economic development related entities including the state, local area one-stop workforce development systems, and private businesses;

(B) Advise the board and other interested parties on ways to maintain and improve the workforce development system of the local area in which the county is a part.

Sec. 6301.07. (A) For purposes of this section, "performance character" means the career-essential relational attributes that build trust with others, including respect, honesty, integrity, task-excellence, responsibility, and resilience.

(B) Every local board, under the direction and approval of the state board and with the agreement of in partnership with the chief elected official or officials of the local area, and after holding public hearings that allow public comment and testimony, shall prepare a workforce development develop and submit to the governor a comprehensive four-year local plan. The local plan shall accomplish support the strategy described in the state plan and shall contain descriptions of the activities of the local board as outlined in section 108 of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3123, including all of the following:

(1) Identify the workforce investment needs of businesses in the local area, identify projected employment opportunities, and identify the job skills and performance character necessary to obtain and succeed in those opportunities; Identification of strategic planning elements, including all of the following:

(a) The strategic vision of the local board;
(b) Goals for preparing an educated and skilled workforce;

(c) The knowledge and skills, including performance character, needed to meet the employment needs of employers in the planning region, including in-demand industry sectors and occupations.

(2) Identify A description of the workforce development system in the local area and how the local board, working with education programs and the entities that carry out core programs, will coordinate activities to expand access to employment, training, education, and supportive services to eligible individuals with barriers to employment to improve service delivery and to avoid duplication;

(3) A determination of the local area's workforce development needs for youth, dislocated workers, adults, displaced homemakers, incumbent workers, and any other group of workers identified by the local board adult and dislocated worker employment training activities, including the type and availability of activities needed;

(3) Determine the distribution of workforce development resources and funding to be distributed for each workforce development activity to meet the identified needs, utilizing the funds allocated pursuant to the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended;

(4) Give priority to An assessment of the type and availability of youth workforce development activities carried out in the local area, including activities for youth with disabilities and youth receiving independent living services pursuant to sections 2151.81 to 2151.84 of the Revised Code when determining distribution of workforce development resources and workforce development activity funding;

(5) Review the minimum curriculum required by the state board
for certifying training providers and identify any additional curriculum requirements to include in contracts between the training providers and the chief elected officials of the local area.

(6) Establish performance standards for service providers that reflect local workforce development needs.

(7) Describe A description of any other information the chief elected official or officials of the local area require.

(6) A description of any other information the governor requires.

(C)(1) The local boards of the local areas within a planning region and the chief elected officials of those local areas shall prepare, submit to, and obtain approval from the state for a single regional plan that includes a description of the activities described in section 106(c)(1) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3121(c)(1), and that incorporates local plans described in division (B) of this section for each local area in that region.

(2) The state shall identify regions within the state, and designate each region it identifies as one of the following types:

(a) A region consisting of one local area;

(b) A planning region;

(c) An interstate planning region that is contained within two or more states and consists of labor market areas, economic development areas, or other appropriate contiguous subareas of those states.

(D) Before the date on which a local board submits a regional or local plan for approval, the local board shall make copies of the proposed plan available to the public through electronic and other means and allow members of the public to submit comments on
the proposed plan to the local board. For purposes of this division, public hearings and presentation to local news media are examples of other means by which a local board may make a proposed plan available.

(E) A local board may provide policy guidance and recommendations to the chief elected official or officials of a local area for any workforce development activities.

(D) Nothing in this section prohibits the chief elected officials of a local area from assigning, through a partnership agreement, any duties in addition to the duties under this section to a local board, except that a local board cannot contract with itself for the direct provision of services in its local area. A local board may consult with the chief elected officials of its local area and make recommendations regarding the workforce development activities provided in its local area at any time.

Sec. 6301.08. Every local area shall participate in a one-stop system for workforce development activities. Each board of county commissioners and the The chief elected official or officials of a municipal corporation local area shall ensure that at least one delivery method comprehensive OhioMeansJobs center is available in the local area, either through a physical location, or. An OhioMeansJobs center may be supported by electronic means approved by the state board, director of job and family services for the provision of workforce development activities.

Within six months after the effective date of this amendment, every local area described in division (B) of section 6301.03 of the Revised Code Every OhioMeansJobs center shall name its one-stop system as be named "OhioMeansJobs (name of county) County."

A one-stop system may Every OhioMeansJobs center shall be
operated by a private entity or a public agency, including a workforce development agency, any existing facility or organization that is established to administer workforce development activities in the local area, and a county family services agency or an OhioMeansJobs center operator. 

A one-stop The local workforce development system shall include representatives of all the partners required under the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended. In addition, a one-stop system shall include at least one representative from a county department of job and family services. Workforce Innovation and Opportunity Act.


Sec. 6301.11. As used in this section, "public or private institution" has the same meaning as in section 3333.93 of the Revised Code.

The state board, in connection with the department of job and family services and public or private institutions, shall develop a methodology for identifying jobs that are in demand by employers operating in this state. The methodology for identifying in-demand jobs shall include an analysis of jobs that are in demand in each region of the state. The director of job and family services shall
determine the regions.

The department and the public or private institutions, in consultation with the state board, shall use the methodology to create a list of such in-demand jobs in the state and a list of such in-demand jobs in each region of the state. The department shall publish the lists on the web site of the department. The department and public or private institutions shall periodically update the lists to reflect evolving workforce demands in this state and its regions.

Local boards, workforce development agencies, and other providers of workforce training shall use the lists of in-demand jobs to cultivate and prioritize workforce development activities that correspond to the employment needs of employers operating in this state and in each of its regions and to assist individuals in maximizing their employment opportunities.

**Sec. 6301.111.** The governor's office of workforce transformation, in conjunction with the department of job and family services, shall conduct an electronic survey of employers in this state to identify jobs that are in demand by those employers. The office, in conjunction with the department, shall use the survey results to update the list of in-demand jobs required under section 6301.11 of the Revised Code, notwithstanding the requirement in that section that the department and public or private institutions, as defined in that section, periodically update that list. The office shall complete the initial survey and make the update required under this section not later than December 31, 2018. The office shall complete a subsequent survey and update not later than the last day of December every two years thereafter.

**Sec. 6301.112.** (A) The governor's office of workforce
transformation, in collaboration with the departments of higher education and job and family services, shall create and publish on the OhioMeansJobs website a workforce supply tool that uses real-time demand and supply data. The office shall provide all of the following through the tool:

1. Businesses with historical information on graduates from high demand fields;

2. Businesses with projections on future graduates;

3. The number of skilled workers available for work in occupations included in the list of in-demand jobs created under section 6301.11 of the Revised Code.

B. Not later than January 1, 2018, the governor's office of workforce transformation, in collaboration with the departments of higher education and job and family services, shall include in the workforce supply tool created under division (A) of this section all in-demand jobs included in the list of in-demand jobs created under section 6301.11 of the Revised Code.

C. Not later than December 31, 2018, the governor's office of workforce transformation, in collaboration with the departments of higher education and education shall establish design teams. The design teams shall do both of the following:

1. Identify emerging skill needs based on predictive analytics and analysis of the data from the workforce supply tool created under division (A) of this section;

2. Periodically recommend innovations for responding to emerging in-demand jobs and skills.
engaged in the production of horizontal wells in this state and, based on its findings, prepare an annual Ohio workforce report. The office shall prepare the report by the thirtieth day of July of each year. The report shall include at least all of the following with respect to the industry:

1. The total number of jobs created or retained during the previous year;

2. The total number of Ohio-based contractors that employ skilled construction trades;

3. The number of employees who are residents of this state;

4. The total economic impact;


(B) Upon the completion of the office's annual Ohio workforce report, the office shall provide an electronic copy of the report to the president and minority leader of the senate and the speaker and minority leader of the house of representatives and post it on the office's internet web site.

Sec. 6301.18. (A) Beginning January 1, 2016, each participant in an adult training or education program funded under the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3101, shall create an account with OhioMeansJobs web site at the time of enrollment in the program.

(B) Division (A) of this section does not apply to any individual who is legally prohibited from using a computer, has a
physical or visual impairment that makes the individual unable to use a computer, or has a limited ability to read, write, speak, or understand a language in which the OhioMeansJobs website is available.

Sec. 6301.20. Not later than September 30, 2017, the governor's office of workforce transformation, in consultation with the departments of job and family services, higher education, and aging and the opportunities for Ohioans with disabilities agency, shall develop and maintain a uniform electronic application for adult training programs funded under the "Workforce Innovation and Opportunity Act," 128 Stat. 1425, 29 U.S.C. 3101 et seq., as amended. The application shall be available for use not later than July 1, 2018.

Sec. 6301.21. (A) Not later than December 31, 2017, the governor's office of workforce transformation, the department of education, and the chancellor of higher education, in consultation with business and economic development stakeholder groups, shall develop a regional workforce collaboration model. The model shall provide guidance on how the JobsOhio regional network, local chambers of commerce, economic development organizations, business, business associations, secondary and post-secondary education organizations, and Ohio college tech prep regional centers, that are jointly managed by the department of education and the chancellor, shall collaborate to form a partnership that provides career services to students.

Career services to students may include, but are not limited to, job shadowing, internships, co-ops, apprenticeships, career exploration activities, and problem-based curriculum developed in alignment with in-demand jobs.

(B) The governor's office of workforce transformation shall
oversee the creation of regional workforce collaboration partnerships based on the model created under division (A) of this section. The partnerships shall be located in each of the six different regions of the state, as determined by JobsOhio.

(C) As used in this section, "JobsOhio" has the same meaning as in section 187.01 of the Revised Code.

Section 101.02. That existing sections 101.38, 102.02, 102.022, 102.03, 105.41, 107.031, 107.35, 109.572, 109.5721, 113.061, 119.06, 120.08, 120.33, 120.36, 121.22, 122.071, 122.08, 122.081, 122.17, 122.171, 122.174, 122.175, 122.85, 122.86, 123.20, 123.21, 124.23, 124.26, 124.27, 124.384, 124.93, 125.035, 125.04, 125.061, 125.18, 125.22, 125.28, 126.11, 126.22, 126.35, 131.23, 131.33, 131.44, 131.51, 133.022, 133.061, 149.43, 151.03, 152.08, 153.02, 154.11, 166.08, 166.11, 173.01, 173.14, 173.15, 173.17, 173.19, 173.20, 173.21, 173.22, 173.24, 173.27, 173.28, 173.38, 173.381, 173.42, 173.424, 173.48, 173.51, 173.541, 173.544, 173.55, 173.99, 183.51, 191.04, 191.06, 307.984, 313.01, 315.01, 319.11, 319.54, 321.27, 323.01, 323.32, 329.03, 329.04, 329.051, 329.06, 340.03, 340.032, 340.033, 340.08, 503.56, 705.22, 709.023, 715.014, 715.691, 715.70, 715.71, 715.72, 718.01, 718.02, 718.04, 718.05, 718.051, 718.08, 718.27, 718.41, 763.01, 763.07, 901.04, 901.43, 909.10, 911.11, 927.55, 939.02, 941.12, 941.55, 943.23, 947.06, 1121.10, 1121.24, 1121.30, 1123.01, 1123.02, 1123.03, 1155.07, 1155.10, 1163.09, 1163.13, 1181.06, 1503.05, 1503.141, 1505.09, 1506.23, 1509.01, 1509.02, 1509.071, 1509.11, 1509.34, 1513.08, 1513.18, 1513.182, 1513.20, 1513.25, 1513.27, 1513.28, 1513.30, 1513.31, 1513.32, 1513.33, 1513.37, 1514.03, 1514.051, 1514.06, 1514.071, 1514.11, 1514.46, 1521.06, 1521.063, 1561.14, 1561.16, 1561.17, 1561.18, 1561.19, 1561.20, 1561.21, 1561.22, 1561.26, 1561.45, 1561.46, 1561.48, 1721.01, 1721.10, 1923.02, 2135.01, 2151.43, 2151.49, 2301.56, 2305.113, 2329.66, 2743.75, 2925.01, 2925.23, 2929.34, 2941.51, 2953.25, 2967.193,
4731.081, 4731.091, 4731.092, 4731.10, 4731.14, 4731.142, 92514
4731.143, 4731.15, 4731.22, 4731.221, 4731.222, 4731.223, 92515
4731.224, 4731.225, 4731.23, 4731.24, 4731.25, 4731.26, 4731.281, 92516
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4732.01, 4732.09, 4732.091, 4732.10, 4732.11, 4732.12, 4732.13, 92521
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4732.25, 4732.26, 4732.27, 4732.28, 4732.31, 4732.32, 4732.24, 92524
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4747.07, 4747.08, 4747.10, 4747.11, 4747.12, 4747.13, 4747.14, 92526
4747.16, 4747.17, 4749.031, 4751.03, 4751.04, 4751.10, 4751.14, 92527
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4752.09, 4752.11, 4752.12, 4752.13, 4752.14, 4752.15, 4752.17, 92529
4752.18, 4752.19, 4752.20, 4753.05, 4753.06, 4753.07, 4753.071, 92530
4753.072, 4753.073, 4753.08, 4753.09, 4753.091, 4753.10, 4753.101, 92531
4753.11, 4753.12, 4753.15, 4753.16, 4755.02, 4755.03, 4755.031, 92532
4755.06, 4755.061, 4755.07, 4755.08, 4755.09, 4755.10, 4755.11, 92533
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4755.47, 4755.471, 4755.482, 4755.51, 4755.511, 4755.52, 4755.53, 92536
4755.61, 4755.62, 4755.63, 4755.64, 4755.65, 4755.66, 4755.70, 92537
4755.71, 4755.99, 4757.10, 4757.101, 4757.13, 4757.15, 4757.16, 92538
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4757.34, 4757.36, 4757.361, 4757.37, 4757.38, 4757.39, 4757.40, 92541
4757.41, 4757.44, 4757.45, 4758.20, 4758.21, 4758.22, 4758.221, 92542
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4758.30, 4758.31, 4758.32, 4758.35, 4758.36, 4758.47, 4758.51, 92544
4758.52, 4758.72, 4759.02, 4759.05, 4759.06, 4759.061, 4759.07, 92545
Section 105.01. That sections 123.27, 126.211, 152.01, 152.02, 152.04, 152.05, 152.06, 152.07, 152.09, 152.091, 152.10, 152.11, 152.12, 152.13, 152.14, 152.15, 152.16, 152.17, 152.18, 152.19, 152.21, 152.22, 152.23, 152.24, 152.241, 152.242, 152.26, 152.27, 152.28, 152.31, 152.32, 152.33, 173.53, 330.01, 330.02, 330.04, 330.05, 330.07, 340.091, 718.06, 759.24, 763.02, 763.05, 901.90, 921.60, 921.61, 921.62, 921.63, 921.64, 921.65, 1181.16, 1181.17, 1181.18, 1501.022, 1506.24, 1509.50, 1513.181, 3313.82, 3317.018, 3317.019, 3317.026, 3317.027, 3318.19, 3318.30, 3318.31, 3319.229, 3333.13, 3704.144, 3706.26, 3719.02, 3719.021, 3719.03, 3719.031, 3727.33, 3727.331, 3727.34, 3727.35, 3727.36, 3727.37, 3727.38, 3727.39, 3727.391, 3727.40, 3727.41, 3734.821, 3742.43, 3742.44, 3742.45, 3742.46, 3742.47, 3742.48, 4561.30, 4709.04, 4709.06, 4709.26, 4709.27, 4725.03, 4725.04, 4725.05, 4725.06, 4725.07, 4725.08, 4725.42, 4725.43, 4725.45, 4725.46, 4725.47, 4729.14, 4731.08, 4731.09, 4731.11, 4731.12, 4731.13, 4731.141, 4731.29, 4732.02, 4732.021, 4732.03, 4732.05, 4732.06, 4732.07.
4732.08, 4747.03, 4753.03, 4753.04, 4755.01, 4757.03, 4757.04,
4757.05, 4757.06, 4757.07, 4757.11, 4758.10, 4758.11, 4758.12,
4758.13, 4758.15, 4758.16, 4758.17, 4758.18, 4758.23, 4759.03,
4759.04, 4761.02, 4779.05, 4779.06, 4779.07, 4779.16, 4779.21,
4779.22, 4781.02, 4781.03, 4781.05, 4781.13, 4781.54, 4781.55,
4921.15, 4921.16, 5115.01, 5115.02, 5115.03, 5115.04, 5115.05,
5115.06, 5115.07, 5115.20, 5115.22, 5115.23, 5124.28, 5162.54,
5162.80, 5166.13, 5739.18, 5747.29, 6111.033, and 6111.40 of the
Revised Code are hereby repealed.

Section 120.10. That sections 109.572, 121.22, 3701.83,
4713.10, 4713.56, 4731.07, 4731.224, and 4776.01 of the Revised
Code be amended to read as follows:

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code,
a completed form prescribed pursuant to division (C)(1) of this
section, and a set of fingerprint impressions obtained in the
manner described in division (C)(2) of this section, the
superintendent of the bureau of criminal identification and
investigation shall conduct a criminal records check in the manner
described in division (B) of this section to determine whether any
information exists that indicates that the person who is the
subject of the request previously has been convicted of or pleaded
guilty to any of the following:

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

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

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03,
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05,
(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(2)(a) of this section.

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

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;
(b) Felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(c) A violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996;

(d) A violation of section 2923.01, 2923.02, or 2923.03 of the Revised Code when the underlying offense that is the object of the conspiracy, attempt, or complicity is one of the offenses listed in divisions (A)(3)(a) to (c) of this section;

(e) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in divisions (A)(3)(a) to (d) of this section.

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

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

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

(5) Upon receipt of a request pursuant to section 5104.013 of
the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2151.421, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, a violation of section 2923.02 or 2923.03 of the Revised Code that relates to a crime specified in this division, or a second violation of section
of the Revised Code within five years of the date of
application for licensure or certification.

(b) A violation of an existing or former law of this state,
any other state, or the United States that is substantially
equivalent to any of the offenses or violations described in
division (A)(5)(a) of this section.

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

(a) A violation of section 2903.01, 2903.02, 2903.03,
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05,
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23,
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02,
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22,
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03,
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code,
felony sexual penetration in violation of former section
2907.12 of the Revised Code, a violation of section 2905.04 of the
Revised Code as it existed prior to July 1, 1996, a violation of
section 2919.23 of the Revised Code that would have been a
violation of section 2905.04 of the Revised Code as it existed
prior to July 1, 1996, had the violation been committed prior to
that date, or a violation of section 2925.11 of the Revised Code
that is not a minor drug possession offense;
(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(6)(a) of this section.

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

(8) On receipt of a request pursuant to section 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for a license, permit, or certification from the department of commerce or a division in the department. The superintendent shall conduct the criminal records
check in the manner described in division (B) of this section to
determine whether any information exists that indicates that the
person who is the subject of the request previously has been
convicted of or pleaded guilty to any of the following: a
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or
2925.03 of the Revised Code; any other criminal offense involving
theft, receiving stolen property, embezzlement, forgery, fraud,
passing bad checks, money laundering, or drug trafficking, or any
criminal offense involving money or securities, as set forth in
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of
the Revised Code; or any existing or former law of this state, any
other state, or the United States that is substantially equivalent
to those offenses.

(9) On receipt of a request for a criminal records check from
the treasurer of state under section 113.041 of the Revised Code
or from an individual under section 4701.08, 4715.101, 4717.061,
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28,
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296,
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4747.051,
4753.061, 4755.70, 4757.101, 4758.242, 4759.061, 4760.032,
4760.06, 4761.051, 4762.031, 4762.06, 4776.021, 4779.091, or
4783.04 of the Revised Code, accompanied by a completed form
prescribed under division (C)(1) of this section and a set of
fingerprint impressions obtained in the manner described in
division (C)(2) of this section, the superintendent of the bureau
of criminal identification and investigation shall conduct a
criminal records check in the manner described in division (B) of
this section to determine whether any information exists that
indicates that the person who is the subject of the request has
been convicted of or pleaded guilty to any criminal offense in
this state or any other state. Subject to division (F) of this
section, the superintendent shall send the results of a check
requested under section 113.041 of the Revised Code to the
treasurer of state and shall send the results of a check requested under any of the other listed sections to the licensing board specified by the individual in the request.

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

(11) On receipt of a request for a criminal records check from an appointing or licensing authority under section 3772.07 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner prescribed in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any criminal offense under any existing or former law of this state, any other state, or the United States that is a disqualifying offense as defined in section 3772.07 of the Revised Code or substantially equivalent to such an offense.

(12) On receipt of a request pursuant to section 2151.33 or 2151.412 of the Revised Code, a completed form prescribed pursuant
to division (C)(1) of this section, and a set of fingerprint
impressions obtained in the manner described in division (C)(2) of
this section, the superintendent of the bureau of criminal
identification and investigation shall conduct a criminal records
check with respect to any person for whom a criminal records check
is required under that section. The superintendent shall conduct
the criminal records check in the manner described in division (B)
of this section to determine whether any information exists that
indicates that the person who is the subject of the request
previously has been convicted of or pleaded guilty to any of the
following:

(a) A violation of section 2903.01, 2903.02, 2903.03,
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05,
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31,
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11,
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21,
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36,
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13,
2925.22, 2925.23, or 3716.11 of the Revised Code;
(b) An existing or former law of this state, any other state,
or the United States that is substantially equivalent to any of
the offenses listed in division (A)(12)(a) of this section.

(13) On receipt of a request pursuant to section 3796.12 of
the Revised Code, a completed form prescribed pursuant to division
(C)(1) of this section, and a set of fingerprint impressions
obtained in a manner described in division (C)(2) of this section,
the superintendent of the bureau of criminal identification and
investigation shall conduct a criminal records check in the manner
described in division (B) of this section to determine whether any
information exists that indicates that the person who is the
subject of the request previously has been convicted of or pleaded
guilty to the following:

(a) A disqualifying offense as specified in rules adopted under division (B)(2)(b) of section 3796.03 of the Revised Code if the person who is the subject of the request is an administrator or other person responsible for the daily operation of, or an owner or prospective owner, officer or prospective officer, or board member or prospective board member of, an entity seeking a license from the department of commerce under Chapter 3796. of the Revised Code;

(b) A disqualifying offense as specified in rules adopted under division (B)(2)(b) of section 3796.04 of the Revised Code if the person who is the subject of the request is an administrator or other person responsible for the daily operation of, or an owner or prospective owner, officer or prospective officer, or board member or prospective board member of, an entity seeking a license from the state board of pharmacy under Chapter 3796. of the Revised Code.

(14) On receipt of a request required by section 3796.13 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to the following:

(a) A disqualifying offense as specified in rules adopted under division (B)(8)(a) of section 3796.03 of the Revised Code if the person who is the subject of the request is seeking employment with an entity licensed by the department of commerce under Chapter 3796. of the Revised Code;
(b) A disqualifying offense as specified in rules adopted under division (B)(14)(a) of section 3796.04 of the Revised Code if the person who is the subject of the request is seeking employment with an entity licensed by the state board of pharmacy under Chapter 3796. of the Revised Code.

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

(1) The superintendent shall review or cause to be reviewed any relevant information gathered and compiled by the bureau under division (A) of section 109.57 of the Revised Code that relates to the person who is the subject of the criminal records check, including, if the criminal records check was requested under section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.54, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 4749.03, 4749.06, 4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code; any relevant information contained in records that have been sealed under section 2953.32 of the Revised Code;

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

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

(4) The superintendent shall include in the results of the criminal records check a list or description of the offenses listed or described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), or (14) of this section, whichever division requires the superintendent to conduct the criminal records check. The superintendent shall exclude from the results any information the dissemination of which is prohibited by federal law.

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

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

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

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

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

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

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

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

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

(F)(1) Subject to division (F)(2) of this section, all information regarding the results of a criminal records check conducted under this section that the superintendent reports or sends under division (A)(7) or (9) of this section to the director of public safety, the treasurer of state, or the person, board, or entity that made the request for the criminal records check shall relate to the conviction of the subject person, or the subject person's plea of guilty to, a criminal offense.

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

(G) As used in this section:
"Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section.

"Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.

"OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.

"Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.

Sec. 121.22. (A) This section shall be liberally construed to require public officials to take official action and to conduct all deliberations upon official business only in open meetings unless the subject matter is specifically excepted by law.

(B) As used in this section:

(1) "Public body" means any of the following:

(a) Any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution;

(b) Any committee or subcommittee of a body described in...
division (B)(1)(a) of this section;

(c) A court of jurisdiction of a sanitary district organized wholly for the purpose of providing a water supply for domestic, municipal, and public use when meeting for the purpose of the appointment, removal, or reappointment of a member of the board of directors of such a district pursuant to section 6115.10 of the Revised Code, if applicable, or for any other matter related to such a district other than litigation involving the district. As used in division (B)(1)(c) of this section, "court of jurisdiction" has the same meaning as "court" in section 6115.01 of the Revised Code.

(2) "Meeting" means any prearranged discussion of the public business of the public body by a majority of its members.

(3) "Regulated individual" means either of the following:

(a) A student in a state or local public educational institution;

(b) A person who is, voluntarily or involuntarily, an inmate, patient, or resident of a state or local institution because of criminal behavior, mental illness, an intellectual disability, disease, disability, age, or other condition requiring custodial care.

(4) "Public office" has the same meaning as in section 149.011 of the Revised Code.

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

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

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

(1) A grand jury;

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

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

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

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

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

(7) The board of nursing when determining whether to suspend
a license or certificate without a prior hearing pursuant to
division (B) of section 4723.281 of the Revised Code;

(8) The state board of pharmacy when determining whether to
suspend a license without a prior hearing pursuant to division (D)
of section 4729.16 of the Revised Code;

(9) The state chiropractic board when determining whether to
suspend a license without a hearing pursuant to section 4734.37 of
the Revised Code;

(10) The executive committee of the emergency response commission when determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce Chapter 3750. of the Revised Code;

(11) The board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code or any committee thereof, and the board of directors of any subsidiary of that corporation or a committee thereof;

(12) An audit conference conducted by the audit staff of the department of job and family services with officials of the public office that is the subject of that audit under section 5101.37 of the Revised Code;

(13) The occupational therapy section of the occupational therapy, physical therapy, and athletic trainers state physical health services board when determining whether to suspend a license or limited permit without a hearing pursuant to division (D) of section 4755.11, division (E) of section 4755.47, or division (D) of section 4755.64 of the Revised Code;

(14) The physical therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (E) of section 4755.47 of the Revised Code;

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

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

(1) Marketing plans;

(2) Specific business strategy;

(3) Production techniques and trade secrets;

(4) Financial projections;

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

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

(F) Every public body, by rule, shall establish a reasonable
method whereby any person may determine the time and place of all
regularly scheduled meetings and the time, place, and purpose of
all special meetings. A public body shall not hold a special
meeting unless it gives at least twenty-four hours' advance notice
to the news media that have requested notification, except in the
event of an emergency requiring immediate official action. In the
event of an emergency, the member or members calling the meeting
shall notify the news media that have requested notification
immediately of the time, place, and purpose of the meeting.

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

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

(1) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing. Except as otherwise provided by law, no public body shall hold an executive session for the discipline of an elected official for conduct related to the performance of the elected official's official duties or for the elected official's removal from office. If a public body holds an executive session pursuant to division (G)(1) of this section, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed in division (G)(1) of this section are the purposes for which the executive session is to be held, but need not include the name of any person to be considered at the meeting.

(2) To consider the purchase of property for public purposes, the sale of property at competitive bidding, or the sale or other disposition of unneeded, obsolete, or unfit-for-use property in accordance with section 505.10 of the Revised Code, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest...
is adverse to the general public interest. No member of a public body shall use division (G)(2) of this section as a subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member of a public body that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers.

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

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

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

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

(6) Details relative to the security arrangements and emergency response protocols for a public body or a public office, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the public body or public office;

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

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

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

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

If a public body holds an executive session to consider any of the matters listed in divisions (G)(2) to (8) of this section, the motion and vote to hold that executive session shall state which one or more of the approved matters listed in those divisions are to be considered at the executive session.

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

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

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

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

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

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

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

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

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

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

(a) Interviewing an applicant for financial assistance under sections 5901.01 to 5901.15 of the Revised Code;

(b) Discussing applications, statements, and other documents described in division (B) of section 5901.09 of the Revised Code;

(c) Reviewing matters relating to an applicant's request for
financial assistance under sections 5901.01 to 5901.15 of the Revised Code.

(2) A veterans service commission shall not exclude an applicant for, recipient of, or former recipient of financial assistance under sections 5901.01 to 5901.15 of the Revised Code, and shall not exclude representatives selected by the applicant, recipient, or former recipient, from a meeting that the commission conducts as an executive session that pertains to the applicant's, recipient's, or former recipient's application for financial assistance.

(3) A veterans service commission shall vote on the grant or denial of financial assistance under sections 5901.01 to 5901.15 of the Revised Code only in an open meeting of the commission. The minutes of the meeting shall indicate the name, address, and occupation of the applicant, whether the assistance was granted or denied, the amount of the assistance if assistance is granted, and the votes for and against the granting of assistance.

Sec. 3701.83. There is hereby created in the state treasury the general operations fund. Moneys in the fund shall be used for the purposes specified in sections 3701.04, 3701.344, 3702.20, 3710.15, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 3749.07, 4747.04, and 4769.09 of the Revised Code.

Sec. 4713.10. (A) The state board of cosmetology and barber board shall charge and collect the following fees:

(1) For a temporary pre-examination work permit under section 4713.22 of the Revised Code, seven dollars and fifty cents;

(2) For initial application to take an examination under section 4713.24 of the Revised Code, thirty-one dollars and fifty cents;
(3) For application to take an examination under section 4713.24 of the Revised Code by an applicant who has previously applied to take, but failed to appear for, the examination, forty dollars;

(4) For application to re-take an examination under section 4713.24 of the Revised Code by an applicant who has previously appeared for, but failed to pass, the examination, thirty-one dollars and fifty cents;

(5) For the issuance of a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code, forty-five dollars;

(6) For the issuance of a license under section 4713.34 of the Revised Code, seventy dollars;

(7) For renewal of a license issued under section 4713.28, 4713.30, 4713.31, or 4713.34 of the Revised Code, forty-five dollars;

(8) For the issuance or renewal of a cosmetology school license, two hundred fifty dollars;

(9) For the issuance of a new salon license or the change of name or ownership of a salon license under section 4713.41 of the Revised Code, seventy-five dollars;

(10) For the renewal of a salon license under section 4713.41 of the Revised Code, sixty dollars;

(11) For the restoration of an expired license that may be restored pursuant to section 4713.63 of the Revised Code, an amount equal to the sum of the current license renewal fee and a lapsed renewal fee of forty-five dollars per license renewal period that has elapsed since the license was last issued or renewed;

(12) For the issuance of a duplicate of any license, twenty dollars;
(13) For the preparation and mailing of a licensee's records to another state for a reciprocity license, fifty dollars;

(14) For the processing of any fees related to a check from a licensee returned to the board for insufficient funds, an additional thirty dollars.

(B) The board may establish an installment plan for the payment of fines and fees and may reduce fees as considered appropriate by the board.

(C) At the request of a person who is temporarily unable to pay a fee imposed under division (A) of this section, or on its own motion, the board may extend the date payment is due by up to ninety days. If the fee remains unpaid after the date payment is due, the amount of the fee shall be certified to the attorney general for collection in the form and manner prescribed by the attorney general. The attorney general may assess the collection cost to the amount certified in such a manner and amount as prescribed by the attorney general.

Sec. 4713.56. Every holder of a practicing license, instructor license, independent contractor license, or boutique service registration issued by the state board of cosmetology and barber board shall maintain the board-issued, wallet-sized license or electronically generated license certification or registration and a current government-issued photo identification that can be produced upon inspection or request.

Every holder of a license to operate a salon issued by the board shall display the license in a public and conspicuous place in the salon.

Every holder of a license to operate a school of cosmetology issued by the board shall display the license in a public and conspicuous place in the school.
Every individual who provides cosmetic therapy, massage therapy, or other professional service in a salon under section 4713.42 of the Revised Code shall maintain the individual's professional license or certificate and a state of Ohio issued photo identification that can be produced upon inspection or request.

Sec. 4731.07. (A) The state medical board shall keep a record of its proceedings. The minutes of a meeting of the board shall, on approval by the board, constitute an official record of its proceedings.

(B) The board shall keep a register of applicants for certificates to practice issued under this chapter and Chapters 4760., 4762., and 4774. of the Revised Code and licenses issued under Chapters 4730., 4759., 4761., and 4778. of the Revised Code. The register shall show the name of the applicant and whether the applicant was granted or refused a certificate or license. With respect to applicants to practice medicine and surgery or osteopathic medicine and surgery, the register shall show the name of the institution that granted the applicant the degree of doctor of medicine or osteopathic medicine. With respect to applicants to practice respiratory care, the register shall show the addresses of the person's last known place of business and residence, the effective date and identification number of the license, the name and location of the institution that granted the person's degree or certificate of completion of respiratory care educational requirements, and the date the degree or certificate was issued.

The books and records of the board shall be prima-facie evidence of matters therein contained.

Sec. 4731.224. (A) Within sixty days after the imposition of any formal disciplinary action taken by any health care facility, including a hospital, health care facility operated by a health
insuring corporation, ambulatory surgical center, or similar
facility, against any individual holding a valid certificate to
practice issued pursuant to this chapter, the chief administrator
or executive officer of the facility shall report to the state
medical board the name of the individual, the action taken by the
facility, and a summary of the underlying facts leading to the
action taken. Upon request, the board shall be provided certified
copies of the patient records that were the basis for the
facility's action. Prior to release to the board, the summary
shall be approved by the peer review committee that reviewed the
case or by the governing board of the facility. As used in this
division, "formal disciplinary action" means any action resulting
in the revocation, restriction, reduction, or termination of
clinical privileges for violations of professional ethics, or for
reasons of medical incompetence, medical malpractice, or drug or
alcohol abuse. "Formal disciplinary action" includes a summary
action, an action that takes effect notwithstanding any appeal
rights that may exist, and an action that results in an individual
surrendering clinical privileges while under investigation and
during proceedings regarding the action being taken or in return
for not being investigated or having proceedings held. "Formal
disciplinary action" does not include any action taken for the
sole reason of failure to maintain records on a timely basis or
failure to attend staff or section meetings.

The filing or nonfiling of a report with the board,
investigation by the board, or any disciplinary action taken by
the board, shall not preclude any action by a health care facility
to suspend, restrict, or revoke the individual's clinical
privileges.

In the absence of fraud or bad faith, no individual or entity
that provides patient records to the board shall be liable in
damages to any person as a result of providing the records.
(B) If any individual authorized to practice under this chapter or any professional association or society of such individuals believes that a violation of any provision of this chapter, Chapter 4730., 4759., 4760., 4761., 4762., 4774., or 4778. of the Revised Code, or any rule of the board has occurred, the individual, association, or society shall report to the board the information upon which the belief is based. This division does not require any treatment provider approved by the board under section 4731.25 of the Revised Code or any employee, agent, or representative of such a provider to make reports with respect to an impaired practitioner participating in treatment or aftercare for substance abuse as long as the practitioner maintains participation in accordance with the requirements of section 4731.25 of the Revised Code, and as long as the treatment provider or employee, agent, or representative of the provider has no reason to believe that the practitioner has violated any provision of this chapter or any rule adopted under it, other than the provisions of division (B)(26) of section 4731.22 of the Revised Code. This division does not require reporting by any member of an impaired practitioner committee established by a health care facility or by any representative or agent of a committee or program sponsored by a professional association or society of individuals authorized to practice under this chapter to provide peer assistance to practitioners with substance abuse problems with respect to a practitioner who has been referred for examination to a treatment program approved by the board under section 4731.25 of the Revised Code if the practitioner cooperates with the referral for examination and with any determination that the practitioner should enter treatment and as long as the committee member, representative, or agent has no reason to believe that the practitioner has ceased to participate in the treatment program in accordance with section 4731.25 of the Revised Code or has violated any provision of this chapter or any
rule adopted under it, other than the provisions of division (B)(26) of section 4731.22 of the Revised Code.

(C) Any professional association or society composed primarily of doctors of medicine and surgery, doctors of osteopathic medicine and surgery, doctors of podiatric medicine and surgery, or practitioners of limited branches of medicine that suspends or revokes an individual's membership for violations of professional ethics, or for reasons of professional incompetence or professional malpractice, within sixty days after a final decision shall report to the board, on forms prescribed and provided by the board, the name of the individual, the action taken by the professional organization, and a summary of the underlying facts leading to the action taken.

The filing of a report with the board or decision not to file a report, investigation by the board, or any disciplinary action taken by the board, does not preclude a professional organization from taking disciplinary action against an individual.

(D) Any insurer providing professional liability insurance to an individual authorized to practice under this chapter, or any other entity that seeks to indemnify the professional liability of such an individual, shall notify the board within thirty days after the final disposition of any written claim for damages where such disposition results in a payment exceeding twenty-five thousand dollars. The notice shall contain the following information:

(1) The name and address of the person submitting the notification;

(2) The name and address of the insured who is the subject of the claim;

(3) The name of the person filing the written claim;

(4) The date of final disposition;
(5) If applicable, the identity of the court in which the final disposition of the claim took place.

(E) The board may investigate possible violations of this chapter or the rules adopted under it that are brought to its attention as a result of the reporting requirements of this section, except that the board shall conduct an investigation if a possible violation involves repeated malpractice. As used in this division, "repeated malpractice" means three or more claims for medical malpractice within the previous five-year period, each resulting in a judgment or settlement in excess of twenty-five thousand dollars in favor of the claimant, and each involving negligent conduct by the practicing individual.

(F) All summaries, reports, and records received and maintained by the board pursuant to this section shall be held in confidence and shall not be subject to discovery or introduction in evidence in any federal or state civil action involving a health care professional or facility arising out of matters that are the subject of the reporting required by this section. The board may use the information obtained only as the basis for an investigation, as evidence in a disciplinary hearing against an individual whose practice is regulated under this chapter, or in any subsequent trial or appeal of a board action or order.

The board may disclose the summaries and reports it receives under this section only to health care facility committees within or outside this state that are involved in credentialing or recredentialing the individual or in reviewing the individual's clinical privileges. The board shall indicate whether or not the information has been verified. Information transmitted by the board shall be subject to the same confidentiality provisions as when maintained by the board.

(G) Except for reports filed by an individual pursuant to division (B) of this section, the board shall send a copy of any
reports or summaries it receives pursuant to this section to the 93674
individual who is the subject of the reports or summaries. The 93675
individual shall have the right to file a statement with the board 93676
concerning the correctness or relevance of the information. The 93677
statement shall at all times accompany that part of the record in 93678
contention.

(H) An individual or entity that, pursuant to this section, 93679
reports to the board or refers an impaired practitioner to a 93680
treatment provider approved by the board under section 4731.25 of 93681
the Revised Code shall not be subject to suit for civil damages as 93682
a result of the report, referral, or provision of the information. 93683

(I) In the absence of fraud or bad faith, no professional 93684
association or society of individuals authorized to practice under 93685
this chapter that sponsors a committee or program to provide peer 93686
assistance to practitioners with substance abuse problems, no 93687
representative or agent of such a committee or program, and no 93688
member of the state medical board shall be held liable in damages 93689
to any person by reason of actions taken to refer a practitioner 93690
to a treatment provider approved under section 4731.25 of the 93691
Revised Code for examination or treatment.

Sec. 4776.01. As used in this chapter: 93692

(A) "License" means an authorization evidenced by a license, 93693
certificate, registration, permit, card, or other authority that 93694
is issued or conferred by a licensing agency to a licensee or to 93695
an applicant for an initial license by which the licensee or 93696
initial license applicant has or claims the privilege to engage in 93697
a profession, occupation, or occupational activity, or, except in 93698
the case of the state dental board, to have control of and operate 93699
certain specific equipment, machinery, or premises, over which the 93700
licensing agency has jurisdiction.

(B) Except as provided in section 4776.20 of the Revised 93701
Code, "licensee" means the person to whom the license is issued by a licensing agency.

(C) Except as provided in section 4776.20 of the Revised Code, "licensing agency" means any of the following:

(1) The board authorized by Chapters 4701., 4717., 4725., 4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4753., 4755., 4757., 4758., 4759., 4760., 4761., 4762., 4779., and 4783. of the Revised Code to issue a license to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specified equipment, machinery, or premises.

(2) The state dental board, relative to its authority to issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code.

(D) "Applicant for an initial license" includes persons seeking a license for the first time and persons seeking a license by reciprocity, endorsement, or similar manner of a license issued in another state.

(E) "Applicant for a restored license" includes persons seeking restoration of a certificate under section 4730.14, 4731.281, 4760.06, or 4762.06 of the Revised Code.

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

Section 120.11. That existing sections 109.572, 121.22, 3701.83, 4713.10, 4713.56, 4731.07, 4731.224, and 4776.01 of the Revised Code are hereby repealed.

Section 120.12. Sections 120.10 and 120.11 take effect on January 21, 2018.
Section 120.20. That sections 329.04 and 2329.66 of the Revised Code be amended to read as follows:

Sec. 329.04. (A) The county department of job and family services shall have, exercise, and perform the following powers and duties:

(1) Perform any duties assigned by the state department of job and family services or department of medicaid regarding the provision of public family services, including the provision of the following services to prevent or reduce economic or personal dependency and to strengthen family life:

(a) Services authorized by a Title IV-A program, as defined in section 5101.80 of the Revised Code;

(b) Social services authorized by Title XX of the "Social Security Act" and provided for by section 5101.46 or 5101.461 of the Revised Code;

(c) If the county department is designated as the child support enforcement agency, services authorized by Title IV-D of the "Social Security Act" and provided for by Chapter 3125. of the Revised Code. The county department may perform the services itself or contract with other government entities, and, pursuant to division (C) of section 2301.35 and section 2301.42 of the Revised Code, private entities, to perform the Title IV-D services.

(d) Duties assigned under section 5162.031 of the Revised Code.

(2) Administer disability financial assistance, as required by the state department of job and family services under section 5115.03 of the Revised Code;

(3) Administer burials insofar as the administration of
burials was, prior to September 12, 1947, imposed upon the board of county commissioners and if otherwise required by state law;

(4) Cooperate with state and federal authorities in any matter relating to family services and to act as the agent of such authorities;

(5) Submit an annual account of its work and expenses to the board of county commissioners and to the state department of job and family services and department of medicaid at the close of each fiscal year;

(6) Exercise any powers and duties relating to family services duties or workforce development activities imposed upon the county department of job and family services by law, by resolution of the board of county commissioners, or by order of the governor, when authorized by law, to meet emergencies during war or peace;

(7) Enter into a plan of cooperation with the board of county commissioners under section 307.983, consult with the board in the development of the transportation work plan developed under section 307.985, establish with the board procedures under section 307.986 for providing services to children whose families relocate frequently, and comply with the contracts the board enters into under sections 307.981 and 307.982 of the Revised Code that affect the county department;

(8) For the purpose of complying with a grant agreement the board of county commissioners enters into under sections 307.98 and 5101.21 of the Revised Code, exercise the powers and perform the duties the grant agreement assigns to the county department;

(9) If the county department is designated as the workforce development agency, provide the workforce development
activities specified in the contract required by section 330.05 of
the Revised Code.

(B) The powers and duties of a county department of job and
family services are, and shall be exercised and performed, under
the control and direction of the board of county commissioners.
The board may assign to the county department any power or duty of
the board regarding family services duties and workforce
development activities. If the new power or duty necessitates the
state department of job and family services or department of
medicaid changing its federal cost allocation plan, the county
department may not implement the power or duty unless the United
States department of health and human services approves the
changes.

Sec. 2329.66. (A) Every person who is domiciled in this state
may hold property exempt from execution, garnishment, attachment,
or sale to satisfy a judgment or order, as follows:

(1)(a) In the case of a judgment or order regarding money
owed for health care services rendered or health care supplies
provided to the person or a dependent of the person, one parcel or
item of real or personal property that the person or a dependent
of the person uses as a residence. Division (A)(1)(a) of this
section does not preclude, affect, or invalidate the creation
under this chapter of a judgment lien upon the exempted property
but only delays the enforcement of the lien until the property is
sold or otherwise transferred by the owner or in accordance with
other applicable laws to a person or entity other than the
surviving spouse or surviving minor children of the judgment
debtor. Every person who is domiciled in this state may hold
exempt from a judgment lien created pursuant to division (A)(1)(a)
of this section the person's interest, not to exceed one hundred
twenty-five thousand dollars, in the exempted property.
(b) In the case of all other judgments and orders, the person's interest, not to exceed one hundred twenty-five thousand dollars, in one parcel or item of real or personal property that the person or a dependent of the person uses as a residence.

(c) For purposes of divisions (A)(1)(a) and (b) of this section, "parcel" means a tract of real property as identified on the records of the auditor of the county in which the real property is located.

(2) The person's interest, not to exceed three thousand two hundred twenty-five dollars, in one motor vehicle;

(3) The person's interest, not to exceed four hundred dollars, in cash on hand, money due and payable, money to become due within ninety days, tax refunds, and money on deposit with a bank, savings and loan association, credit union, public utility, landlord, or other person, other than personal earnings.

(4)(a) The person's interest, not to exceed five hundred twenty-five dollars in any particular item or ten thousand seven hundred seventy-five dollars in aggregate value, in household furnishings, household goods, wearing apparel, appliances, books, animals, crops, musical instruments, firearms, and hunting and fishing equipment that are held primarily for the personal, family, or household use of the person;

(b) The person's aggregate interest in one or more items of jewelry, not to exceed one thousand three hundred fifty dollars, held primarily for the personal, family, or household use of the person or any of the person's dependents.

(5) The person's interest, not to exceed an aggregate of two thousand twenty-five dollars, in all implements, professional books, or tools of the person's profession, trade, or business, including agriculture;

(6)(a) The person's interest in a beneficiary fund set apart,
appropriated, or paid by a benevolent association or society, as exempted by section 2329.63 of the Revised Code;

(b) The person's interest in contracts of life or endowment insurance or annuities, as exempted by section 3911.10 of the Revised Code;

(c) The person's interest in a policy of group insurance or the proceeds of a policy of group insurance, as exempted by section 3917.05 of the Revised Code;

(d) The person's interest in money, benefits, charity, relief, or aid to be paid, provided, or rendered by a fraternal benefit society, as exempted by section 3921.18 of the Revised Code;

(e) The person's interest in the portion of benefits under policies of sickness and accident insurance and in lump sum payments for dismemberment and other losses insured under those policies, as exempted by section 3923.19 of the Revised Code.

(7) The person's professionally prescribed or medically necessary health aids;

(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;

(9) The person's interest in the following:

(a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;

(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;

(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;

(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;

(f) Disability financial assistance payments, as exempted by section 5115.06 of the Revised Code;

(g) Payments under section 24 or 32 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.

(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C)(2)(b) of that section, in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, in cases in which an order for forfeiture was issued under division (A) or (B) of section 2929.192 of the Revised Code, and in cases in which an order was issued under section 2929.193 or 2929.194 of the Revised Code, and only to the extent provided in the order, and except as provided in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's rights to or interests in a pension, benefit, annuity, retirement allowance, or accumulated contributions, the person's rights to or interests in a participant account in any deferred compensation program offered by the Ohio public employees deferred compensation board, a government unit, or a municipal corporation, or the person's other accrued or accruing rights or interests, as exempted by section 143.11, 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of the Revised Code, and the person's rights to or interests in benefits from the Ohio public safety officers death benefit fund;

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's rights to receive or interests in receiving a payment or other benefits
under any pension, annuity, or similar plan or contract, not including a payment or benefit from a stock bonus or profit-sharing plan or a payment included in division (A)(6)(b) or (10)(a) of this section, on account of illness, disability, death, age, or length of service, to the extent reasonably necessary for the support of the person and any of the person's dependents, except if all the following apply:

    (i) The plan or contract was established by or under the auspices of an insider that employed the person at the time the person's rights or interests under the plan or contract arose.

    (ii) The payment is on account of age or length of service.

    (iii) The plan or contract is not qualified under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.

(c) Except for any portion of the assets that were deposited for the purpose of evading the payment of any debt and except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's rights or interests in the assets held in, or to directly or indirectly receive any payment or benefit under, any individual retirement account, individual retirement annuity, "Roth IRA," account opened pursuant to a program administered by a state under section 529 or 529A of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, or education individual retirement account that provides payments or benefits by reason of illness, disability, death, retirement, or age or provides payments or benefits for purposes of education or qualified disability expenses, to the extent that the assets, payments, or benefits described in division (A)(10)(c) of this section are attributable to or derived from any of the following or from any earnings, dividends, interest, appreciation, or gains on any of the following:
(i) Contributions of the person that were less than or equal to the applicable limits on deductible contributions to an individual retirement account or individual retirement annuity in the year that the contributions were made, whether or not the person was eligible to deduct the contributions on the person's federal tax return for the year in which the contributions were made;

(ii) Contributions of the person that were less than or equal to the applicable limits on contributions to a Roth IRA or education individual retirement account in the year that the contributions were made;

(iii) Contributions of the person that are within the applicable limits on rollover contributions under subsections 219, 402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended;

(iv) Contributions by any person into any plan, fund, or account that is formed, created, or administered pursuant to, or is otherwise subject to, section 529 or 529A of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.

(d) Except for any portion of the assets that were deposited for the purpose of evading the payment of any debt and except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's rights or interests in the assets held in, or to receive any payment under, any Keogh or "H.R. 10" plan that provides benefits by reason of illness, disability, death, retirement, or age, to the extent reasonably necessary for the support of the person and any of the person's dependents.

(e) The person's rights to or interests in any assets held in, or to directly or indirectly receive any payment or benefit
under, any individual retirement account, individual retirement
annuity, "Roth IRA," account opened pursuant to a program
administered by a state under section 529 or 529A of the "Internal
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, or
education individual retirement account that a decedent, upon or
by reason of the decedent's death, directly or indirectly left to
or for the benefit of the person, either outright or in trust or
otherwise, including, but not limited to, any of those rights or
interests in assets or to receive payments or benefits that were
transferred, conveyed, or otherwise transmitted by the decedent by
means of a will, trust, exercise of a power of appointment,
beneficiary designation, transfer or payment on death designation,
or any other method or procedure.

(f) The exemptions under divisions (A)(10)(a) to (e) of this
section also shall apply or otherwise be available to an alternate
payee under a qualified domestic relations order (QDRO) or other
similar court order.

(g) A person's interest in any plan, program, instrument, or
device described in divisions (A)(10)(a) to (e) of this section
shall be considered an exempt interest even if the plan, program,
instrument, or device in question, due to an error made in good
faith, failed to satisfy any criteria applicable to that plan,
program, instrument, or device under the "Internal Revenue Code of

(11) The person's right to receive spousal support, child
support, an allowance, or other maintenance to the extent
reasonably necessary for the support of the person and any of the
person's dependents;

(12) The person's right to receive, or moneys received during
the preceding twelve calendar months from, any of the following:

(a) An award of reparations under sections 2743.51 to 2743.72
of the Revised Code, to the extent exempted by division (D) of section 2743.66 of the Revised Code;

(b) A payment on account of the wrongful death of an individual of whom the person was a dependent on the date of the individual's death, to the extent reasonably necessary for the support of the person and any of the person's dependents;

(c) Except in cases in which the person who receives the payment is an inmate, as defined in section 2969.21 of the Revised Code, and in which the payment resulted from a civil action or appeal against a government entity or employee, as defined in section 2969.21 of the Revised Code, a payment, not to exceed twenty thousand two hundred dollars, on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the person or an individual for whom the person is a dependent;

(d) A payment in compensation for loss of future earnings of the person or an individual of whom the person is or was a dependent, to the extent reasonably necessary for the support of the debtor and any of the debtor's dependents.

(13) Except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, personal earnings of the person owed to the person for services in an amount equal to the greater of the following amounts:

(a) If paid weekly, thirty times the current federal minimum hourly wage; if paid biweekly, sixty times the current federal minimum hourly wage; if paid semimonthly, sixty-five times the current federal minimum hourly wage; or if paid monthly, one hundred thirty times the current federal minimum hourly wage that is in effect at the time the earnings are payable, as prescribed by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C. 206(a)(1), as amended;
(b) Seventy-five per cent of the disposable earnings owed to the person.

(14) The person's right in specific partnership property, as exempted by the person's rights in a partnership pursuant to section 1776.50 of the Revised Code, except as otherwise set forth in section 1776.50 of the Revised Code;

(15) A seal and official register of a notary public, as exempted by section 147.04 of the Revised Code;

(16) The person's interest in a tuition unit or a payment under section 3334.09 of the Revised Code pursuant to a tuition payment contract, as exempted by section 3334.15 of the Revised Code;

(17) Any other property that is specifically exempted from execution, attachment, garnishment, or sale by federal statutes other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 U.S.C.A. 101, as amended;

(18) The person's aggregate interest in any property, not to exceed one thousand seventy-five dollars, except that division (A)(18) of this section applies only in bankruptcy proceedings.

(B) On April 1, 2010, and on the first day of April in each third calendar year after 2010, the Ohio judicial conference shall adjust each dollar amount set forth in this section to reflect any increase in the consumer price index for all urban consumers, as published by the United States department of labor, or, if that index is no longer published, a generally available comparable index, for the three-year period ending on the thirty-first day of December of the preceding year. Any adjustments required by this division shall be rounded to the nearest twenty-five dollars.

The Ohio judicial conference shall prepare a memorandum specifying the adjusted dollar amounts. The judicial conference shall transmit the memorandum to the director of the legislative
service commission, and the director shall publish the memorandum in the register of Ohio. (Publication of the memorandum in the register of Ohio shall continue until the next memorandum specifying an adjustment is so published.) The judicial conference also may publish the memorandum in any other manner it concludes will be reasonably likely to inform persons who are affected by its adjustment of the dollar amounts.

(C) As used in this section:

(1) "Disposable earnings" means net earnings after the garnishee has made deductions required by law, excluding the deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the Revised Code.

(2) "Insider" means:

(a) If the person who claims an exemption is an individual, a relative of the individual, a relative of a general partner of the individual, a partnership in which the individual is a general partner, a general partner of the individual, or a corporation of which the individual is a director, officer, or in control;

(b) If the person who claims an exemption is a corporation, a director or officer of the corporation; a person in control of the corporation; a partnership in which the corporation is a general partner; a general partner of the corporation; or a relative of a general partner, director, officer, or person in control of the corporation;

(c) If the person who claims an exemption is a partnership, a general partner in the partnership; a general partner of the partnership; a person in control of the partnership; a partnership in which the partnership is a general partner; or a relative in, a general partner of, or a person in control of the partnership;

(d) An entity or person to which or whom any of the following applies:
(i) The entity directly or indirectly owns, controls, or holds with power to vote, twenty per cent or more of the outstanding voting securities of the person who claims an exemption, unless the entity holds the securities in a fiduciary or agency capacity without sole discretionary power to vote the securities or holds the securities solely to secure to debt and the entity has not in fact exercised the power to vote.

(ii) The entity is a corporation, twenty per cent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the person who claims an exemption or by an entity to which division (C)(2)(d)(i) of this section applies.

(iii) A person whose business is operated under a lease or operating agreement by the person who claims an exemption, or a person substantially all of whose business is operated under an operating agreement with the person who claims an exemption.

(iv) The entity operates the business or all or substantially all of the property of the person who claims an exemption under a lease or operating agreement.

(e) An insider, as otherwise defined in this section, of a person or entity to which division (C)(2)(d)(i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption;

(f) A managing agent of the person who claims an exemption.

(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code.

(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code.

(D) For purposes of this section, "interest" shall be determined as follows:
In bankruptcy proceedings, as of the date a petition is filed with the bankruptcy court commencing a case under Title 11 of the United States Code;

In all cases other than bankruptcy proceedings, as of the date of an appraisal, if necessary under section 2329.68 of the Revised Code, or the issuance of a writ of execution.

An interest, as determined under division (D)(1) or (2) of this section, shall not include the amount of any lien otherwise valid pursuant to section 2329.661 of the Revised Code.

Section 120.21. That existing sections 329.04 and 2329.66 of the Revised Code are hereby repealed.

Section 120.22. Sections 120.20 and 120.21 take effect on December 31, 2017.

Section 120.30. That new section 5124.17 of the Revised Code be enacted to read as follows:

Sec. 5124.17. (A) For each fiscal year, the department of developmental disabilities shall determine each ICF/IID's per medicaid day payment rate for capital. An ICF/IID's rate for a fiscal year shall equal the ICF/IID's fair rental value per diem for the fiscal year determined under this section. Except as otherwise provided in this chapter, an ICF/IID's rate for a fiscal year shall be determined prospectively and based on the ICF/IID's fair rental value survey information reported on the cost report filed for the ICF/IID under section 5124.10 of the Revised Code for the calendar year immediately preceding the calendar year in which the fiscal year begins.

(B) An ICF/IID's fair rental value per diem for a fiscal year shall be determined as follows:
(1) Determine the sum of the following:

(a) The ICF/IID's land value for the fiscal year as determined under division (C) of this section;

(b) The ICF/IID's depreciated current asset value for the fiscal year as determined under division (D) of this section.

(2) To reflect the rental rate, determine the product of the following:

(a) The sum determined under division (B)(1) of this section;

(b) Nine per cent.

(3) Divide the product determined under division (B)(2) of this section by the greater of the following:

(a) The number of inpatient days the ICF/IID had, as reported on its cost report, for the calendar year immediately preceding the calendar year in which the fiscal year for which the per diem is determined begins;

(b) The number of inpatient days the ICF/IID would have had for that calendar year if its occupancy rate had been ninety-five per cent that calendar year.

(C) An ICF/IID's land value for a fiscal year shall equal ten per cent of the ICF/IID's current asset value for the fiscal year as determined under division (E) of this section.

(D) An ICF/IID's depreciated current asset value for a fiscal year shall be determined as follows:

(1) Determine the product of the following:

(a) One and one half per cent;

(b) The lesser of the following:

(i) The ICF/IID's effective age as determined under division (H) of this section;
(ii) Forty.

(2) Determine the product of the following:

(a) The ICF/IID's current asset value for the fiscal year as determined in accordance with division (E) of this section;

(b) The product determined under division (D)(1) of this section.

(E)(1) An ICF/IID's current asset value for a fiscal year shall be determined as follows:

(a) Determine the product of the following:

(i) Subject to division (E)(2) of this section, the ICF/IID's total square footage as reported in the fair value survey information included in its cost report for the calendar year immediately preceding the calendar year in which the fiscal year begins;

(ii) The ICF/IID's value per square foot for the fiscal year as determined under division (F) of this section.

(b) Determine the sum of the following:

(i) The product determined under division (E)(1)(a) of this section;

(ii) The ICF/IID's total equipment value for the fiscal year as determined under division (G) of this section.

(2) For the purpose of division (E)(1)(a)(i) of this section, all of the following apply:

(a) An ICF/IID's bedrooms and common space shall be included in determining the ICF/IID's total square footage.

(b) An ICF/IID shall be treated as if its total square footage is two hundred per medicaid-certified bed if its actual total square footage is less than two hundred per medicaid-certified bed.
(c) An ICF/IID that is not a downsized ICF/IID shall be treated as if its total square footage is eight hundred per medicaid-certified bed if its actual total square footage is more than eight hundred per medicaid-certified bed.

(d) An ICF/IID that is a downsized ICF/IID shall be treated as if its total square footage is one thousand per medicaid-certified bed if its actual total square footage is more than one thousand per medicaid-certified bed.

(F)(1) An ICF/IID's value per square foot for a fiscal year shall be determined by using the following data published by RS Means for the calendar year in which the fiscal year begins:

(a) If the ICF/IID is in peer group 1 or peer group 2, the RS Means data for assisted-senior living facility construction costs;

(b) If the ICF/IID is in peer group 3, peer group 4, or peer group 5, the RS Means data for nursing home construction costs.

(2) The RS Means data to be used for an ICF/IID shall be the data applicable to the county in which the ICF/IID is located. The data that applies to a county shall be determined as follows:

(a) The data that RS Means specifies for the city of Akron shall be used for Summit county.

(b) The data that RS Means specifies for the city of Athens shall be used for Athens county.

(c) The data that RS Means specifies for the city of Canton shall be used for the following counties: Ashtabula, Geauga, Lake, Mahoning, Medina, Portage, Stark, and Wayne.

(d) The data that RS Means specifies for the city of Chillicothe shall be used for Ross county.

(e) The data that RS Means specifies for the city of Cincinnati shall be used for Hamilton county.

(f) The data that RS Means specifies for the city of
Cleveland shall be used for Cuyahoga county.

(g) The data that RS Means specifies for the city of Columbus shall be used for Franklin county.

(h) The data that RS Means specifies for the city of Dayton shall be used for Montgomery county.

(i) The data that RS Means specifies for the city of Hamilton shall be used for the following counties: Brown, Butler, Clermont, Clinton, Champaign, Darke, Greene, Logan, Miami, Preble, Shelby, and Warren.

(j) The data that RS Means specifies for the city of Lima shall be used for the following counties: Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Henry, Huron, Mercer, Paulding, Putnam, Ottawa, Sandusky, Seneca, Van Wert, Williams, and Wood.

(k) The data that RS Means specifies for the city of Lorain shall be used for Lorain county.

(l) The data that RS Means specifies for the city of Mansfield shall be used for the following counties: Ashland, Crawford, Delaware, Fairfield, Fayette, Hardin, Knox, Licking, Madison, Morrow, Pickaway, Richland, Union, and Wyandot.

(m) The data that RS Means specifies for the city of Marion shall be used for Marion county.

(n) The data that RS Means specifies for the city of Springfield shall be used for Clark county.

(o) The data that RS Means specifies for the city of Steubenville shall be used for Jefferson county.

(p) The data that RS Means specifies for the city of Toledo shall be used for Lucas county.

(q) The data that RS Means specifies for Youngstown shall be used for Trumbull county.
(r) The data that RS Means specifies for the city of Zanesville shall be used for the following counties: Adams, Belmont, Carroll, Columbiana, Coshocton, Gallia, Guernsey, Harrison, Highland, Hocking, Holmes, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Scioto, Tuscarawas, Vinton, and Washington.

(G) An ICF/IID's total equipment value for a fiscal year shall be the product of the following:

(1) The ICF/IID's medicaid-certified capacity as of the first day of the fiscal year;

(2) Four thousand dollars.

(H) An ICF/IID's effective age for a fiscal year shall be determined as follows:

(1) For each renovation of the ICF/IID that cost at least five hundred dollars and is listed in the ICF/IID's fair rental value survey information reported on the cost report filed for the ICF/IID under section 5124.10 of the Revised Code for the calendar year immediately preceding the calendar year in which the fiscal year begins, do all of the following:

(a) Determine the quotient of the following:

(i) The cost of the renovation;

(ii) The product determined under division (E)(1)(a) of this section.

(b) Determine the difference of the following:

(i) The calendar year covered by the cost report in which the renovation is listed;

(ii) The calendar year in which the ICF/IID's initial construction was completed or, if that calendar year is unknown, the calendar year in which the ICF/IID was initially licensed to operate.
(c) Determine the product of the following:

(i) The quotient determined under division (H)(1)(a) of this section;

(ii) The difference determined under division (H)(1)(b) of this section.

(2) Determine the sum of all products determined under division (H)(1)(c) of this section for the ICF/IID for the fiscal year.

(3) Determine the difference of the following:

(a) The calendar year in which the fiscal year begins;

(b) The calendar year in which the ICF/IID's initial construction was completed or, if that calendar year is unknown, the calendar year in which the ICF/IID was initially licensed to operate.

(4) Determine the difference of the following:

(a) The difference determined under division (H)(3) of this section;

(b) The sum determined under division (H)(2) of this section.

Section 120.31. That section 5124.17 of the Revised Code is hereby repealed.

Section 120.32. Sections 120.30 and 120.31 take effect on July 1, 2018.

Section 125.10. That section 5166.35 of the Revised Code is hereby repealed on January 1, 2019.

Section 201.10. Except as otherwise provided in this act, all appropriation items in this act are appropriated out of any moneys in the state treasury to the credit of the designated fund that
are not otherwise appropriated. For all appropriations made in this act, the amounts in the first column are for fiscal year 2018 and the amounts in the second column are for fiscal year 2019.

### Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO

Dedicated Purpose Fund Group

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<th>Description</th>
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TOTAL ALL BUDGET FUND GROUPS $1,466,957 $1,561,965

### Section 205.10. ADJ ADJUTANT GENERAL

General Revenue Fund

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Dedicated Purpose Fund Group

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### Section 205.20. NATIONAL GUARD BENEFITS

The foregoing appropriation item 745407, National Guard Benefits, shall be used for purposes of sections 5919.31 and 5919.33 of the Revised Code, and for administrative costs of the associated programs.

If necessary, in order to pay benefits in a timely manner pursuant to sections 5919.31 and 5919.33 of the Revised Code, the Adjutant General may request the Director of Budget and Management transfer appropriation from any appropriation item used by the Adjutant General to appropriation item 745407, National Guard Benefits. Such amounts are hereby appropriated. The Adjutant General may subsequently seek Controlling Board approval to

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restore the appropriation in the appropriation item from which such a transfer was made.

For active duty members of the Ohio National Guard who died after October 7, 2001, while performing active duty, the death benefit, pursuant to section 5919.33 of the Revised Code, shall be paid to the beneficiary or beneficiaries designated on the member's Servicemembers' Group Life Insurance Policy.

STATE ACTIVE DUTY COSTS

Of the foregoing appropriation item 745409, Central Administration, $50,000 in each fiscal year shall be used for the purpose of paying expenses related to state active duty of members of the Ohio organized militia, in accordance with a proclamation of the Governor. Expenses include, but are not limited to, the cost of equipment, supplies, and services, as determined by the Adjutant General's Department. On June 1 of each fiscal year, if it is determined by the Adjutant General that any portion of this $50,000 in that fiscal year will not be used for state active duty expenses, those amounts may be encumbered by the Adjutant General for maintenance expenses. If before the end of that fiscal year, state active duty expenses occur, these encumbrances should be canceled by the Adjutant General to pay for expenses related to state active duty.

CYBER RANGE

The Adjutant General's Department, in conjunction and collaboration with the Department of Administrative Services, the Department of Public Safety, the Department of Higher Education, and the Department of Education shall establish and maintain a cyber range. The Adjutant General's Department may work with federal agencies to assist in accomplishing this objective. The cyber range shall: (1) provide cyber training and education to K-12 students, higher education students, Ohio National Guardsmen,
federal employees, and state and local government employees, and
(2) provide for emergency preparedness exercises and training. The
state agencies identified in this paragraph may procure any
necessary goods and services including, but not limited to,
contracted services, hardware, networking services, maintenance
costs, and the training and management costs of a cyber range.
These state agencies shall determine the amount of funds each
agency will contribute from available funds and appropriations
enacted herein in order to establish and maintain a cyber range.

**Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES**

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<td>Federal Fund Group</td>
</tr>
<tr>
<td>3AJ0</td>
<td>Information Technology Grants</td>
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<td></td>
<td>TOTAL FED Federal Fund Group</td>
</tr>
<tr>
<td></td>
<td>TOTAL ALL BUDGET FUND GROUPS</td>
</tr>
</tbody>
</table>

**Section 207.20. ENTERPRISE DATA CENTER SOLUTIONS LEASE RENTAL PAYMENTS**

The foregoing appropriation item 100413, Enterprise Data Center Solutions Lease Rental Payments, shall be used for payments during the period from July 1, 2017, through June 30, 2019, pursuant to leases and agreements entered into under Chapter 125 of the Revised Code, as supplemented by Section 701.10 of S.B. 310 of the 131st General Assembly, with respect to financing the costs associated with the acquisition, development, installation, and implementation of the Enterprise Data Center Solutions information systems.
technology initiative. If it is determined that additional  
appropriations are necessary for this purpose, the amounts are  
hereby appropriated.

**MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS**

The foregoing appropriation item 100414, MARCS Lease Rental  
Payments, shall be used for payments during the period from July  
1, 2017, through June 30, 2019, pursuant to leases and agreements  
entered into under Chapter 125. of the Revised Code, as  
supplemented by Section 701.10 of Sub. H.B. 497 of the 130th  
General Assembly, with respect to financing the costs associated  
with the acquisition, development, installation, and  
implementation of the Multi-Agency Radio Communications System  
(MARCS) upgrade. If it is determined that additional  
appropriations are necessary for this purpose, the amounts are  
hereby appropriated.

**OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS**

The foregoing appropriation item 100415, OAKS Lease Rental  
Payments, shall be used for payments during the period from July  
1, 2017, through June 30, 2019, pursuant to leases and agreements  
entered into under Chapter 125. of the Revised Code, as  
supplemented by Section 701.20 of S.B. 310 of the 131st General  
Assembly and other prior acts of the General Assembly, with  
respect to financing the costs associated with the acquisition,  
development, installation, and implementation of the Ohio  
Administrative Knowledge System. If it is determined that  
additional appropriations are necessary for this purpose, the  
amounts are hereby appropriated.

**STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL PAYMENTS**

The foregoing appropriation item 100416, STARS Lease Rental  
Payments, shall be used for payments during the period from July
1, 2017, through June 30, 2019, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.30 of S.B. 310 of the 131st General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, installation, and implementation of the State Taxation Accounting and Revenue System (STARS). If it is determined that additional appropriations are necessary for this purpose, the amounts are hereby appropriated.

**ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS**

The foregoing appropriation item 100447, Administrative Buildings Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2017, through June 30, 2019, by the Department of Administrative Services pursuant to leases and agreements under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code.

**MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT SERVICE PAYMENTS**

The Director of Administrative Services, in consultation with the Multi-Agency Radio Communication System (MARCS) Steering Committee and the Director of Budget and Management, shall determine the share of debt service payments attributable to spending for MARCS components that are not specific to any one agency and that shall be charged to the Highway Safety Fund (Fund 7036). Such share of debt service payments shall be calculated for MARCS capital disbursements made beginning July 1, 1997. Within thirty days of any payment made from appropriation item 100447, Administrative Buildings Lease Rental Bond Payments, the Director of Administrative Services shall certify to the Director of Budget and Management the amount of this share. The Director of Budget and Management shall transfer such amounts to the General Revenue Fund.
Fund from the State Highway Safety Fund (Fund 7036) established in section 4501.06 of the Revised Code.

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT FUND

Following the conveyance of the Michael V. DiSalle Government Center pursuant to Section 753.20 of Am. Sub. H.B. 64 of the 131st General Assembly, the Director of Budget and Management may adjust FY 2018 and FY 2019 General Revenue Fund appropriations of the Department of Administrative Services and other state agencies to reflect accurately the rental amounts agencies will pay the lessor of the Michael V. DiSalle Government Center for space that is supported by the General Revenue Fund and that heretofore was paid by the Department of Administrative Services. Total General Revenue Fund appropriations may decrease but may not increase as a result of the appropriation adjustments made under this section.

The foregoing appropriation item 130321, State Agency Support Services, also may be used to provide funding for the cost of property appraisals or building studies that the Department of Administrative Services may be required to obtain for property that is being sold by the state or property under consideration to be renovated or purchased by the state.

Notwithstanding section 125.28 of the Revised Code, the foregoing appropriation item 130321, State Agency Support Services, also may be used to pay the operating expenses of state facilities maintained by the Department of Administrative Services that are not billed to building tenants, or other costs associated with the Voinovich Center in Youngstown, Ohio. These expenses may include, but are not limited to, the costs for vacant space and space undergoing renovation, and the rent expenses of tenants that are relocated because of building renovations. These payments may be processed by the Department of Administrative Services through intrastate transfer vouchers and placed into the Building
Management Fund (Fund 1320).

At least once per year, the portion of appropriation item 130321, State Agency Support Services, that is not used for the regular expenses of the appropriation item may be processed by the Department of Administrative Services through intrastate transfer voucher and placed in the Building Improvement Fund (Fund 5K20).

CASH TRANSFER FROM THE MARCS ADMINISTRATION FUND TO THE GRF

Upon the request of the Director of Administrative Services, the Director of Budget and Management may transfer unobligated cash in the MARCS Administration Fund (Fund 5C20) to the General Revenue Fund to reimburse the General Revenue Fund for lease rental payments made on behalf of the MARCS upgrade.

Section 207.30. PROFESSIONAL DEVELOPMENT FUND

The foregoing appropriation item 100610, Professional Development, shall be used to make payments from the Professional Development Fund (Fund 5L70) under section 124.182 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

911 PROGRAM

The foregoing appropriation item 100663, 911 Program, shall be used by the Department of Administrative Services to pay the administrative and marketing and educational costs of the Statewide Emergency Services Internet Protocol Network program.

EMPLOYEE EDUCATIONAL DEVELOPMENT

The foregoing appropriation item 100619, Employee Educational Development, shall be used to make payments from the Employee Educational Development Fund (Fund 5V60) under section 124.86 of the Revised Code. The fund shall be used to pay the costs of administering educational programs under existing collective
bargaining agreements with District 1199, the Health Care and  
Social Service Union, Service Employees International Union; State  
Council of Professional Educators; Ohio Education Association and  
National Education Association; the Fraternal Order of Police Ohio  
Labor Council, Unit 2; and the Ohio State Troopers Association,  
Units 1 and 15.

If it is determined by the Director of Budget and Management  
that additional amounts are necessary, the amounts are hereby  
appropriated.

Section 207.40. CENTRAL SERVICE AGENCY FUND

The foregoing appropriation item 100632, Central Service  
Agency, shall be used to purchase the equipment, products, and  
services that are needed to maintain existing automated  
applications for the professional licensing boards and the Casino  
Control Commission to support board licensing functions in fiscal  
year 2018 until these functions are replaced by the Ohio  
Professionals Licensing System. The Department of Administrative  
Services shall establish charges for recovering the costs of  
carrying out these functions. The charges shall be billed to the  
professional licensing boards and the Casino Control Commission,  
and deposited via intrastate transfer vouchers to the credit of  
the Central Service Agency Fund (Fund 1150).

Upon implementation of the replacement Ohio Professionals  
Licensing System and the decommissioning of the existing automated  
applications, the Director of Budget and Management may transfer  
any cash balances that remain in the Central Service Agency Fund  
(Fund 1150) and that are attributable to the operation of the  
existing automated applications to the Professions Licensing  
System Fund (Fund 5JQ0).

GENERAL SERVICE CHARGES
The Department of Administrative Services, with the approval of the Director of Budget and Management, shall establish charges for recovering the costs of administering the programs funded by the General Services Fund (Fund 1170) and the State Printing Fund (Fund 2100).

**COLLECTIVE BARGAINING ARBITRATION EXPENSES**

The Department of Administrative Services may seek reimbursement from state agencies for the actual costs and expenses the Department incurs in the collective bargaining arbitration process. The reimbursements shall be processed through intrastate transfer vouchers and credited to the Collective Bargaining Fund (Fund 1280).

**EQUAL OPPORTUNITY PROGRAM**

The Department of Administrative Services, with the approval of the Director of Budget and Management, shall establish charges for recovering the costs of administering the activities supported by the State EEO Fund (Fund 1880). These charges shall be deposited to the credit of Fund 1880 upon payment made by state agencies, state-supported or state-assisted institutions of higher education, and tax-supported agencies, municipal corporations, and other political subdivisions of the state, for services rendered.

**CONSOLIDATED IT PURCHASES**

The foregoing appropriation item 100640, Consolidated IT Purchases, shall be used by the Department of Administrative Services acting as the purchasing agent for one or more government entities under the authority of division (G) of section 125.18 of the Revised Code to make information technology purchases at a lower aggregate cost than each individual government entity could have obtained independently for that information technology purchase.

**INVESTMENT RECOVERY FUND**
Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund (Fund 4270) may be used to support the operating expenses of the Federal Surplus Operating Program created in sections 125.84 to 125.90 of the Revised Code.

**MAJOR IT PURCHASES CHARGES**

The Department of Administrative Services may bill agencies for actual expenditures made for major IT purchases if those expenditures are not recovered as part of the information technology services rates the Department charges and deposits into the Information Technology Fund (Fund 1330) created in section 125.15 of the Revised Code. These charges shall be deposited to the credit of the Major IT Purchases Fund (Fund 4N60).

**PROFESSIONS LICENSING SYSTEM**

The foregoing appropriation item, 100658, Ohio Professionals Licensing System, shall be used to purchase the equipment, products, and services necessary to develop and maintain a replacement automated licensing system for the professional licensing boards.

Upon request by the Director of Administrative Services, the Director of Budget and Management may transfer up to $14,000,000 in cash during the FY 2018-FY 2019 biennium from the Occupational Licensing and Regulatory Fund (Fund 4K90), the State Medical Board Operating Fund (Fund 5C60), and the Casino Control Commission – Operating Fund (Fund 5HS0), to the Professions Licensing System Fund (Fund 5JQ0). The amount transferred from each fund shall be in proportion to the number of current licenses issued by the licensing boards and commissions that use each fund, and for the Casino Control Commission, the number of current and anticipated licenses. The transferred amounts shall be used by the Director of Administrative Services for the initial acquisition and
development of the Professions Licensing System. The transferred amounts are hereby appropriated to appropriation item 100658, Professionals Licensing System. The unobligated, unexpended amount of the cash transferred in FY 2018 is hereby reappropriated for the same purpose in FY 2019.

Effective with the implementation of the replacement licensing system, the Department of Administrative Services shall establish charges for recovering the costs of ongoing maintenance of the system that are not otherwise recovered under section 125.18 of the Revised Code. The charges shall be billed to state agencies, boards, and commissions using the state's enterprise electronic licensing system and deposited via intrastate transfer vouchers to the credit of the Professions Licensing System Fund (Fund 5JQ0), which is hereby created in the state treasury.

Notwithstanding any provision of the Revised Code to the contrary, the Department of Administrative Services may assess a transaction fee to an individual who uses the state's enterprise electronic licensing system operated by the Department to apply for or renew a license or registration in an amount determined by the Department not to exceed three dollars and fifty cents. The Director of Administrative Services may collect the fee or require a state agency for which the system is being operated to collect the fee. Amounts received under this division shall be deposited in the Professions Licensing System Fund (Fund 5JQ0) and used to operate the electronic licensing system.

BUILDING IMPROVEMENT FUND

The foregoing appropriation item 100659, Building Improvement, shall be used to make payments from the Building Improvement Fund (Fund 5KZ0) for major maintenance or improvements required in facilities maintained by the Department of Administrative Services. The Department of Administrative Services shall conduct or contract for regular assessments of these
buildings and shall maintain a cash balance in Fund 5KZ0 equal to the cost of the repairs and improvements that are recommended to occur within the next five years, with the following exception described below.

Upon request of the Director of Administrative Services, the Director of Budget and Management may permit a cash transfer from Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs of operating and maintaining facilities managed by the Department of Administrative Services that are not charged to tenants during the same fiscal year.

Should the cash balance in Fund 1320 be determined to be sufficient, the Director of Administrative Services may request that the Director of Budget and Management transfer cash from Fund 1320 to 5KZ0 in an amount equal to the initial cash transfer made under this section plus applicable interest.

INFORMATION TECHNOLOGY DEVELOPMENT

The foregoing appropriation item 100661, IT Development, shall be used by the Department of Administrative Services to pay the costs of modernizing the state's information technology management and investment practices away from a limited, agency-specific focus in favor of a statewide methodology supporting development of enterprise solutions.

Notwithstanding any provision of law to the contrary, the Department of Administrative Services, with the approval of the Director of Budget and Management, may charge state agencies an information technology development assessment based on state agencies' information technology expenditures or other methodology. The revenue from this assessment shall be deposited into the Information Technology Development Fund (Fund 5LJ0), which is hereby created.

ENTERPRISE APPLICATIONS
The foregoing appropriation item 100665, Enterprise Applications, shall be used for the operation and management of information technology applications that support state agencies' objectives. Charges billed to benefiting agencies shall be deposited to the credit of the Enterprise Application Fund (Fund 5PC0), which is hereby created in the state treasury.

**Section 207.50. ENTERPRISE IT STRATEGY IMPLEMENTATION**

The Director of Administrative Services shall determine and implement strategies that benefit the enterprise by improving efficiency, reducing costs or enhancing capacity of information technology (IT) services. Such improvements and efficiencies may result in the consolidation and transfer of such services. As determined to be necessary for successful implementation of this section and notwithstanding any provision of law to the contrary, the Director of Administrative Services may request the Director of Budget and Management to consolidate or transfer IT-specific budget authority between agencies or within an agency as necessary to implement enterprise IT cost containment strategies and related efficiencies. Once the Director of Budget and Management is satisfied that the proposed initiative is cost advantageous to the enterprise, the Director of Budget and Management may transfer appropriations, funds and cash as needed to implement the proposed initiative. The establishment of any new fund or additional appropriation as a result of this section will be subject to Controlling Board approval.

The Director of Budget and Management and the Director of Administrative Services may transfer any employees, assets, and liabilities, including, but not limited to, records, contracts, and agreements in order to facilitate the improvements determined in accordance with this section.
### General Revenue Fund

<table>
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<tr>
<th>Code</th>
<th>Description</th>
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**TOTAL GRF General Revenue Fund**

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### Dedicated Purpose Fund Group

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<td>3220 490618 Federal Aging Grants</td>
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| TOTAL FED Federal Fund Group | $71,163,417 | $71,163,417 |
| TOTAL ALL BUDGET FUND GROUPS | $93,252,108 | $93,252,108 |

**Section 209.20. LONG-TERM CARE**

Pursuant to an interagency agreement, the Department of Medicaid may designate the Department of Aging to perform assessments under section 5165.04 of the Revised Code. The Department of Aging shall provide long-term care consultations under section 173.42 of the Revised Code to assist individuals in planning for their long-term health care needs.

The Department of Aging shall administer the Medicaid waiver-funded PASSPORT Home Care Program, the Assisted Living Program, and PACE as delegated by the Department of Medicaid in an interagency agreement.

**PERFORMANCE-BASED REIMBURSEMENT**

The Department of Aging may design and utilize a payment method for PASSPORT administrative agency operations that includes a pay-for-performance incentive component that is earned by a PASSPORT administrative agency when defined consumer and policy outcomes are achieved.

**Section 209.30. MYCARE OHIO**

The authority of the Office of the State Long Term Care
Ombudsman as described in sections 173.14 to 173.28 of the Revised Code extends to MyCare Ohio during the period of the federal financial alignment demonstration program.

SENIOR COMMUNITY SERVICES

The foregoing appropriation item 490411, Senior Community Services, may be used for programs, services, and activities designated by the Department of Aging, including, but not limited to, home-delivered and congregate meals, transportation services, personal care services, respite services, adult day services, home repair, care coordination, prevention and disease self-management, and decision support systems. The Department may also use these funds to provide grants to community organizations to support and expand evidence-based/informed programming. Service priority shall be given to low income, frail, and/or cognitively impaired persons 60 years of age and over.

NATIONAL SENIOR SERVICE CORPS

The foregoing appropriation item 490506, National Senior Service Corps, may be used by the Department of Aging to fund grants to organizations that receive federal funds from the Corporation for National and Community Service to support the following Senior Corps programs: the Foster Grandparents Program, the Senior Companion Program, and the Retired Senior Volunteer Program. A recipient of these grant funds shall use the funds to support priorities established by the Department and the Ohio State Office of the Corporation for National and Community Service. Neither the Department nor any area agencies on aging that are involved in the distribution of these funds to lower-tiered grant recipients may use any portion of these funds to cover administrative costs.
The foregoing appropriation item 490627, Board of Executives of Long-Term Services and Supports, may be used by the Board of Executives of Long-Term Services and Supports to administer and enforce Chapter 4751. of the Revised Code and rules adopted under it.

**Section 211.10. AGR DEPARTMENT OF AGRICULTURE**

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<td>GRF 700404 Ohio Proud</td>
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<td>GRF 700406 Consumer Protection Lab</td>
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<td>GRF 700407 Food Safety</td>
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<td>GRF 700410 Plant Industry</td>
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<td>GRF 700412 Weights and Measures</td>
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**TOTAL DPF Dedicated Purpose Fund Group**  
$33,744,539  $31,569,786

**Internal Service Activity Fund Group**  
$7,523,467  $7,523,467

**Capital Projects Fund Group**  
$610,000  $610,000

**Federal Fund Group**  
$5,194,424  $5,194,424
Program - Federal Share

3360 700617 Ohio Farm Loan - Revolving $ 360,000 $ 360,000 94930

3820 700601 Federal Cooperative Contracts $ 7,749,089 $ 7,749,089 94931

3AB0 700641 Agricultural Easement $ 350,000 $ 350,000 94932

3J40 700607 Federal Administrative Programs $ 1,209,234 $ 1,209,234 94933

3R20 700614 Federal Plant Industry $ 6,095,972 $ 6,095,972 94934

TOTAL FED Federal Fund Group $ 20,958,719 $ 20,958,719 94935

TOTAL ALL BUDGET FUND GROUPS $ 85,153,096 $ 85,192,896 94936

Section 211.20. DANGEROUS AND RESTRICTED WILD ANIMALS

The foregoing appropriation item 700426, Dangerous and Restricted Animals, shall be used to administer the Dangerous and Restricted Wild Animal Permitting Program.

COUNTY AGRICULTURAL SOCIETIES

The foregoing appropriation item 700501, County Agricultural Societies, shall be used to reimburse county and independent agricultural societies for expenses related to Junior Fair activities.

SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE ERIE BASIN

Of the foregoing appropriation item 700509, Soil and Water District Support, $350,000 in each fiscal year shall be used by the Department of Agriculture for a program to support soil and water conservation districts in the Western Lake Erie Basin in complying with provisions of Sub. S.B. 1 of the 131st General Assembly. The Department shall approve a soil and water district's
application for funding under the program if the application demonstrates that funding will be used for, but not limited to, providing technical assistance, developing applicable nutrient or manure management plans, hiring and training of soil and water conservation district staff on best conservation practices, or other activities the Director determines appropriate to assist farmers in the Western Lake Erie Basin in complying with the provisions of Sub. S.B. 1 of the 131st General Assembly.

SOIL AND WATER DISTRICTS

In addition to state payments to soil and water conservation districts authorized by section 940.08 of the Revised Code, the Department of Agriculture may use appropriation item 700661, Soil and Water Districts, to pay any soil and water conservation district an annual amount not to exceed $40,000 upon receipt of a request and justification from the district and approval by the Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 940.08 of the Revised Code for use by the local soil and water conservation district. The amounts received by each district shall be expended for the purposes of the district.

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES

The foregoing appropriation item 700632, Clean Ohio Agricultural Easement Operating, shall be used by the Department of Agriculture in administering Ohio Agricultural Easement Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 5301.67 to 5301.70 of the Revised Code.

**Section 213.10. AIR QUALITY DEVELOPMENT AUTHORITY**

Dedicated Purpose Fund Group

<table>
<thead>
<tr>
<th>Code</th>
<th>Amount 1</th>
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<tbody>
<tr>
<td>4Z90</td>
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<td>$486,554</td>
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Small Business Ombudsman
Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT AUTHORITY TRUST ACCOUNT

Notwithstanding any other provision of law to the contrary, the Air Quality Development Authority may reimburse the Air Quality Development Authority trust account established under section 3706.10 of the Revised Code from all operating funds of the agency for expenses pertaining to the administration and shared costs incurred by the Air Quality Development Authority in the execution of responsibilities as prescribed in Chapter 3706 of the Revised Code. The reimbursement shall be made by voucher and completed in accordance with the administrative indirect costs allocation plan approved by the Office of Budget and Management.

Section 215.10. ARC ARCHITECTS BOARDS

Dedicated Purpose Fund Group
4K90 891609 Operating $ 576,916 $ 604,765
TOTAL DPF Dedicated Purpose Fund Group $ 576,916 $ 604,765
TOTAL ALL BUDGET FUND GROUPS $ 576,916 $ 604,765

Section 217.10. ART OHIO ARTS COUNCIL

General Revenue Fund
GRF 370321 Operating Expenses $ 1,848,129 $ 1,848,129
GRF 370502 State Program $ 12,950,000 $ 12,950,000
Subsidies
TOTAL GRF General Revenue Fund $ 14,798,129 $ 14,798,129 95012

Dedicated Purpose Fund Group 95013
4600 370602 Art Council Program Support $ 325,000 $ 325,000 95014
4B70 370603 Percent for Art Acquisitions $ 225,000 $ 225,000 95015
TOTAL DPF Dedicated Purpose Fund Group $ 550,000 $ 550,000 95016

Federal Fund Group 95017
3140 370601 Federal Support $ 1,250,000 $ 1,250,000 95018
TOTAL FED Federal Fund Group $ 1,250,000 $ 1,250,000 95019
TOTAL ALL BUDGET FUND GROUPS $ 16,598,129 $ 16,598,129 95020

FEDERAL SUPPORT 95021

Notwithstanding any provision of law to the contrary, the foregoing appropriation item 370601, Federal Support, shall be used by the Ohio Arts Council for subsidies only, and not for its administrative costs, unless the Council is required to use a portion of the funds for administrative costs under conditions of the federal grant. 95022

Section 219.10. ATH ATHLETIC COMMISSION 95023

Dedicated Purpose Fund Group 95024
4K90 175609 Operating Expenses $ 326,525 $ 326,525 95030
TOTAL DPF Dedicated Purpose Fund Group $ 326,525 $ 326,525 95031
TOTAL ALL BUDGET FUND GROUPS $ 326,525 $ 326,525 95032

Section 221.10. AGO ATTORNEY GENERAL 95025

General Revenue Fund 95026
GRF 055321 Operating Expenses $ 43,114,169 $ 43,114,169 95036
GRF 055405 Law-Related Education $ 70,000 $ 70,000 95037
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<td>Attorney General Operating</td>
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Training - Casino
5MP0 055657 Peace Officer $ 325,000 $ 325,000 95058
Training Commission
5TL0 055659 Organized Crime Law $ 100,000 $ 100,000 95059
Enforcement Trust
6310 055637 Consumer Protection $ 9,276,000 $ 9,276,000 95060
Enforcement
6590 055641 Solid and Hazardous $ 328,728 $ 328,728 95061
Waste Background Investigations
U087 055402 Tobacco Settlement $ 2,650,000 $ 2,650,000 95062
Oversight, Administration, and Enforcement
TOTAL DPF Dedicated Purpose Fund 95063
Group $ 187,290,950 $ 176,468,792 95064
Internal Service Activity Fund Group 95065
1950 055660 Workers' Compensation $ 8,778,072 $ 8,778,072 95066
Section
TOTAL ISA Internal Service Activity $ 8,778,072 $ 8,778,072 95067
Fund Group
Holding Account Fund Group 95068
R004 055631 General Holding $ 1,000,000 $ 1,000,000 95069
Account
R005 055632 Antitrust Settlements $ 1,000,000 $ 1,000,000 95070
R018 055630 Consumer Frauds $ 1,000,000 $ 1,000,000 95071
R042 055601 Organized Crime $ 750,000 $ 750,000 95072
Commission Distributions
R054 055650 Collection Payment $ 4,500,000 $ 4,500,000 95073
Redistribution
TOTAL HLD Holding Account 95074
Fund Group $8,250,000 $8,250,000 95075

Federal Fund Group 95076

3060 055620 Medicaid Fraud $8,961,419 $8,961,419 95077
Control

3830 055634 Crime Victims $70,000,000 $70,000,000 95078
Assistance

3E50 055638 Attorney General $2,320,999 $2,320,999 95079
Pass-Through Funds

3FV0 055656 Crime Victim $3,155,000 $3,155,000 95080
Compensation

3R60 055613 Attorney General $2,799,999 $2,799,999 95081
Federal Funds

TOTAL FED Federal Fund Group $87,237,417 $87,237,417 95082

TOTAL ALL BUDGET FUND GROUPS $341,477,408 $330,660,450 95083

Section 221.20. OHIO CENTER FOR THE FUTURE OF FORENSIC 95085
SCIENCE 95086

Of the foregoing appropriation item 055321, Operating 95087
Expenses, $600,000 in each fiscal year shall be used for the Ohio 95088
Center for the Future of Forensic Science at Bowling Green State 95089
University. The purpose of the Center shall be to foster forensic 95090
science research techniques (BCI Eminent Scholar) and to create 95091
professional training opportunities to students (BCI Scholars) in 95092
the forensic science fields.

COUNTY SHERIFFS' PAY SUPPLEMENT 95093

The foregoing appropriation item 055411, County Sheriffs' Pay 95094
Supplement, shall be used for the purpose of supplementing the 95095
annual compensation of county sheriffs as required by section 95096
325.06 of the Revised Code.

At the request of the Attorney General, the Director of 95097
Budget and Management may transfer appropriation from 95098
appropriation item 055321, Operating Expenses, to appropriation 95099
95100
item 055411, County Sheriffs' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

COUNTY PROSECUTORS' PAY SUPPLEMENT

The foregoing appropriation item 055415, County Prosecutors' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by section 325.111 of the Revised Code.

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055415, County Prosecutors' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county prosecutors as required by section 325.111 of the Revised Code.

WORKERS' COMPENSATION SECTION

The Workers' Compensation Fund (Fund 1950) is entitled to receive quarterly payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission to fund legal services provided to the Bureau of Workers' Compensation and the Ohio Industrial Commission during the fiscal year.

In addition, the Bureau of Workers' Compensation shall transfer payments for the support of the Workers' Compensation Fraud Unit.

All amounts shall be mutually agreed upon by the Attorney General, the Bureau of Workers' Compensation, and the Ohio Industrial Commission.

GENERAL HOLDING ACCOUNT

The foregoing appropriation item 055631, General Holding Account, shall be used to distribute moneys under the terms of
relevant court orders or other settlements received in a variety of cases involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ANTITRUST SETTLEMENTS

The foregoing appropriation item 055632, Antitrust Settlements, shall be used to distribute moneys under the terms of relevant court orders or other out of court settlements in antitrust cases or antitrust matters involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

CONSUMER FRAUDS

The foregoing appropriation item 055630, Consumer Frauds, shall be used for distribution of moneys from court-ordered judgments against sellers in actions brought by the Office of the Attorney General under sections 1334.08 and 4549.48 and division (B) of section 1345.07 of the Revised Code. These moneys shall be used to provide restitution to consumers victimized by the fraud that generated the court-ordered judgments. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ORGANIZED CRIME COMMISSION DISTRIBUTIONS

The foregoing appropriation item 055601, Organized Crime Commission Distributions, shall be used by the Organized Crime Investigations Commission, as provided by section 177.011 of the Revised Code, to reimburse political subdivisions for the expenses the political subdivisions incur when their law enforcement officers participate in an organized crime task force. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

COLLECTION PAYMENT REDISTRIBUTION
The foregoing appropriation item 055650, Collection Payment Redistribution, shall be used for the purpose of allocating the revenue where debtors mistakenly paid the client agencies instead of the Attorney General's Collections Enforcement Section. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

Section 223.10. AUDitor of State

General Revenue Fund

GRF  070321  Operating Expenses  $  29,728,875  $  29,728,875
GRF  070403  Fiscal

Watch/Emergency Technical Assistance

GRF  070409  School District  $  1,000,000  $  1,000,000

Performance Audits

TOTAL GRF General Revenue Fund  $  31,550,780  $  31,550,780

Dedicated Purpose Fund Group

1090  070601  Public Audit Expense  $  10,803,057  $  10,803,057

- Intrastate

4220  070602  Public Audit Expense  $  37,306,649  $  38,806,649

- Local Government

5840  070603  Training Program  $  483,564  $  483,564

5JZ0  070606  LEAP Revolving Loans  $  410,952  $  410,952

6750  070605  Uniform Accounting  $  3,398,351  $  3,398,351

Network

TOTAL DPF Dedicated Purpose Fund Group  $  52,402,573  $  53,902,573

TOTAL ALL BUDGET FUND GROUPS  $  83,953,353  $  85,453,353

SCHOOL DISTRICT PERFORMANCE AUDITS

The foregoing appropriation item 070409, School District Performance Audits, shall be used by the Auditor of State, in consultation with the Department of Education and the Office of...
Budget and Management, for expenses incurred in the Auditor of State's role relating to fiscal caution, fiscal watch, and fiscal emergency activities pursuant to section 3316.042 of the Revised Code.

**Section 225.10. BRB BOARD OF BARBER EXAMINERS**

Dedicated Purpose Fund Group

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<th>Fund</th>
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<th>2023</th>
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**Section 227.10. BHP STATE BEHAVIORAL HEALTH AND SOCIAL WORK BOARD**

Dedicated Purpose Fund Group

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<tr>
<th>Fund</th>
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**Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT**

General Revenue Fund

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<th>Fund</th>
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<td>Office of Health Transformation</td>
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<tr>
<td>Ohio Institute of Technology</td>
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<td>Amount 2</td>
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<td>1050 042603 Financial Management</td>
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**Section 229.20. AUDIT COSTS**

All centralized audit costs associated with either Single Audit Schedules or financial statements prepared in conformance with generally accepted accounting principles for the state shall be paid from the foregoing appropriation item 042603, Financial Management.

Costs associated with the audit of the Auditor of State shall be paid from the foregoing appropriation item 042321, Budget Development and Implementation.

**SHARED SERVICES**

The foregoing appropriation items 042425, Shared Services Development, and 042620, Shared Services Operating, shall be used by the Director of Budget and Management to support the Shared Services program pursuant to division (D) of section 126.21 of the
Revised Code.

The Director of Budget and Management shall include the recovery of costs to operate the Shared Services program in the accounting and budgeting services payroll rate and through direct charges using intrastate transfer vouchers billed to agencies for services rendered using a methodology determined by the Director of Budget and Management. Such cost recovery revenues shall be deposited to the credit of the Accounting and Budgeting Fund (Fund 1050).

INTERNAL AUDIT

The Director of Budget and Management shall include the recovery of costs to operate the Internal Audit Program pursuant to section 126.45 of the Revised Code in the accounting and budgeting services payroll rate and through direct charges using intrastate transfer vouchers billed to agencies reviewed by the program using a methodology determined by the Director of Budget and Management. Such cost recovery revenues shall be deposited to the credit of Fund 1050.

FORGERY RECOVERY

The foregoing appropriation item 042604, Forgery Recovery, shall be used to reissue warrants that have been certified as forgeries by the rightful recipient as determined by the Bureau of Criminal Identification and Investigation and the Treasurer of State. Upon receipt of funds to cover the reissuance of the warrant, the Director of Budget and Management shall reissue a state warrant of the same amount. Any additional amounts needed to reissue warrants backed by the receipt of funds are hereby appropriated.

Section 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD

General Revenue Fund
GRF 874100  Personal Services  $ 2,803,326  $ 2,803,326  95270
GRF 874320  Maintenance and Equipment  $ 1,411,098  $ 1,411,098  95271
TOTAL GRF General Revenue Fund  $ 4,214,424  $ 4,214,424  95272

Dedicated Purpose Fund Group  95273
2080 874601  Underground Parking  Garage Operations  $ 3,805,165  $ 3,940,446  95274
4G50 874603  Capitol Square  Education Center and Arts  $ 6,000  $ 6,000  95275
TOTAL DPF Dedicated Purpose Fund Group  $ 3,811,165  $ 3,946,446  95276

Internal Service Activity Fund Group  95277
4S70 874602  Statehouse Gift  Shop/Events  $ 775,000  $ 775,000  95278
TOTAL ISA Internal Service Activity Fund Group  $ 775,000  $ 775,000  95279

TOTAL ALL BUDGET FUND GROUPS  $ 8,800,589  $ 8,935,870  95280

OPERATING EXPENSES  95281

On July 1, 2017, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 874320, Operating Expenses, at the end of fiscal year 2017 to be reappropriated to fiscal year 2018. The amount certified is hereby appropriated to the same appropriation item for fiscal year 2018.

On July 1, 2018, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 874320, Operating Expenses, at the end of fiscal year 2018.
fiscal year 2018 to be reappropriated to fiscal year 2019. The amount certified is hereby appropriated to the same appropriation item for fiscal year 2019.

UNDERGROUND PARKING GARAGE FUND

Notwithstanding division (G) of section 105.41 of the Revised Code and any other provision to the contrary, moneys in the Underground Parking Garage Fund (Fund 2080) may be used for personnel and operating costs related to the operations of the Statehouse and the Statehouse Underground Parking Garage.

HOUSE AND SENATE PARKING REIMBURSEMENT

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer $500,000 cash from the General Revenue Fund to the Underground Parking Garage Fund (Fund 2080). The amounts transferred under this section shall be used to reimburse the Capitol Square Review and Advisory Board for legislative parking costs.

Section 233.10. SCR STATE BOARD OF CAREER COLLEGES AND SCHOOLS

Dedicated Purpose Fund Group

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Section 235.10. CAC CASINO CONTROL COMMISSION

Dedicated Purpose Fund Group

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<tr>
<td>5NU0 955601 Casino Commission Enforcement</td>
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<td>TOTAL DPF Dedicated Purpose Fund</td>
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Group
TOTAL ALL BUDGET FUND GROUPS $ 15,577,155 $ 15,909,745 95325

Section 237.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD 95327

Dedicated Purpose Fund Group
4K90 930609 Operating Expenses $ 337,238 $ 0 95329
TOTAL DPF Dedicated Purpose Fund $ 337,238 $ 0 95330

Group
TOTAL ALL BUDGET FUND GROUPS $ 337,238 $ 0 95331

Section 239.10. CHR STATE CHIROPRACTIC BOARD 95333

Dedicated Purpose Fund Group
4K90 878609 Operating Expenses $ 646,000 $ 646,700 95335
TOTAL DPF Dedicated Purpose Fund $ 646,000 $ 646,700 95336

Group
TOTAL ALL BUDGET FUND GROUPS $ 646,000 $ 646,700 95337

Section 241.10. CIV OHIO CIVIL RIGHTS COMMISSION 95339

General Revenue Fund
GRF 876321 Operating Expenses $ 5,116,100 $ 5,684,556 95341
TOTAL GRF General Revenue Fund $ 5,116,100 $ 5,684,556 95342

Internal Service Activity Fund Group
2170 876604 Operations Support $ 4,000 $ 4,000 95344
TOTAL ISA Internal Service Activity Fund Group $ 4,000 $ 4,000 95345

Federal Fund Group
3340 876601 Federal Programs $ 3,581,649 $ 3,319,965 95348
TOTAL FED Federal Special Revenue Fund Group $ 3,581,649 $ 3,319,965 95349

TOTAL ALL BUDGET FUND GROUPS $ 8,701,749 $ 9,008,521 95351

Section 243.10. COM DEPARTMENT OF COMMERCE 95353
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Officers' Dependent Fund

5SU0 800649 Manufactured Homes Regulation $ 141,969 $ 413,748 95378

5SY0 800650 Medical Marijuana Control Program $ 1,121,279 $ 1,135,692 95379

5X60 800623 Video Service $ 412,693 $ 412,693 95380

6530 800629 UST Registration/Permit Fee $ 2,301,714 $ 2,301,714 95381

6A40 800630 Real Estate Appraiser-Operating $ 778,175 $ 722,672 95382

TOTAL DPF Dedicated Purpose Fund Group $ 192,981,698 $ 191,370,529 95383

Internal Service Activity Fund Group $ 182,981,698 $ 191,370,529 95384

1630 800620 Division of Administration $ 8,577,384 $ 8,043,364 95385

1630 800637 Information Technology $ 9,780,626 $ 9,540,704 95386

TOTAL ISA Internal Service Activity $ 18,358,010 $ 17,584,068 95387

Federal Fund Group $ 18,358,010 $ 17,584,068 95388

3480 800622 Underground Storage Tanks $ 1,186,180 $ 1,186,180 95389

3480 800624 Leaking Underground Storage Tanks $ 1,950,000 $ 1,950,000 95390

TOTAL FED Federal Fund Group $ 3,136,180 $ 3,136,180 95391

TOTAL ALL BUDGET FUND GROUPS $ 214,475,888 $ 212,090,777 95392

Section 243.20. UNCLAIMED FUNDS PAYMENTS

The foregoing appropriation item 800625, Unclaimed Funds-Claims, shall be used to pay claims under section 169.08 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such...
payments, the Director of Commerce may request that the Director of Budget and Management increase such amounts. Such amounts are hereby appropriated.

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING

The foregoing appropriation item 800631, Real Estate Appraiser Recovery, shall be used to pay settlements, judgments, and court orders under section 4763.16 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management increase such amounts. Such amounts are hereby appropriated.

The foregoing appropriation item 800611, Real Estate Recovery, shall be used to pay settlements, judgments, and court orders under section 4735.12 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management increase such amounts. Such amounts are hereby appropriated.

FIRE DEPARTMENT GRANTS

(A) The foregoing appropriation item 800639, Fire Department Grants, shall be used to make annual grants to the following eligible recipients: volunteer fire departments, fire departments that serve one or more small municipalities or small townships, joint fire districts comprised of fire departments that primarily serve small municipalities or small townships, local units of government responsible for such fire departments, and local units of government responsible for the provision of fire protection services for small municipalities or small townships. For the purposes of these grants, a private fire company, as that phrase
is defined in section 9.60 of the Revised Code, that is providing fire protection services under a contract to a political subdivision of the state, is an additional eligible recipient for a training grant.

Eligible recipients that consist of small municipalities or small townships that all intend to contract with the same fire department or private fire company for fire protection services may jointly apply and be considered for a grant. If a joint applicant is awarded a grant, the State Fire Marshal shall, if feasible, proportionately award the grant and any equipment purchased with grant funds to each of the joint applicants based upon each applicant's contribution to and demonstrated need for fire protection services. For the purpose of this grant program, an eligible recipient or any firefighting entity that is contracted to serve an eligible recipient may only file, be listed as joint applicant, or be designated as a service provider on one grant application per fiscal year.

If the grant awarded to joint applicants is an equipment grant and the equipment to be purchased cannot be readily distributed or possessed by multiple recipients, each of the joint applicants shall be awarded by the State Fire Marshal an ownership interest in the equipment so purchased in proportion to each applicant's contribution to and demonstrated need for fire protection services. The joint applicants shall then mutually agree on how the equipment is to be maintained, operated, stored, or disposed of. If, for any reason, the joint applicants cannot agree as to how jointly owned equipment is to be maintained, operated, stored, or disposed of or any of the joint applicants no longer maintain a contract with the same fire protection service provider as the other applicants, then the joint applicants shall, with the assistance of the State Fire Marshal, mutually agree as to how the jointly owned equipment is to be maintained, operated,
stored, disposed of, or owned. If the joint applicants cannot agree how the grant equipment is to be maintained, operated, stored, disposed of, or owned, the State Fire Marshal may, in its discretion, require all of the equipment acquired by the joint applicants with grant funds to be returned to the State Fire Marshal. The State Fire Marshal may then award the returned equipment to any eligible recipients. For this paragraph only, an "equipment grant" also includes a MARCS Grant.

(B) Except as otherwise provided in this section, the grants shall be used by recipients to purchase firefighting or rescue equipment or gear or similar items, to provide full or partial reimbursement for the documented costs of firefighter training, or, at the discretion of the State Fire Marshal, to cover fire department costs for providing fire protection services in that grant recipient's jurisdiction.

(1) Of the foregoing appropriation item 800639, Fire Department Grants, up to $1,000,000 per fiscal year may be used to pay for the State Fire Marshal's costs of providing firefighter I certification classes or other firefighter classes approved by the State Fire Marshal at no cost to selected students attending the Ohio Fire Academy or other class providers approved by the State Fire Marshal. The State Fire Marshal may establish the qualifications and selection processes for students to attend such classes by written policy, and such students shall be considered eligible recipients of fire department grants for the purposes of this portion of the grant program.

(2) Of the foregoing appropriation item 800639, Fire Department Grants, up to $3,000,000 in each fiscal year may be used for MARCS Grants. MARCS Grants may be used for the payment of user access fees by the eligible recipient to access MARCS.

For purposes of this section, a MARCS Grant is a grant for systems, equipment, or services that are a part of, integrated
into, or otherwise interoperable with the Multi-Agency Radio Communication System (MARCS) operated by the state.

MARCS Grant awards may be up to $50,000 in each fiscal year per eligible recipient. Each eligible recipient may only apply, as a separate entity or as a part of a joint application, for one MARCS Grant per fiscal year. The State Fire Marshal may give a preference in the awarding of MARCS Grants to grants that will enhance the overall interoperability and effectiveness of emergency communication networks in the geographic region that includes and that is adjacent to the applicant. Eligible recipients that are or were awarded fire department grants that are not MARCS Grants may also apply for and receive MARCS Grants in accordance with criteria for the awarding of grant funds established by the State Fire Marshal.

(3) Grant awards for firefighting or rescue equipment or gear or for fire department costs of providing fire protection services shall be up to $15,000 per fiscal year, or up to $25,000 per fiscal year if an eligible entity serves a jurisdiction in which the Governor declared a natural disaster during the preceding or current fiscal year in which the grant was awarded. In addition to any grant funds awarded for rescue equipment or gear, or for fire department costs associated with the provision of fire protection services, an eligible entity may receive a grant for up to $15,000 per fiscal year for full or partial reimbursement of the documented costs of firefighter training. For each fiscal year, the State Fire Marshal shall determine the total amounts to be allocated for each eligible purpose.

(C) The grants shall be administered by the State Fire Marshal in accordance with rules the State Fire Marshal adopts as part of the state fire code adopted pursuant to section 3737.82 of the Revised Code that are necessary for the administration and operation of the grant program. The rules may further define the
entities eligible to receive grants and establish criteria for the awarding and expenditure of grant funds, including methods the State Fire Marshal may use to verify the proper use of grant funds or to obtain reimbursement for or the return of equipment for improperly used grant funds. To the extent consistent with this section and until the rules are updated, the existing rules in the state fire code adopted pursuant to section 3737.82 of the Revised Code for fire department grants under this section apply to MARCS Grants. Any amounts in appropriation item 800639, Fire Department Grants, in excess of the amount allocated for these grants may be used for the administration of the grant program.

CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND

Upon the written request of the Director of Commerce, the Director of Budget and Management may transfer up to $500,000 in cash from the Real Estate Recovery Fund (Fund 5480) and up to $250,000 in cash from the Real Estate Appraiser Recovery Fund (Fund 4B20) to the Division of Real Estate Operating Fund (Fund 5490) during the biennium ending June 30, 2019.

CASH TRANSFER TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES REVOLVING LOAN FUND

Upon the written request of the Director of Commerce, the Director of Budget and Management may transfer up to $300,000 in cash from the State Fire Marshal Fund (Fund 5460) to the Small Government Fire Department Services Revolving Loan Fund (Fund 5F10) during the biennium ending June 30, 2019.

Section 245.10. OCC OFFICE OF CONSUMERS' COUNSEL

Dedicated Purpose Fund Group

<table>
<thead>
<tr>
<th>Fund</th>
<th>Operating Expenses</th>
<th>Amount</th>
<th>Amount</th>
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<tbody>
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<td>$5,541,093</td>
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<td>TOTAL DPF Dedicated Purpose Fund Group</td>
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Section 247.10. CEB CONTROLLING BOARD

Internal Service Activity Fund Group
5KM0 911614  Controlling Board  $ 10,000,000  $ 10,000,000
   Emergency Purposes
TOTAL ISA Internal Service Activity  $ 10,000,000  $ 10,000,000
Fund Group
TOTAL ALL BUDGET FUND GROUPS  $ 10,000,000  $ 10,000,000

Section 247.20. FEDERAL SHARE

In transferring appropriations to or from appropriation items that have federal shares identified in this act, the Controlling Board shall add or subtract corresponding amounts of federal matching funds at the percentages indicated by the state and federal division of the appropriations in this act. Such changes are hereby appropriated.

DISASTER SERVICES

The Disaster Services Fund (Fund 5E20) shall be used by the Controlling Board, pursuant to requests submitted by state agencies, to transfer cash used for the payment of state agency disaster relief program expenses for disasters that have a written Governor's authorization, if the Director of Budget and Management determines that sufficient funds exist.

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve cash transfers from Fund 5E20 to any fund used by the Department of Public Safety to provide for assistance to political subdivisions made necessary by natural disasters or emergencies. These cash transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance. The Emergency Management Agency of
the Department of Public Safety shall use the cash to fund the State Disaster Relief Program for disasters that qualify for the program by written authorization of the Governor, and the State Individual Assistance Program for disasters that been declared by the federal Small Business Administration and that qualify for the program by written authorization from the Governor. The Ohio Emergency Management Agency shall publish and make available application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program.

Section 249.10. COS COSMETOLOGY AND BARBER BOARD

Dedicated Purpose Fund Group
4K90 879609 Operating Expenses $ 4,462,105 $ 5,348,760
TOTAL DPF Dedicated Purpose Fund Group $ 4,462,105 $ 5,348,760
TOTAL ALL BUDGET FUND GROUPS $ 4,462,105 $ 5,348,760

Section 251.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD

Dedicated Purpose Fund Group
4K90 899609 Operating Expenses $ 934,315 $ 0
TOTAL DPF Dedicated Purpose Fund Group $ 934,315 $ 0
TOTAL ALL BUDGET FUND GROUPS $ 934,315 $ 0

Section 253.10. CLA COURT OF CLAIMS

General Revenue Fund
GRF 015321 Operating Expenses $ 2,671,398 $ 2,764,696
GRF 015403 Public Records $ 526,599 $ 547,492
Adjudication
TOTAL GRF General Revenue Fund $ 3,197,997 $ 3,312,188
Dedicated Purpose Fund Group
The foregoing appropriation item 015403, Public Records Adjudication, shall be used by the Court of Claims to perform its duties and responsibilities as directed by S.B. 321 of the 131st General Assembly.

Section 255.10. DEN STATE DENTAL BOARD

Dedicated Purpose Fund Group

4K90 880609  Operating Expenses $ 1,754,868 $ 1,830,082 95625
TOTAL DPF Dedicated Purpose Fund $ 1,754,868 $ 1,830,082 95626
Group
TOTAL ALL BUDGET FUND GROUPS $ 1,754,868 $ 1,830,082 95627

Section 257.10. BDP BOARD OF DEPOSIT

Dedicated Purpose Fund Group

4M20 974601  Board of Deposit $ 1,876,000 $ 1,876,000 95631
TOTAL DPF Dedicated Purpose Fund $ 1,876,000 $ 1,876,000 95632
Group
TOTAL ALL BUDGET FUND GROUPS $ 1,876,000 $ 1,876,000 95633

BOARD OF DEPOSIT EXPENSE FUND

Upon receiving certification of expenses from the Treasurer of State, the Director of Budget and Management shall transfer cash from the Investment Earnings Redistribution Fund (Fund 6080) to the Board of Deposit Expense Fund (Fund 4M20). The latter fund shall be used pursuant to section 135.02 of the Revised Code to pay for any and all necessary expenses of the Board of Deposit or for banking charges and fees required for the operation of the State of Ohio Regular Account.
### Section 259.10. DEV DEVELOPMENT SERVICES AGENCY

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<thead>
<tr>
<th>General Revenue Fund</th>
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<td><strong>GRF 195402</strong> Coal Research and Development Program</td>
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<td><strong>GRF 195405</strong> Minority Business Development</td>
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<td><strong>GRF 195415</strong> Business Development Services</td>
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<td><strong>GRF 195426</strong> Redevelopment Assistance</td>
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<td><strong>GRF 195435</strong> Technology Programs and Grants</td>
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<td><strong>GRF 195454</strong> Small Business and Export Assistance</td>
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<td><strong>GRF 195497</strong> CDBG Operating Match</td>
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<td><strong>GRF 195537</strong> Ohio-Israel Agricultural Initiative</td>
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<td><strong>GRF 195901</strong> Coal Research and Development General Obligation Bond Debt Service</td>
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Cooperative Projects

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Facilities Establishment Fund Group

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Bond Research and Development Fund Group

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Research and Development Projects

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Capital Projects Fund Group

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Federal Fund Group

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**Section 259.20. COAL RESEARCH AND DEVELOPMENT PROGRAM**

The foregoing appropriation item 195402, Coal Research and Development Program, shall be used for the operating expenses of the Community Services Division in support of the Ohio Coal Development Office.

**MINORITY BUSINESS DEVELOPMENT**

The foregoing appropriation item 195405, Minority Business Development, shall be used to support the activities of the Minority Business Development Division, including providing grants to local nonprofit organizations to support economic development activities that promote minority business development, in conjunction with local organizations funded through appropriation.
item 195454, Small Business and Export Assistance.

BUSINESS DEVELOPMENT SERVICES

The foregoing appropriation item 195415, Business Development Services, shall be used for the operating expenses of the Business Services Division and the regional economic development offices.

REDEVELOPMENT ASSISTANCE

The foregoing appropriation item 195426, Redevelopment Assistance, shall be used to fund the costs of administering the energy, redevelopment, and other revitalization programs that may be implemented by the Development Services Agency, and may be used to match federal grant funding.

TECHNOLOGY PROGRAMS AND GRANTS

Of the foregoing appropriation item 195453, Technology Programs and Grants, up to $547,341 in each fiscal year shall be used for operating expenses incurred in administering the Ohio Third Frontier pursuant to sections 184.10 to 184.20 of the Revised Code; up to $10,000,000 in each fiscal year shall be used pursuant to sections 122.28 to 122.36 of the Revised Code, of which not more than ten per cent shall be used for operating expenses incurred in administering the program.

SMALL BUSINESS AND EXPORT ASSISTANCE

The foregoing appropriation item 195454, Small Business and Export Assistance, may be used to provide a range of business assistance, including grants to local organizations to support economic development activities that promote small business development, entrepreneurship, and exports of Ohio's goods and services, in conjunction with local organizations funded through appropriation item 195405, Minority Business Development. The foregoing appropriation item shall also be used as matching funds for grants from the United States Small Business Administration.
and other federal agencies, pursuant to Public Law No. 96-302 as amended by Public Law No. 98-395, and regulations and policy guidelines for the programs pursuant thereto.

APPALACHIAN ASSISTANCE

The foregoing appropriation item 195455, Appalachian Assistance, may be used for the administrative costs of planning and liaison activities for the Governor's Office of Appalachia, to provide financial assistance to projects in Ohio's Appalachian counties, to support four local development districts, and to pay dues for the Appalachian Regional Commission. These funds may be used to match federal funds from the Appalachian Regional Commission. Programs funded through the foregoing appropriation item shall be identified and recommended by the local development districts and approved by the Governor's Office of Appalachia. The Development Services Agency shall conduct compliance and regulatory review of the programs recommended by the local development districts. Moneys allocated under the foregoing appropriation item may be used to fund projects including, but not limited to, those designated by the local development districts as community investment and rapid response projects.

Of the foregoing appropriation item 195455, Appalachian Assistance, in each fiscal year, $170,000 shall be allocated to the Ohio Valley Regional Development Commission, $170,000 shall be allocated to the Ohio Mid-Eastern Government Association, $170,000 shall be allocated to the Buckeye Hills-Hocking Valley Regional Development District, and $70,000 shall be allocated to the Eastgate Regional Council of Governments. Local development districts receiving funding under this section shall use the funds for the implementation and administration of programs and duties under section 107.21 of the Revised Code.

CDBG OPERATING MATCH
The foregoing appropriation item 195497, CDBG Operating Match, shall be used as matching funds for grants from the United States Department of Housing and Urban Development pursuant to the Housing and Community Development Act of 1974 and regulations and policy guidelines for the programs pursuant thereto.

OHIO-ISRAEL AGRICULTURAL INITIATIVE

The foregoing appropriation item 195537, Ohio-Israel Agricultural Initiative, shall be used for the Ohio-Israel Agricultural Initiative.

COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation line item 195901, Coal Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2017, through June 30, 2019, on obligations issued under sections 151.01 and 151.07 of the Revised Code.

THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 195905, Third Frontier Research & Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2017, through June 30, 2019, on obligations issued under sections 151.01 and 151.10 of the Revised Code.

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 195912, Job Ready Site Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2017, through June 30, 2019, on obligations issued
under sections 151.01 and 151.11 of the Revised Code.

Section 259.30. MINORITY BUSINESS BONDING FUND

Notwithstanding Chapters 122., 169., and 175. of the Revised Code, the Director of Development Services may, upon the recommendation of the Minority Development Financing Advisory Board, pledge up to $10,000,000 in the fiscal year 2018-fiscal year 2019 biennium of unclaimed funds administered by the Director of Commerce and allocated to the Minority Business Bonding Program under section 169.05 of the Revised Code.

If needed for the payment of losses arising from the Minority Business Bonding Program, the Director of Budget and Management may, at the request of the Director of Development Services, request that the Director of Commerce transfer unclaimed funds that have been reported by holders of unclaimed funds under section 169.05 of the Revised Code to the Minority Bonding Fund (Fund 4490). The transfer of unclaimed funds shall only occur after proceeds of the initial transfer of $2,700,000 by the Controlling Board to the Minority Business Bonding Program have been used for that purpose. If expenditures are required for payment of losses arising from the Minority Business Bonding Program, such expenditures shall be made from appropriation item 195658, Minority Business Bonding Contingency in the Minority Business Bonding Fund, and such amounts are hereby appropriated.

BUSINESS ASSISTANCE PROGRAMS

The foregoing appropriation item 195649, Business Assistance Programs, shall be used for administrative expenses associated with the operation of loan incentives within the Office of Strategic Business Investments.

STATE SPECIAL PROJECTS

The State Special Projects Fund (Fund 4F20), may be used for
the deposit of private-sector funds from utility companies and for the deposit of other miscellaneous state funds. State moneys so deposited may also be used to match federal grants and to support low-income energy assistance programs.

MINORITY BUSINESS ENTERPRISE LOAN

All repayments from the Minority Development Financing Advisory Board Loan Program shall be deposited in the State Treasury to the credit of the Minority Business Enterprise Loan Fund (Fund 4W10).

TAX INCENTIVES OPERATING

On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management shall transfer $700,000 cash from Fund 5MK0 to Fund 5JR0.

LOCAL GOVERNMENT INNOVATION FUND

The foregoing appropriation item 195640, Local Government Innovation, shall be used for the purposes of making loans and grants to political subdivisions under the Local Government Innovation Program in accordance with sections 189.01 to 189.10 of the Revised Code. Of the foregoing appropriation item 195640, Local Government Innovation, up to $275,000 in each fiscal year shall be used for administrative costs.

ADVANCED ENERGY LOAN PROGRAMS

The foregoing appropriation item 195660, Advanced Energy Loan Programs, shall be used to provide financial assistance to customers for eligible advanced energy projects for residential, commercial, and industrial business, local government, educational institution, nonprofit, and agriculture customers. The appropriation item may be used to match federal grant funding and to pay for the program's administrative costs as provided in sections 4928.61 to 4928.63 of the Revised Code and rules adopted
by the Director of Development Services.

On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management shall transfer cash in an amount equal to the unexpended, unencumbered balance of the Advanced Energy Research and Development Taxable Fund (Fund 7004), from Fund 7004 to the Advanced Energy Fund (Fund 5M50).

TRAVEL AND TOURISM COOPERATIVE PROJECTS

The foregoing appropriation item 195690, Travel and Tourism Cooperative Projects, shall be used for the marketing and promotion of travel and tourism in Ohio. The Travel and Tourism Cooperative Projects Fund (Fund 5W50) shall consist solely of leveraged private sector paid advertising dollars received in tourism marketing assistance and co-op programs.

VOLUME CAP ADMINISTRATION

The foregoing appropriation item 195654, Volume Cap Administration, shall be used for expenses related to the administration of the Volume Cap Program. Revenues received by the Volume Cap Administration Fund (Fund 6170) shall consist of application fees, forfeited deposits, and interest earned from the custodial account held by the Treasurer of State.

Section 259.40. DEVELOPMENT SERVICES OPERATIONS

The Director of Development Services may assess offices of the agency for the cost of central service operations. An assessment shall contain the characteristics of administrative ease and uniform application. A division's payments shall be credited to the Supportive Services Fund (Fund 1350) using an intrastate transfer voucher.

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES

The foregoing appropriation item 195636, Development Services Reimbursable Expenditures, shall be used for reimbursable costs...
incurred by the agency. Revenues to the General Reimbursement Fund (Fund 6850) shall consist of moneys charged for administrative costs that are not central service costs and repayments of loans, including the interest thereon, made from the Water and Sewer Fund (Fund 4440).

Section 259.50. CAPITAL ACCESS LOAN PROGRAM

The foregoing appropriation item 195628, Capital Access Loan Program, shall be used for operating, program, and administrative expenses of the program. Funds of the Capital Access Loan Program shall be used to assist participating financial institutions in making program loans to eligible businesses that face barriers in accessing working capital and obtaining fixed-asset financing.

The Director of Budget and Management may transfer an amount not to exceed $1,000,000 cash in each fiscal year from the Minority Business Enterprise Loan Fund (Fund 4W10) to the Capital Access Loan Fund (Fund 5S90).

INNOVATION OHIO

The foregoing appropriation item 195664, Innovation Ohio, shall be used to provide for Innovation Ohio purposes, including loan guarantees and loans under Chapter 166. and particularly sections 166.12 to 166.16 of the Revised Code.

RESEARCH AND DEVELOPMENT

The foregoing appropriation item 195665, Research and Development, shall be used to provide for research and development purposes, including loans, under Chapter 166. and particularly sections 166.17 to 166.21 of the Revised Code.

FACILITIES ESTABLISHMENT

The foregoing appropriation item 195615, Facilities Establishment, shall be used for the purposes of the Facilities Establishment Fund (Fund 7037) under Chapter 166. of the Revised
Notwithstanding Chapter 166. of the Revised Code, an amount not to exceed $3,500,000 in cash in each fiscal year may be transferred from the Facilities Establishment Fund (Fund 7037) to the Business Assistance Fund (Fund 4510). The transfer is subject to Controlling Board approval under division (B) of section 166.03 of the Revised Code.

Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed $2,000,000 in cash in each fiscal year from the Facilities Establishment Fund (Fund 7037) to the Minority Business Enterprise Loan Fund (Fund 4W10).

Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed $2,000,000 in cash in each fiscal year from the Facilities Establishment Fund (Fund 7037) to the Capital Access Loan Fund (Fund 5S90).

Section 259.60. THIRD FRONTIER OPERATING COSTS

The foregoing appropriation items 195686, Third Frontier Tax Exempt - Operating, and 195620, Third Frontier Taxable - Operating, shall be used for operating expenses incurred by the Development Services Agency in administering projects pursuant to sections 184.10 to 184.20 of the Revised Code. Operating expenses paid from appropriation item 195686 shall be limited to the administration of projects funded from the Third Frontier Research & Development Fund (Fund 7011) and operating expenses paid from appropriation item 195620 shall be limited to the administration of projects funded from the Third Frontier Research & Development Taxable Bond Project Fund (Fund 7014).
THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT PROJECTS

The foregoing appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, shall be used by the Development Services Agency to fund selected projects which may include the Ohio Tech Internship Program. Eligible costs are those costs of research and development projects to which the proceeds of the Third Frontier Research & Development Fund (Fund 7011) and the Research & Development Taxable Bond Project Fund (Fund 7014) are to be applied.

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS

The Director of Budget and Management may approve written requests from the Director of Development Services for the transfer of appropriations between appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, based upon awards recommended by the Third Frontier Commission.

In fiscal year 2019, the Director of Development Services may request that the Director of Budget and Management reappropriate any unexpended, unencumbered balances of the prior fiscal year's appropriation to the foregoing appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, for fiscal year 2019. The Director of Budget and Management may request additional information necessary for evaluating these requests, and the Director of Development Services shall provide the requested information to the Director of Budget and Management. Based on the information provided by the Director of Development Services, the Director of Budget and Management shall determine the amounts to be reappropriated, and those amounts are hereby reappropriated for fiscal year 2019.
Section 259.70. CLEAN OHIO REVITALIZATION OPERATING

The foregoing appropriation item 195663, Clean Ohio Revitalization Operating, shall be used by the Development Services Agency in administering Clean Ohio Revitalization Fund (Fund 7003) projects pursuant to sections 122.65 to 122.658 of the Revised Code.

Section 259.80. HEAP WEATHERIZATION

Up to fifteen per cent of the federal funds deposited to the credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) may be expended from appropriation item 195614, HEAP Weatherization, to provide home weatherization services in the state as determined by the Director of Development Services. Any transfers or increases in appropriation for the foregoing appropriation items 195614, HEAP Weatherization, or 195611, Home Energy Assistance Block Grant, shall be subject to approval by the Controlling Board.

Section 261.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES

General Revenue Fund

<p>| GRF 320412 Protective Services | $ 2,418,196 | $ 2,418,196 |
| GRF 320415 Developmental Disabilities | $ 20,323,000 | $ 19,426,900 |
| GRF 322420 Screening &amp; Early Identification | $ 300,999 | $ 300,999 |
| GRF 322421 Part C Early Intervention | $ 11,109,909 | $ 11,109,909 |
| GRF 322422 Multi System Youth | $ 2,000,000 | $ 2,000,000 |
| GRF 322451 Family Support | $ 5,932,758 | $ 5,932,758 |</p>
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<td>Medicaid Administration &amp; Oversight</td>
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TOTAL GRF General Revenue Fund: $681,589,583 $700,693,483

Dedicated Purpose Fund Group

TOTAL Dedicated Purpose Fund Group: 96044
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**Internal Service Activity Fund Group**

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**TOTAL ALL BUDGET FUND GROUPS**

|  |  |  |  |
|---------|---------|---------|
| $2,905,669,525 | $3,019,839,103 | 96055 |

**Section 261.20. DEVELOPMENTAL DISABILITIES FACILITIES**

**LEASE-RENTAL BOND PAYMENTS**

The foregoing appropriation item 320415, Developmental Disabilities Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2017, through June 30, 2019, by the Department of Developmental Disabilities under leases and agreements made under section 154.20 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.

**Section 261.30. SCREENING AND EARLY IDENTIFICATION**

At the discretion of the Director of Developmental
Disabilities, the foregoing appropriation item 322420, Screening and Early Identification, shall be used for professional and program development related to early identification/screening and intervention for children with autism and other complex developmental disabilities and their families.

Section 261.40. FAMILY SUPPORT SERVICES SUBSIDY

The foregoing appropriation item 322451, Family Support Services, may be used as follows in fiscal year 2018 and fiscal year 2019:

(A) The appropriation item may be used to provide a subsidy to county boards of developmental disabilities for family support services provided under section 5126.11 of the Revised Code. The subsidy shall be paid in quarterly installments and allocated to county boards according to a formula the Director of Developmental Disabilities shall develop in consultation with representatives of county boards. A county board shall use not more than seven per cent of its subsidy for administrative costs.

(B) The appropriation item may be used to distribute funds to county boards for the purpose of addressing economic hardships and to promote efficiency of operations. In consultation with representatives of county boards, the Director shall determine the amount of funds to distribute for these purposes and the criteria for distributing the funds.

Section 261.50. STATE SUBSIDY TO COUNTY DD BOARDS

(A) Except as provided in the section of this act titled "NONFEDERAL SHARE OF ICF/IID SERVICES," the foregoing appropriation item 322501, County Boards Subsidies, shall be used for the following purposes:

(1) To provide a subsidy to county boards of developmental disabilities in quarterly installments and allocated according to
a formula developed by the Director of Developmental Disabilities in consultation with representatives of county boards. Except as provided in section 5126.0511 of the Revised Code or in division (B) of this section, county boards shall use the subsidy for early childhood services and adult services provided under section 5126.05 of the Revised Code, service and support administration provided under section 5126.15 of the Revised Code, or supported living as defined in section 5126.01 of the Revised Code.

(2) To provide funding, as determined necessary by the Director, for residential services, including room and board, and support service programs that enable individuals with developmental disabilities to live in the community.

(3) To distribute funds to county boards of developmental disabilities to address economic hardships and promote efficiency of operations. The Director shall determine, in consultation with representatives of county boards, the amount of funds to distribute for these purposes and the criteria for distributing the funds.

(B) In collaboration with the county's family and children first council, a county board of developmental disabilities may transfer portions of funds received under this section, to a flexible funding pool in accordance with the section of this act titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL."

Section 261.60. EMPLOYMENT FIRST INITIATIVE

The foregoing appropriation item 322508, Employment First Initiative, shall be used to increase employment opportunities for individuals with developmental disabilities through the Employment First Initiative in accordance with section 5123.022 of the Revised Code.

Of the foregoing appropriation item, 322508, Employment First
Initiative, the Director of Developmental Disabilities shall transfer, in each fiscal year, to the Opportunities for Ohioans with Disabilities Agency an amount agreed upon by the Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used to support the Employment First Initiative. The Opportunities for Ohioans with Disabilities Agency shall use the funds transferred as state matching funds to obtain available federal grant dollars for vocational rehabilitation services. Any federal match dollars received by the Opportunities for Ohioans with Disabilities Agency shall be used for the initiative. The Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency shall enter into an interagency agreement in accordance with section 3304.181 of the Revised Code that will specify the responsibilities of each agency under the initiative. Under the interagency agreement, the Opportunities for Ohioans with Disabilities Agency shall retain responsibility for eligibility determination, order of selection, plan approval, plan amendment, and release of vendor payments.

The remainder of appropriation item 322508, Employment First Initiative, shall be used to develop a long-term, sustainable system that places individuals with developmental disabilities in community employment, as defined in section 5123.022 of the Revised Code.

**Section 261.70.** COMMUNITY SUPPORTS AND RENTAL ASSISTANCE

The foregoing appropriation item 322509, Community Supports and Rental Assistance, may be used by the Director of Developmental Disabilities to provide funding to county boards of developmental disabilities for rental assistance to individuals.
with developmental disabilities receiving home and community-based services as defined in section 5123.01 of the Revised Code pursuant to section 5124.60 of the Revised Code or section 5124.69 of the Revised Code and individuals with developmental disabilities who enroll in a Medicaid waiver component providing home and community-based services after receiving preadmission counseling pursuant to section 5124.68 of the Revised Code. The Director shall establish the methodology for determining the amount and distribution of such funding.

Section 261.80. MEDICAID SERVICES

(A) As used in this section:

(1) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

(2) "ICF/IID services" has the same meaning as in section 5124.01 of the Revised Code.

(B) Except as provided in section 5123.0416 of the Revised Code, the purposes for which the foregoing appropriation item 653407, Medicaid Services, shall be used include the following:

(1) Home and community-based services;

(2) Implementation of the requirements of the agreement settling the consent decree in Sermak v. Manuel, Case No. C-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division;

(3) Implementation of the requirements of the agreement settling the consent decree in the Martin v. Strickland, Case No. 89-CV-00362, United States District Court for the Southern District of Ohio, Eastern Division;

(4) ICF/IID services;

(5) Up to $3,000,000 in each fiscal year shall be used to
increase employment opportunities for Medicaid-eligible individuals with developmental disabilities through the Employment First Initiative;

(6) Up to $14,000,000 in each fiscal year may be used to distribute funds to county boards of developmental disabilities to address economic hardships and promote efficiency of operations, notwithstanding section 5126.18 of the Revised Code. The Director of Developmental Disabilities shall determine, in consultation with representatives of county boards, the amount of funds to distribute for these purposes and the criteria for distributing the funds; and

(7) Other programs as identified by the Director of Developmental Disabilities.

Section 261.90. CENTRAL OFFICE OPERATING EXPENSES

Of the foregoing appropriation item 320606, Central Office Operating Expenses, $100,000 in each fiscal year shall be provided to the Ohio Center for Autism and Low Incidence to establish a lifespan autism hub to support families and professionals.

Section 261.100. NONFEDERAL MATCH FOR ACTIVE TREATMENT SERVICES

Any county funds received by the Department of Developmental Disabilities from county boards of developmental disabilities for active treatment shall be deposited in the Developmental Disabilities Operating Fund (Fund 4890).

Section 261.110. SYSTEM TRANSFORMATION SUPPORTS

The foregoing appropriation item 320607 (Fund 5QM0), System Transformation Supports, may be used by the Director of Developmental Disabilities as follows:
(A) To purchase one or more residential facility beds for the purpose of reducing the number of beds that are certified for participation in Medicaid as ICF/IID beds in Ohio. The Director shall establish priorities for the purchase of beds which may include beds located in a building in which a nursing facility is also located and beds which are in a residential facility of sixteen beds or greater. The purchase price of a bed shall be the price the Director determines is reasonable based on the established priorities. Division (B) of section 127.16 of the Revised Code shall not apply to a purchase made under this section.

(B) To fund other system transformation initiatives identified by the Director.

Section 261.120. COMMUNITY SOCIAL SERVICE PROGRAMS

The foregoing appropriation item 322612, Community Social Service Programs, may be used by the Director of Developmental Disabilities to purchase one or more residential facility beds for the purpose of reducing the number of beds that are certified for participation in Medicaid as ICF/IID beds in Ohio. The Director shall establish priorities for the purchase of beds which may include beds located in a building in which a nursing facility is also located and beds which are in a residential facility of sixteen beds or greater. The purchase price of a bed shall be the price the Director determines is reasonable based on the established priorities. Division (B) of section 127.16 of the Revised Code shall not apply to a purchase made under this section.

Section 261.130. COUNTY BOARD SHARE OF WAIVER SERVICES

As used in this section, "home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.
The Director of Developmental Disabilities shall establish a methodology to be used in fiscal year 2018 and fiscal year 2019 to estimate the quarterly amount each county board of developmental disabilities is to pay of the nonfederal share of home and community-based services that section 5126.0510 of the Revised Code requires county boards to pay. Each quarter, the Director shall submit to a county board written notice of the amount the county board is to pay for that quarter. The notice shall specify when the payment is due.

Section 261.140. WITHHOLDING OF FUNDS OWED THE DEPARTMENT

If a county board of developmental disabilities does not fully pay any amount owed to the Department of Developmental Disabilities by the due date established by the Department, the Director of Developmental Disabilities may withhold the amount the county board did not pay from any amounts due to the county board. The Director may use any appropriation item or fund used by the Department to transfer cash to any other fund used by the Department in an amount equal to the amount owed the Department that the county board did not pay. Transfers under this section shall be made using an intrastate transfer voucher.

Section 261.150. DEVELOPMENTAL CENTER BILLING FOR SERVICES

Developmental centers of the Department of Developmental Disabilities may provide services to persons with developmental disabilities living in the community or to providers of services to these persons. The Department may develop a method for recovery of all costs associated with the provision of these services.

Section 261.160. ODODD INNOVATIVE PILOT PROJECTS

(A) In fiscal year 2018 and fiscal year 2019, the Director of Developmental Disabilities may authorize the continuation or
implementation of one or more innovative pilot projects that, in
the judgment of the Director, are likely to assist in promoting
the objectives of Chapter 5123. or 5126. of the Revised Code.

Subject to division (B) of this section and notwithstanding any
provision of Chapters 5123. and 5126. of the Revised Code and any
rule adopted under either chapter, a pilot project authorized by
the Director may be continued or implemented in a manner
inconsistent with one or more provisions of either chapter or one
or more rules adopted under either chapter. Before authorizing a
pilot program, the Director shall consult with entities interested
in the issue of developmental disabilities, including the Ohio
Provider Resource Association, Ohio Association of County Boards
of Developmental Disabilities, Ohio Health Care Association/Ohio
Centers for Intellectual Disabilities, the Values and Faith
Alliance, and ARC of Ohio.

(B) The Director may not authorize a pilot project to be
implemented in a manner that would cause the state to be out of
compliance with any requirements for a program funded in whole or
in part with federal funds.

Section 261.170. FISCAL YEAR 2018 MEDICAID PAYMENT RATES FOR
ICFs/IID IN PEER GROUPS 1 AND 2

(A) As used in this section:

(1) "Change of operator," "entering operator," "exiting
operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer
group 1," "peer group 2," "peer group 3," "provider," and
"provider agreement" have the same meanings as in section 5124.01
of the Revised Code.

(2) "Franchise permit fee" means the fee imposed by sections
5168.60 to 5168.71 of the Revised Code.

(B)(1) This section applies to each ICF/IID that is in peer
group 1 or peer group 2 and to which any of the following applies:

(a) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2017, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2018.

(b) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2018, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2018.

(c) The ICF/IID is a new ICF/IID for which the provider obtains an initial provider agreement during fiscal year 2018.

(2) This section does not apply to an ICF/IID in peer group 3.

(3) The Department of Developmental Disabilities shall follow this section in determining the rate to be paid for ICF/IID services provided during fiscal year 2018 by ICFs/IID subject to this section notwithstanding anything to the contrary in Chapter 5124. of the Revised Code.

(C)(1) Except as otherwise provided in this section, the provider of an ICF/IID to which this section applies shall be paid, for ICF/IID services the ICF/IID provides during fiscal year 2018, the total per Medicaid day rate determined for the ICF/IID under division (C)(2) or (3) of this section.

(2) Except in the case of a new ICF/IID, the fiscal year 2018 total per Medicaid day rate for an ICF/IID to which this section applies shall be the same as the ICF/IID's total per Medicaid day rate for ICF/IID services provided on June 30, 2017. However, an ICF/IID provider may seek reconsideration of the ICF/IID's Medicaid rate, and the Department may increase the Medicaid rate, through the rate reconsideration process established under section
5124.38 of the Revised Code if the ICF/IID's most recent case-mix score is at least twenty-five per cent greater than the ICF/IID's case-mix score for the immediately preceding calendar quarter as determined under section 5124.192 of the Revised Code.

(3) The fiscal year 2018 initial total per Medicaid day rate for a new ICF/IID to which this section applies shall be the ICF/IID's initial total per Medicaid day rate determined for the ICF/IID in accordance with section 5124.151 of the Revised Code for fiscal year 2018 with the following modifications:

(a) In place of the amount determined under division (B)(1) of section 5124.151 of the Revised Code, the new ICF/IID's initial per Medicaid day rate for capital costs shall be the median rate for the new ICF/IID's peer group as determined under section 5124.17 of the Revised Code for fiscal year 2017.

(b) In place of the amount determined under division (B)(2)(a) of section 5124.151 of the Revised Code, if there are no cost or resident assessment data for the new ICF/IID, the new ICF/IID's initial per Medicaid day rate for direct care costs shall be determined as follows:

(i) Determine the median of the costs per case-mix units of each peer group for calendar year 2015;

(ii) Multiply the median determined under division (C)(3)(b)(i) of this section by the median annual average case-mix score for the new ICF/IID's peer group for calendar year 2015;

(iii) Multiply the product determined under division (C)(3)(b)(ii) of this section by 1.014.

(c) In place of the amount determined under division (B)(3) of section 5124.151 of the Revised Code, the new ICF/IID's initial per Medicaid day rate for indirect care costs shall be the following:
(i) If the new ICF/IID is in peer group 1, $68.98; 96367

(ii) If the new ICF/IID is in peer group 2, $59.60. 96368

(d) In place of the amount determined under division (B)(4) of section 5124.151 of the Revised Code, the new ICF/IID's initial per Medicaid day rate for other protected costs shall be 115 percent of the product of the following:

(i) The median rate for ICFs/IID determined under section 5124.23 of the Revised Code for fiscal year 2017; 96369

(ii) 1.014. 96370

(D) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department shall reduce the amount it pays ICF/IID providers under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee. 96371

(E) The Director of Developmental Disabilities may adopt rules in accordance with Chapter 119. of the Revised Code to revise for fiscal year 2018 the requirements for ICF/IID providers to compile under section 5124.191 of the Revised Code complete assessment data for the residents of the providers' ICFs/IID. The revisions may require that two different types of assessments be made and may require that the different types be submitted to the Department at different times. 96372

(F) Of the foregoing appropriation items 653407, Medicaid Services, 653606, ICF/IID and Waiver Match, and 653654, Medicaid Services, portions shall be used to pay the Medicaid payment rates determined in accordance with this section for ICF/IID services provided during fiscal year 2018. 96373

Section 261.180. FISCAL YEAR 2019 MEDICAID PAYMENT RATES FOR ICFs/IID IN PEER GROUPS 1, 2, 3, AND 4 96374
(A) As used in this section:

(1) "Change of operator," "entering operator," "exiting operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer group 1," "peer group 2," "peer group 3," "peer group 4," "peer group 5," "provider," and "provider agreement" have the same meanings as in section 5124.01 of the Revised Code.

(2) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code.

(B)(1) This section applies to each ICF/IID that is in peer group 1, peer group 2, peer group 3, or peer group 4, and to which any of the following applies:

(a) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2018, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2019.

(b) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2019, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2019.

(c) The ICF/IID is a new ICF/IID for which the provider obtains an initial provider agreement during fiscal year 2019.

(2) This section does not apply to an ICF/IID in peer group 5.

(3) The Department of Developmental Disabilities shall follow this section in determining the rate to be paid for ICF/IID services provided during fiscal year 2019 by ICFs/IID subject to this section notwithstanding anything to the contrary in Chapter 5124. of the Revised Code.

(C)(1) Except as otherwise provided in this section, the
provider of an ICF/IID to which this section applies shall be paid, for ICF/IID services the ICF/IID provides during fiscal year 2019, the total per Medicaid day rate determined for the ICF/IID under division (C)(2) or (3) of this section.

(2) Except in the case of a new ICF/IID, the fiscal year 2019 total per Medicaid day rate for an ICF/IID to which this section applies shall be the ICF/IID's total per Medicaid day rate determined for the ICF/IID in accordance with Chapter 5124. of the Revised Code, except that the rate shall be not less than 96.5 per cent nor more than 103.5 per cent of the ICF/IID's total per Medicaid day rate for ICF/IID services provided on June 30, 2018.

(3) The fiscal year 2019 initial total per Medicaid day rate for a new ICF/IID to which this section applies shall be the ICF/IID's initial total per Medicaid day rate determined for the ICF/IID in accordance with section 5124.151 of the Revised Code for fiscal year 2019.

(D)(1) If the mean total per Medicaid day rate for all ICFs/IID to which this section applies, weighted by May 2018 Medicaid days and determined under division (C) of this section as of July 1, 2018, is other than the amount determined under division (D)(2) of this section, the Department shall adjust, for fiscal year 2019, the total per Medicaid day rate for each ICF/IID to which this section applies by a percentage that is equal to the percentage by which the mean total per Medicaid day rate is greater or less than the amount determined under division (D)(2) of this section.

(2) The amount to be used for the purpose of division (D)(1) of this section shall be either of the following:

(a) $297.35 if the ICF/IID Medicaid payment methodology based on the study required by Section 309.30.80 of Am. Sub. H.B. 153 of the 129th General Assembly and continued by Section 259.230 of Am.
Sub. H.B. 59 of the 130th General Assembly has been fully implemented not later than July 1, 2018;

(b) $290.10 if division (D)(2)(a) of this section does not apply.

(3) The ICF/IID Medicaid payment methodology specified in division (D)(2)(a) of this section shall be considered to be fully implemented for the purpose of that division if both of the following occur:

(a) All of the following take effect on July 1, 2018:

(i) The amendments by this act to sections 5124.01, 5124.101, 5124.151, and 5124.155 of the Revised Code;

(ii) The amendments by this act to section 5124.15 of the Revised Code, other than the amendments to division (D) of that section;

(iii) The amendments by this act to section 5124.21 of the Revised Code, other than the amendments to division (A) of that section;

(iv) The outright repeal by this act of section 5124.17 of the Revised Code;

(v) The new enactment by this act of section 5124.17 of the Revised Code.

(b) The quality incentive payment rate add on authorized by section 5124.25 of the Revised Code, as enacted by this act, is to begin to be part of the total Medicaid payment rates for ICF/IID services provided on or after July 1, 2019.

(E) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department shall reduce the amount it pays ICF/IID providers under this section as necessary to reflect the loss to the state of the revenue and federal financial participation.
generated from the franchise permit fee.

(F) Of the foregoing appropriation items 653407, Medicaid Services, 653606, ICF/IID and Waiver Match, and 653654, Medicaid Services, portions shall be used to pay the Medicaid payment rates determined in accordance with this section for ICF/IID services provided during fiscal year 2019.

Section 261.190. ICF/IID MEDICAID RATE WORKGROUP

(A) As used in this section, "ICF/IID," "ICF/IID services," and "Medicaid-certified capacity" have the same meanings as in section 5124.01 of the Revised Code.

(B) For the purpose of assisting the Department of Developmental Disabilities during fiscal year 2018 and fiscal year 2019 with an evaluation of revisions to the formula used to determine Medicaid payment rates for ICF/IID services, the Department shall reconvene the workgroup that previously was convened to assist with implementation of the ICF/IID payment methodology that was based on the study required by Section 309.30.80 of Am. Sub. H.B. 153 of the 129th General Assembly. In conducting the evaluation, the Department and workgroup shall do both of the following:

(1) Focus primarily on the service needs of individuals with complex challenges that ICFs/IID are able to meet;

(2) Pursue the goal of reducing the Medicaid-certified capacity of individual ICFs/IID and the total number of ICF/IID beds in the state for the purpose of increasing the service choices and community integration of individuals eligible for ICF/IID services.

Section 261.200. NONFEDERAL SHARE OF ICF/IID SERVICES

(A) As used in this section, "ICF/IID," "ICF/IID services,"
and "Medicaid-certified capacity" have the same meanings as in section 5124.01 of the Revised Code.

(B) The Director of Developmental Disabilities shall pay the nonfederal share of a claim for ICF/IID services using funds specified in division (C) of this section if all of the following apply:

1. Medicaid covers the ICF/IID services.
2. The ICF/IID services are provided to a Medicaid recipient to whom both of the following apply:
   a. The Medicaid recipient is eligible for the ICF/IID services;
   b. The Medicaid recipient does not occupy a bed in the ICF/IID that used to be included in the Medicaid-certified capacity of another ICF/IID certified by the Director of Health before June 1, 2003.
3. The ICF/IID services are provided by an ICF/IID whose Medicaid certification by the Director of Health was initiated or supported by a county board of developmental disabilities.
4. The provider of the ICF/IID services has a valid Medicaid provider agreement for the services for the time that the services are provided.

(C) When required by division (B) of this section to pay the nonfederal share of a claim, the Director of Developmental Disabilities shall use the following funds to pay the claim:

1. Funds available from appropriation item 322501, County Boards Subsidies, that the Director allocates to the county board that initiated or supported the Medicaid certification of the ICF/IID that provided the ICF/IID services for which the claim is made;
2. If the amount of funds used pursuant to division (C)(1)
of this section is insufficient to pay the claim in full, an amount of funds that are needed to make up the difference and available from amounts the Director allocates to other county boards from appropriation item 322501, County Boards Subsidies.

Section 261.210. PAYMENT RATES FOR HOMEMAKER/PERS...  

(A) As used in this section:

(1) "Converted facility" means an ICF/IID, or former ICF/IID, that converted some or all of its beds to providing home and community-based services under the IO Waiver pursuant to section 5124.60 of the Revised Code.

(2) "Developmental center" and "ICF/IID" have the same meanings as in section 5124.01 of the Revised Code.

(3) "IO Waiver" means the Medicaid waiver component, as defined in section 5166.01 of the Revised Code, known as Individual Options.

(4) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.

(5) "Public hospital" has the same meaning as in section 5122.01 of the Revised Code.

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to whom all of the following apply:

(a) The enrollee resided in a developmental center, converted facility, or public hospital immediately before enrolling in the IO Waiver.

(b) The enrollee did not receive before July 1, 2011, routine homemaker/personal care services from the Medicaid provider that is to be paid the Medicaid rate authorized by this section for providing such services to the enrollee during the period
specified in division (C) of this section.

(c) The Director of Developmental Disabilities has determined that the enrollee's special circumstances (including the enrollee's diagnosis, service needs, or length of stay at the developmental center, converted facility, or public hospital) warrants paying the Medicaid rate authorized by this section.

(B) The total Medicaid payment rate for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to a qualifying IO enrollee during the period specified in division (C) of this section shall be fifty-two cents higher than the Medicaid payment rate in effect on the day the services are provided for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to an IO enrollee who is not a qualifying IO enrollee.

(C) Division (B) of this section applies to the first twelve months, consecutive or otherwise, that a Medicaid provider, during the period beginning July 1, 2017, and ending June 30, 2019, provides routine homemaker/personal care services to a qualifying IO enrollee.

(D) Of the foregoing appropriation items $653407, Medicaid Services, and $653654, Medicaid Services, portions shall be used to pay the Medicaid payment rate determined in accordance with this section for routine homemaker/personal care services provided to qualifying IO enrollees.

Section 261.220. UPDATING AUTHORIZING STATUTE CITATIONS

As used in this section, "authorizing statute" means a Revised Code section or provision of a Revised Code section that is cited in the Ohio Administrative Code as the statute that authorizes the adoption of a rule.

The Director of Developmental Disabilities is not required to
amend any rule for the sole purpose of updating the citation in the Ohio Administrative Code to the rule's authorizing statute to reflect that this act renumbers the authorizing statute or relocates it to another Revised Code section. Such citations shall be updated as the Director amends the rules for other purposes.

Section 263.10. OBD OHIO BOARD OF DIETETICS

Dedicated Purpose Fund Group

4K90 860609 Operating Expenses $ 234,381 $ 0
TOTAL DPF Dedicated Purpose Fund Group $ 234,381 $ 0

Section 265.10. EDU DEPARTMENT OF EDUCATION

General Revenue Fund

GRF 200321 Operating Expenses $ 14,993,404 $ 15,037,324
GRF 200408 Early Childhood Education $ 70,268,341 $ 70,268,341
GRF 200420 Information Technology Development and Support $ 3,942,581 $ 3,959,986
GRF 200421 Alternative Education Programs $ 5,741,668 $ 3,295,834
GRF 200422 School Management Assistance $ 2,152,299 $ 2,189,385
GRF 200424 Policy Analysis $ 552,523 $ 462,933
GRF 200426 Ohio Educational Computer Network $ 16,200,000 $ 16,200,000
GRF 200427 Academic Standards $ 4,036,519 $ 4,061,912
GRF 200437 Student Assessment $ 60,060,190 $ 60,126,946
GRF 200439 Accountability/Report Cards $ 6,982,351 $ 7,025,530
<p>| GRF 200442 | Child Care Licensing | $1,880,406 | $1,916,612 | 96629 |
| GRF 200446 | Education Management Information System | $8,095,804 | $8,142,552 | 96630 |
| GRF 200448 | Educator Preparation | $1,584,146 | $1,584,146 | 96631 |
| GRF 200455 | Community Schools and Choice Programs | $4,604,919 | $4,685,028 | 96632 |
| GRF 200465 | Education Technology Resources | $3,370,976 | $3,370,976 | 96633 |
| GRF 200471 | Office of Innovation | $750,000 | $750,000 | 96634 |
| GRF 200502 | Pupil Transportation | $549,238,753 | $529,629,809 | 96635 |
| GRF 200505 | School Lunch Match | $9,100,000 | $9,100,000 | 96636 |
| GRF 200511 | Auxiliary Services | $149,909,112 | $149,909,112 | 96637 |
| GRF 200532 | Nonpublic Administrative Cost Reimbursement | $67,719,856 | $67,719,856 | 96638 |
| GRF 200540 | Special Education Enhancements | $152,350,000 | $152,350,000 | 96639 |
| GRF 200545 | Career-Technical Education Enhancements | $10,687,366 | $9,750,892 | 96640 |
| GRF 200550 | Foundation Funding Education Enhancements | $6,841,140,554 | $6,989,524,531 | 96641 |
| GRF 200566 | Literacy Improvement | $750,000 | $1,250,000 | 96642 |
| GRF 200572 | Adult Education Programs | $7,647,935 | $8,835,000 | 96643 |
| GRF 200573 | EdChoice Expansion | $38,400,000 | $47,700,000 | 96644 |
| GRF 200574 | Half-Mill Maintenance Equalization | $19,000,000 | $19,200,000 | 96645 |
| GRF 200597 | Education Program Support | $2,000,000 | $2,000,000 | 96646 |
| GRF 657401 | Medicaid in Schools | $300,000 | $300,000 | 96647 |
| TOTAL GRF General Revenue Fund | | $8,053,459,703 | $8,190,346,705 | 96648 |
| Dedicated Purpose Fund Group | | | | 96649 |
| 4520 200638 Charges and Reimbursements | $1,000,000 | $1,000,000 | 96650 |</p>
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Federal Fund Group

<p>| 3670 200607 | School Food Services | $10,080,635 | $10,280,635 |
| 3700 200624 | Education of Exceptional Children | $2,500,000 | $2,600,000 |
| 3AF0 657601 | Schools Medicaid Administrative Claims | $750,000 | $750,000 |
| 3AN0 200671 | School Improvement Grants | $32,400,000 | $32,400,000 |
| 3C50 200661 | Early Childhood Education | $12,555,000 | $12,555,000 |
| 3D20 200667 | Math Science Partnerships | $7,500,000 | $7,500,000 |
| 3EH0 200620 | Migrant Education | $2,900,000 | $2,900,000 |
| 3EJ0 200622 | Homeless Children Education | $2,600,000 | $2,600,000 |
| 3GE0 200674 | Summer Food Service Program | $14,856,635 | $14,856,635 |
| 3GG0 200676 | Fresh Fruit and Vegetable Program | $4,677,340 | $4,677,340 |
| 3HF0 200649 | Federal Education Grants | $6,364,327 | $6,364,327 |
| 3L60 200617 | Federal School Lunch | $394,612,000 | $406,450,000 |
| 3L70 200618 | Federal School Breakfast | $142,688,750 | $154,103,850 |
| 3L80 200619 | Child/Adult Food Programs | $106,913,755 | $106,913,755 |
| 3L90 200621 | Career-Technical Education Basic Grant | $44,663,900 | $44,663,900 |</p>
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**TOTAL FED Federal Fund Group** | $2,020,332,717 | $2,043,885,817 |

**TOTAL ALL BUDGET FUND GROUPS** | $11,210,642,496 | $11,370,895,533 |

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**Section 265.20. OPERATING EXPENSES**

A portion of the foregoing appropriation item 200321, Operating Expenses, shall be used by the Department of Education to provide matching funds related to career-technical education under 20 U.S.C. 2321.

**EARLY CHILDHOOD EDUCATION**

The Department of Education shall distribute the foregoing appropriation item 200408, Early Childhood Education, to pay the costs of early childhood education programs. The Department shall distribute such funds directly to qualifying providers.

(A) As used in this section:
(1) "Provider" means a city, local, exempted village, or joint vocational school district; an educational service center; a community school sponsored by an exemplary sponsor; a chartered nonpublic school; an early childhood education child care provider licensed under Chapter 5104. of the Revised Code that participates in and meets at least the third highest tier of the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code; or a combination of entities described in this paragraph.

(2) In the case of a city, local, or exempted village school district or early childhood education child care provider licensed under Chapter 5104. of the Revised Code, "new eligible provider" means a provider that did not receive state funding for Early Childhood Education in the previous fiscal year or demonstrates a need for early childhood programs as defined in division (D) of this section.

(3) In the case of a community school, "new eligible provider" means any of the following:

(a) A community school established under Chapter 3314. of the Revised Code that is sponsored by a sponsor rated "exemplary" in accordance with section 3314.016 of the Revised Code that offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code that did not receive state funding for Early Childhood Education in the previous fiscal year;

(b) A community school established under Chapter 3314. of the Revised Code that satisfies all of the following criteria:

(i) It has received, on its most recent report card, either of the following:

(I) If the school offers any of grade levels four through twelve, a grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of
the Revised Code and for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code;

(II) If the school does not offer a grade level higher than three, a grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code.

(ii) It offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code.

(iii) It did not receive state funding for Early Childhood Education in the previous fiscal year.

(c) A community school established under Chapter 3314. of the Revised Code that is sponsored by a municipal school district and operates a program that uses the Montessori method endorsed by the American Montessori Society, the Montessori Accreditation Council for Teacher Education, or the Association Montessori Internationale as its primary method of instruction, as authorized by division (A) of section 3314.06 of the Revised Code, that did not receive state funding for Early Childhood Education in the previous year or demonstrates a need for early childhood programs as defined in division (D) of this section.

(4) "Eligible child" means a child who is at least four years of age as of the district entry date for kindergarten, is not of the age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as defined in division (A)(3) of section 5101.46 of the Revised Code. Children with an Individualized Education Program and where the Early Childhood Education program is the least restrictive environment may be enrolled on their fourth birthday.

(5) "Early learning program standards" means early learning program standards for school readiness developed by the Department to assess the operation of early learning and development
programs.

(6) "Early learning and development programs" has the same meaning as section 5104.29 of the Revised Code.

(B) In each fiscal year, up to two per cent of the total appropriation may be used by the Department for program support and technical assistance. The Department shall distribute the remainder of the appropriation in each fiscal year to serve eligible children.

(C) The Department shall provide an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate and post the report to the Department's web site, regarding early childhood education programs operated under this section and the early learning program standards.

(D) After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2018, the Department shall distribute funds first to recipients of funds for early childhood education programs under Section 263.20 of Am. Sub. H.B. 64 of the 131st General Assembly in the previous fiscal year and the balance to new eligible providers of early childhood education programs or to existing providers to serve more eligible children pursuant to division (E) of this section or for purposes of program expansion, improvement, or special projects to promote quality and innovation.

After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2019, the Department shall distribute funds first to providers of early childhood education programs under this section in the previous fiscal year and the balance to new eligible providers or to existing providers to serve more eligible children as outlined under division (E) of this section or for purposes of program expansion, improvement, or special projects to promote quality and innovation.
(E)(1) The Department shall distribute any new or remaining funding to existing providers of early childhood education programs or any new eligible providers in an effort to invest in high quality early childhood programs where there is a need as determined by the Department. The Department shall distribute the new or remaining funds to existing providers of early childhood education programs or any new eligible providers to serve additional eligible children based on community economic disadvantage, limited access to high quality preschool or childcare services, and demonstration of high quality preschool services as determined by the Department using new metrics developed pursuant to Ohio's Race to the Top—Early Learning Challenge Grant, awarded to the Department in December 2011.

(2) Awards under divisions (D) and (E) of this section shall be distributed on a per-pupil basis, and in accordance with division (I) of this section. The Department may adjust the per-pupil amount so that the per-pupil amount multiplied by the number of eligible children enrolled and receiving services on the first day of December or the business day closest to that date equals the amount allocated under this section.

(F) Costs for developing and administering an early childhood education program may not exceed fifteen per cent of the total approved costs of the program.

All providers shall maintain such fiscal control and accounting procedures as may be necessary to ensure the disbursement of, and accounting for, these funds. The control of funds provided in this program, and title to property obtained, shall be under the authority of the approved provider for purposes provided in the program unless, as described in division (K) of this section, the program waives its right for funding or a program's funding is eliminated or reduced due to its inability to meet financial or early learning program standards. The approved...
provider shall administer and use such property and funds for the purposes specified.

(G) The Department may examine a provider's financial and program records. If the financial practices of the program are not in accordance with standard accounting principles or do not meet financial standards outlined under division (F) of this section, or if the program fails to substantially meet the early learning program standards, meet a quality rating level in the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code as prescribed by the Department, or exhibits below average performance as measured against the standards, the early childhood education program shall propose and implement a corrective action plan that has been approved by the Department. The approved corrective action plan shall be signed by the chief executive officer and the executive of the official governing body of the provider. The corrective action plan shall include a schedule for monitoring by the Department. Such monitoring may include monthly reports, inspections, a timeline for correction of deficiencies, and technical assistance to be provided by the Department or obtained by the early childhood education program. The Department may withhold funding pending corrective action. If an early childhood education program fails to satisfactorily complete a corrective action plan, the Department may deny expansion funding to the program or withdraw all or part of the funding to the program and establish a new eligible provider through a selection process established by the Department.

(H)(1) If the early childhood education program is licensed by the Department of Education and is not highly rated, as determined by the Director of Job and Family Services, under the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code, the program shall do all of the following:

(a) Meet teacher qualification requirements prescribed by
section 3301.311 of the Revised Code;  

(b) Align curriculum to the early learning content standards developed by the Department;  

(c) Meet any child or program assessment requirements prescribed by the Department;  

(d) Require teachers, except teachers enrolled and working to obtain a degree pursuant to section 3301.311 of the Revised Code, to attend a minimum of twenty hours every two years of professional development as prescribed by the Department;  

(e) Document and report child progress as prescribed by the Department;  

(f) Meet and report compliance with the early learning program standards as prescribed by the Department;  

(g) Participate in the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code.  

(2) If the program is highly rated, as determined by the Director of Job and Family Services, under the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code, the program shall comply with the requirements of that program.  

(I) Per-pupil funding for programs subject to this section shall be sufficient to provide eligible children with services for a standard early childhood schedule which shall be defined in this section as a minimum of twelve and one-half hours per school week as defined in section 3313.62 of the Revised Code for the minimum school year as defined in sections 3313.48, 3313.481, and 3313.482 of the Revised Code. Nothing in this section shall be construed to prohibit program providers from utilizing other funds to serve eligible children in programs that exceed the twelve and one-half hours per week or that exceed the minimum school year. For any
provider for which a standard early childhood education schedule creates a hardship or for which the provider shows evidence that the provider is working in collaboration with a preschool special education program, the provider may submit a waiver to the Department requesting an alternate schedule. If the Department approves a waiver for an alternate schedule that provides services for less time than the standard early childhood education schedule, the Department may reduce the provider's annual allocation proportionately. Under no circumstances shall an annual allocation be increased because of the approval of an alternate schedule.

(J) Each provider shall develop a sliding fee scale based on family incomes and shall charge families who earn more than two hundred per cent of the federal poverty guidelines, as defined in division (A)(3) of section 5101.46 of the Revised Code, for the early childhood education program.

The Department shall conduct an annual survey of each provider to determine whether the provider charges families tuition or fees, the amount families are charged relative to family income levels, and the number of families and students charged tuition and fees for the early childhood program.

(K) If an early childhood education program voluntarily waives its right for funding, or has its funding eliminated for not meeting financial standards or the early learning program standards, the provider shall transfer control of title to property, equipment, and remaining supplies obtained through the program to providers designated by the Department and return any unexpended funds to the Department along with any reports prescribed by the Department. The funding made available from a program that waives its right for funding or has its funding eliminated or reduced may be used by the Department for new grant awards or expansion grants. The Department may award new grants or
expansion grants to eligible providers who apply. The eligible providers who apply must do so in accordance with the selection process established by the Department.

(L) Eligible expenditures for the Early Childhood Education Program shall be claimed each fiscal year to help meet the state's TANF maintenance of effort requirement. The Superintendent of Public Instruction and the Director of Job and Family Services shall enter into an interagency agreement to carry out the requirements under this division, which shall include developing reporting guidelines for these expenditures.

(M)(1) The Department of Education and the Department of Job and Family Services shall continue to work toward establishing the following in common between early childhood education programs and publicly funded child care:

(a) An application;
(b) Program eligibility;
(c) Funding;
(d) An attendance policy;
(e) An attendance tracking system.

(2) In accordance with section 5104.34 of the Revised Code, eligible families may receive publicly funded child care beyond the standard early childhood schedule defined in division (I) of this section.

(3) All providers, agencies, and school districts participating in the early childhood education program or providing care to eligible families beyond the standard early childhood schedule shall follow the common policies established under this division.

EARLY CHILDHOOD EDUCATION PARENT CHOICE DEMONSTRATION PILOT PROGRAM
Of the foregoing appropriation item 200408, Early Childhood Education, a portion in each fiscal year may be used by the Department of Education to establish a pilot program that employs one or more parent choice models to deliver early childhood education to eligible children.

If the Department establishes any such pilot program, the Department shall designate one or more geographical areas within the state in which to operate the pilot program. The Department may consider designating areas with multiple providers of high-quality early childhood education programs that have a capacity to serve additional eligible children for the purpose of identifying potential obstacles to implementing a parent choice model. Each parent participating in the pilot program may choose an early childhood education program from among all providers within the designated area.

The Department shall establish procedures for implementation of the pilot program, including a process for parents to apply for the program. Except as otherwise provided in the Department's procedures, the Department and providers shall operate in accordance with this section in implementing the pilot program. However, the Department may expand the definition of "eligible child" to include in the pilot program a child who is at least three years of age as of the district entry date for kindergarten and has one or more additional risk factors including, but not limited to, "exited Help Me Grow Home Visiting," "exited Early Intervention and not eligible for preschool special education," or currently placed in foster care, so long as the child meets all other eligibility requirements of this section.

The Department of Education shall collaborate with the departments of Job and Family Services, Developmental Disabilities, Health, and Mental Health and Addiction Services, as needed, in establishing any pilot program. The Department of
Education also may select a non-state entity, which may include an educational service center, a county department of job and family services, a childcare resource and referral agency, or a county family and children first council established under section 121.37 of the Revised Code, to partner with the Department on the pilot program.

As part of the pilot program, the Department may set aside a portion of the funds for an evaluation of the pilot program.

Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND SUPPORT

The foregoing appropriation item 200420, Information Technology Development and Support, shall be used to support the development and implementation of information technology solutions designed to improve the performance and services of the Department of Education. Funds may be used for personnel, maintenance, and equipment costs related to the development and implementation of these technical system projects. Implementation of these systems shall allow the Department to provide greater levels of assistance to school districts and to provide more timely information to the public, including school districts, administrators, and legislators. Funds may also be used to support data-driven decision-making and differentiated instruction, as well as to communicate academic content standards and curriculum models to schools through web-based applications.

Section 265.40. ALTERNATIVE EDUCATION PROGRAMS

Of the foregoing appropriation item 200421, Alternative Education Programs, $500,000 in each fiscal year shall be used to support Jobs for Ohio's Graduates.

Of the foregoing appropriation item 200421, Alternative Education Programs, up to $350,000 in each fiscal year may be used...
to support the clearinghouse for the identification of and intervention for at-risk students required under section 3301.28 of the Revised Code.

The remainder of appropriation item 200421, Alternative Education Programs, shall be used for implementation grants and for competitive matching grants to school districts for alternative educational programs for at-risk and delinquent youth. Programs shall be focused on youth in one or more of the following categories: those who have been expelled or suspended, those who have dropped out of school or who are at risk of dropping out of school, those who are truant or disruptive, or those on probation or on parole from a Department of Youth Services facility. Grants shall be awarded only to programs in which the grant will not serve as the program's primary source of funding. Grants may be awarded for one or two years, and the Department of Education may limit awards to programs that utilize evidence-based strategies that meet the standard of strong, moderate, or promising evidence, as defined by the Every Student Succeeds Act. These grants shall be administered by the Department of Education.

The Department of Education may waive compliance with any minimum education standard established under section 3301.07 of the Revised Code for any alternative school that receives a grant under this section on the grounds that the waiver will enable the program to more effectively educate students enrolled in the alternative school.

Of the foregoing appropriation item 200421, Alternative Education Programs, a portion may be used for program administration, monitoring, technical assistance, support, research, and evaluation.

Section 265.50. SCHOOL MANAGEMENT ASSISTANCE

The foregoing appropriation item 200422, School Management...
Assistance, shall be used by the Department of Education to
provide fiscal technical assistance and inservice education for
school district management personnel and to administer, monitor,
and implement the fiscal caution, fiscal watch, and fiscal
emergency provisions under Chapter 3316. of the Revised Code.

Section 265.60. POLICY ANALYSIS

The foregoing appropriation item 200424, Policy Analysis,
shall be used by the Department of Education to support a system
of administrative, statistical, and legislative education
information to be used for policy analysis. Staff supported by
this appropriation shall administer the development of reports,
analyses, and briefings to inform education policymakers of
current trends in education practice, efficient and effective use
of resources, and evaluation of programs to improve education
results. A portion of these funds shall be used to maintain a
longitudinal database to support the assessment of the impact of
policies and programs on Ohio's education and workforce
development systems. The research efforts supported by this
appropriation item shall be used to supply information and
analysis of data to and in consultation with the General Assembly
and other state policymakers, including the Office of Budget and
Management and the Legislative Service Commission.

Of the foregoing appropriation item, 200424, Policy Analysis,
a portion may be used by the Department to support the development
and implementation of an evidence-based clearinghouse to support
school improvement strategies as part of the Every Student
Succeeds Act.

The Department may use funding from this appropriation item
to purchase or contract for the development of software systems or
contract for policy studies that will assist in the provision and
analysis of policy-related information. Funding from this
appropriation item also may be used to monitor and enhance quality assurance for research-based policy analysis and program evaluation to enhance the effective use of education information to inform education policymakers.

Section 265.70. OHIO EDUCATIONAL COMPUTER NETWORK

The foregoing appropriation item 200426, Ohio Educational Computer Network, shall be used by the Department of Education to maintain a system of information technology throughout Ohio and to provide technical assistance for such a system in support of the P-16 State Education Technology Plan developed under section 3353.09 of the Revised Code.

Of the foregoing appropriation item 200426, Ohio Educational Computer Network, up to $10,000,000 in each fiscal year shall be used by the Department to support connection of all public school buildings and participating chartered nonpublic schools to the state's education network, to each other, and to the Internet. In each fiscal year, the Department shall use these funds to assist information technology centers or school districts with the operational costs associated with this connectivity. The Department shall develop a formula and guidelines for the distribution of these funds to information technology centers or individual school districts. As used in this section, "public school building" means a school building of any city, local, exempted village, or joint vocational school district, any community school established under Chapter 3314. of the Revised Code, any college preparatory boarding school established under Chapter 3328. of the Revised Code, any STEM school established under Chapter 3326. of the Revised Code, any educational service center building used for instructional purposes, the Ohio School for the Deaf and the Ohio School for the Blind, high schools chartered by the Ohio Department of Youth Services, or high
schools operated by Ohio Department of Rehabilitation and Corrections' Ohio Central School System.

Of the foregoing appropriation item 200426, Ohio Educational Computer Network, up to $5,000,000 in each fiscal year shall be used, through a formula and guidelines devised by the Department, to support the activities of designated information technology centers, as defined by State Board of Education rules, to provide school districts and chartered nonpublic schools with computer-based student and teacher instructional and administrative information services, including approved computerized financial accounting, to ensure the effective operation of local automated administrative and instructional systems, and to monitor and support the quality of data submitted to the Department.

The remainder of appropriation item 200426, Ohio Educational Computer Network, shall be used to support the work of the development, maintenance, and operation of a network of uniform and compatible computer-based information and instructional systems as well as the teacher student linkage/roster verification process and the eTranscript/student records exchange initiative. This technical assistance shall include, but not be restricted to, development and maintenance of adequate computer software systems to support network activities. In order to improve the efficiency of network activities, the Department and information technology centers may jointly purchase equipment, materials, and services from funds provided under this appropriation for use by the network and, when considered practical by the Department, may utilize the services of appropriate state purchasing agencies.

Section 265.80. ACADEMIC STANDARDS

The foregoing appropriation item 200427, Academic Standards, shall be used by the Department of Education to develop and
communicate to school districts academic content standards and
curriculum models and to develop professional development programs
and other tools on the new content standards and model curriculum.

Section 265.90. STUDENT ASSESSMENT

Of the foregoing appropriation item 200437, Student
Assessment, up to $2,760,000 in each fiscal year may be used to
support the assessments required under section 3301.0715 of the
Revised Code.

The remainder of appropriation item 200437, Student
Assessment, shall be used to develop, field test, print,
distribute, score, report results, and support other associated
costs for the tests required under sections 3301.0710, 3301.0711,
and 3301.0712 of the Revised Code and for similar purposes as
required by section 3301.27 of the Revised Code. The funds may
also be used to update and develop diagnostic assessments
administered under sections 3301.079, 3301.0715, and 3313.608 of
the Revised Code.

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT
ASSESSMENT

In fiscal year 2018 and fiscal year 2019, if the
Superintendent of Public Instruction determines that additional
funds are needed to fully fund the requirements of sections
3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code
and this act for assessments of student performance, the
Superintendent may recommend the reallocation of unexpended and
unencumbered General Revenue Fund appropriations within the
Department of Education to appropriation item 200437, Student
Assessment, to the Director of Budget and Management. If the
Director determines that such a reallocation is required, the
Director may transfer unexpended and unencumbered appropriations
within the Department of Education as necessary to appropriation
item 200437, Student Assessment.

**Section 265.100. ACCOUNTABILITY/REPORT CARDS**

Of the foregoing appropriation item 200439, Accountability/Report Cards, a portion in each fiscal year may be used to train district and regional specialists and district educators in the use of the value-added progress dimension and in the use of data as it relates to improving student achievement. This training may include teacher and administrator professional development in the use of data to improve instruction and student learning, and teacher and administrator training in understanding teacher value-added reports and how they can be used as a component in measuring teacher and administrator effectiveness. A portion of this funding may be provided to a credible nonprofit organization with expertise in value-added progress dimensions.

The remainder of appropriation item 200439, Accountability/Report Cards, shall be used by the Department of Education to incorporate a statewide value-added progress dimension into performance ratings for school districts and for the development of an accountability system that includes the preparation and distribution of school report cards, funding and expenditure accountability reports under sections 3302.03 and 3302.031 of the Revised Code, the development and maintenance of teacher value-added reports, the teacher student linkage/roster verification process, and the performance management section of the Department's web site required by section 3302.26 of the Revised Code.

**CHILD CARE LICENSING**

The foregoing appropriation item 200442, Child Care Licensing, shall be used by the Department of Education to license and to inspect preschool and school-age child care programs under sections 3301.52 to 3301.59 of the Revised Code.
Section 265.110. EDUCATION MANAGEMENT INFORMATION SYSTEM

The foregoing appropriation item 200446, Education Management Information System, shall be used by the Department of Education to improve the Education Management Information System (EMIS).

Of the foregoing appropriation item 200446, Education Management Information System, up to $725,000 in each fiscal year shall be distributed to designated information technology centers for costs relating to processing, storing, and transferring data for the effective operation of the EMIS. These costs may include, but are not limited to, personnel, hardware, software development, communications connectivity, professional development, and support services, and to provide services to participate in the State Education Technology Plan developed under section 3353.09 of the Revised Code.

Of the foregoing appropriation item 200446, Education Management Information System, up to $400,000 in each fiscal year shall be used to support grants to information technology centers to provide professional development opportunities to district and school personnel related to the EMIS, with a focus placed on data submission and data quality.

The remainder of appropriation item 200446, Education Management Information System, shall be used to develop and support the data definitions and standards adopted by the Education Management Information System Advisory Board, including the ongoing development and maintenance of the data dictionary and data warehouse. In addition, such funds shall be used to support the development and implementation of data standards; the design, development, and implementation of a new data exchange system; and responsibilities related to the school report cards prescribed by section 3302.03 of the Revised Code and value-added progress dimension calculations.
Any provider of software meeting the standards approved by the Education Management Information System Advisory Board shall be designated as an approved vendor and may enter into contracts with local school districts, community schools, STEMS schools, information technology centers, or other educational entities for the purpose of collecting and managing data required under Ohio's education management information system (EMIS) laws. On an annual basis, the Department shall convene an advisory group of school districts, community schools, and other education-related entities to review EMIS data definitions and data format standards. The advisory group shall recommend changes and enhancements based upon surveys of its members, education agencies in other states, and current industry practices, to reflect best practices, align with federal initiatives, and meet the needs of school districts.

School districts, STEM schools, and community schools not implementing a uniform set of data definitions and data format standards for EMIS purposes shall have all EMIS funding withheld until they are in compliance.

Section 265.120. EDUCATOR PREPARATION

Of the foregoing appropriation item 200448, Educator Preparation, up to $500,000 in each fiscal year may be used by the Department of Education to monitor and support Ohio's State System of Support, as defined by the Every Student Succeeds Act.

Of the foregoing appropriation item 200448, Educator Preparation, up to $100,000 in each fiscal year may be used by the Department to support the Educator Standards Board under section 3319.61 of the Revised Code and reforms under sections 3302.042, 3302.06 through 3302.068, 3302.12, 3302.20 through 3302.22, and 3319.58 of the Revised Code.

The remainder of the foregoing appropriation item 200448, Educator Preparation, may be used for implementation of teacher
and principal evaluation systems, including incorporation of student growth as a metric in those systems, and teacher value-added reports.

Section 265.130. COMMUNITY SCHOOLS AND CHOICE PROGRAMS

The foregoing appropriation item 200455, Community Schools and Choice Programs, may be used by the Department of Education for operation of the school choice programs.

Of the foregoing appropriation item 200455, Community Schools and Choice Programs, a portion in each fiscal year may be used by the Department for developing and conducting training sessions for community schools and sponsors and prospective sponsors of community schools as prescribed in division (A)(1) of section 3314.015 of the Revised Code, and other schools participating in school choice programs.

Section 265.140. EDUCATION TECHNOLOGY RESOURCES

Of the foregoing appropriation item 200465, Education Technology Resources, up to $1,443,572 in each fiscal year shall be used for the Union Catalog and InfOhio Network and to support the provision of electronic resources with priority given to resources that support the teaching of state academic content standards in all public schools. Consideration shall be given by the Department of Education to coordinating the allocation of these moneys with the efforts of Libraries Connect Ohio, whose members include OhioLINK, the Ohio Public Information Network, and the State Library of Ohio.

Of the foregoing appropriation item 200465, Education Technology Resources, up to $1,027,176 in each fiscal year shall be used by the Department to provide grants to educational television stations working with partner education technology centers to provide Ohio public schools with instructional
resources and services, with priority given to resources and services aligned with state academic content standards. Such resources and services shall be based upon the advice and approval of the Department, based on a formula developed in consultation with Ohio's educational television stations and educational technology centers.

The remainder of the foregoing appropriation item 200465, Education Technology Resources, may be used to support the training, technical support, and guidance to school districts and public libraries in applying for federal E-Rate funds; for oversight and guidance of school district technology plans; and for support to district technology personnel. Funds may also be used to support the eTranscript/student records exchange initiative between the Department of Education and the Department of Higher Education and the internet safety training for students, teachers, and administrators required under the "Protecting Children in the 21st Century Act," Pub. L. No. 110-385, 122 Stat. 4096 (2008).

Section 265.150. PUPIL TRANSPORTATION

Of the foregoing appropriation item 200502, Pupil Transportation, up to $838,930 in each fiscal year may be used by the Department of Education for training prospective and experienced school bus drivers in accordance with training programs prescribed by the Department.

Of the foregoing appropriation item 200502, Pupil Transportation, up to $60,469,220 in each fiscal year may be used by the Department for special education transportation reimbursements to school districts and county DD boards for transportation operating costs as provided in divisions (C) and (F) of section 3317.024 of the Revised Code.

Of the foregoing appropriation item 200502, Pupil Transportation, up to $60,469,220 in each fiscal year may be used by the Department for special education transportation reimbursements to school districts and county DD boards for transportation operating costs as provided in divisions (C) and (F) of section 3317.024 of the Revised Code.
Transportation, up to $2,500,000 in each fiscal year may be used by the Department to reimburse school districts that make payments to parents in lieu of transportation under section 3327.02 of the Revised Code and whose transportation is not funded under division (C) of section 3317.024 of the Revised Code. If the parent, guardian, or other person in charge of a pupil accepts the offer of payment in lieu of providing transportation, the school district shall pay that parent, guardian, or other person an amount that shall be not less than $250 and not more than the amount determined by the Department as the average cost of pupil transportation for the previous school year. Payment may be prorated if the time period involved is only a part of the school year.

The remainder of the foregoing appropriation item 200502, Pupil Transportation, shall be used to distribute the amounts calculated for transportation aid under divisions (E), (F), and (G) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code.

Section 265.160. SCHOOL LUNCH MATCH

The foregoing appropriation item 200505, School Lunch Match, shall be used to provide matching funds to obtain federal funds for the school lunch program.

Any remaining appropriation after providing matching funds for the school lunch program may be used to partially reimburse school buildings within school districts that are required to have a school breakfast program under section 3313.813 of the Revised Code, at a rate decided by the Department.

Section 265.170. AUXILIARY SERVICES

Of the foregoing appropriation item 200511, Auxiliary Services, up to $2,600,000 in each fiscal year may be used for...
payment of the College Credit Plus Program for nonpublic secondary school participants. The Department of Education shall distribute these funds according to rule 3333-1-65.8 of the Administrative Code, adopted by the Department of Higher Education pursuant to division (A) of section 3365.071 of the Revised Code.

The remainder of the foregoing appropriation item 200511, Auxiliary Services, shall be used by the Department for the purpose of implementing section 3317.06 of the Revised Code. Notwithstanding section 3317.024 of the Revised Code, payments made by the Department for this purpose shall not exceed eight hundred sixty-two dollars per student for each school year.

**Section 265.180. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT**

The foregoing appropriation item 200532, Nonpublic Administrative Cost Reimbursement, shall be used by the Department of Education for the purpose of implementing section 3317.063 of the Revised Code. Notwithstanding section 3317.063 of the Revised Code, payments made by the Department for this purpose shall not exceed three hundred ninety-nine dollars per student for each school year.

**Section 265.190. SPECIAL EDUCATION ENHANCEMENTS**

Of the foregoing appropriation item 200540, Special Education Enhancements, up to $33,000,000 in each fiscal year shall be used to fund special education and related services at county boards of developmental disabilities for eligible students under section 3317.20 of the Revised Code and at institutions for eligible students under section 3317.201 of the Revised Code. If necessary, the Department of Education shall proportionately reduce the amount calculated for each county board of developmental disabilities and institution so as not to exceed the amount appropriated in each fiscal year.
Of the foregoing appropriation item 200540, Special Education Enhancements, up to $1,350,000 in each fiscal year shall be used for parent mentoring programs.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to $3,000,000 in each fiscal year may be used for school psychology interns.

Of the foregoing appropriation item 200540, Special Education Enhancements, the Department shall transfer $3,000,000 in each fiscal year to the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used by the Opportunities for Ohioans with Disabilities Agency as state matching funds to draw down available federal funding for vocational rehabilitation services. Total project funding shall be used to hire dedicated vocational rehabilitation counselors who shall work directly with school districts to provide transition services for students with disabilities. Services shall include vocational rehabilitation services such as person-centered career planning, summer work experiences, job placement, and retention services for mutually eligible students with disabilities.

The Superintendent of Public Instruction and the Executive Director of the Opportunities for Ohioans with Disabilities Agency shall enter into an interagency agreement that shall specify the responsibilities of each agency under the program. Under the interagency agreement, the Opportunities for Ohioans with Disabilities Agency shall retain responsibility for all nondelegable functions, including eligibility and order of selection determination, individualized plan for employment (IPE) approval, IPE amendments, case closure, and release of vendor payments.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to $2,000,000 in each fiscal year shall be used
by the Department of Education to build capacity to deliver a regional system of training, support, coordination, and direct service for secondary transition services for students with disabilities beginning at fourteen years of age. These special education enhancements shall support all students with disabilities, regardless of partner agency eligibility requirements, to provide stand-alone direct secondary transition services by school districts. Secondary transition services shall include, but not be limited to, job exploration counseling, work-based learning experiences, counseling on opportunities for enrollment in comprehensive transition or post-secondary educational programs at institutions of higher education, workplace readiness training to develop occupational skills, social skills and independent living skills, and instruction in self-advocacy. Regional training shall support the expansion of transition to work endorsement opportunities for middle school and secondary level special education intervention specialists in order to develop the necessary skills and competencies to meet the secondary transition needs of students with disabilities beginning at fourteen years of age.

The remainder of appropriation item 200540, Special Education Enhancements, shall be distributed by the Department of Education to school districts and institutions, as defined in section 3323.091 of the Revised Code, for preschool special education funding under section 3317.0213 of the Revised Code.

The Department may reimburse school districts and institutions for services provided by instructional assistants, related services, as defined in rule 3301-51-11 of the Administrative Code, physical therapy services provided by a licensed physical therapist or physical therapist assistant under the supervision of a licensed physical therapist, as required under Chapter 4755. of the Revised Code and Chapter 4755-27 of the
Administrative Code, and occupational therapy services provided by a licensed occupational therapist or occupational therapy assistant under the supervision of a licensed occupational therapist, as required under Chapter 4755. of the Revised Code and Chapter 4755-7 of the Administrative Code. Nothing in this section authorizes occupational therapy assistants or physical therapist assistants to generate or manage their own caseloads.

The Department shall require school districts, educational service centers, county DD boards, and institutions serving preschool children with disabilities to adhere to Ohio's early learning program standards, participate in the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code, and document child progress using research-based indicators prescribed by the Department and report results annually. The reporting dates and method shall be determined by the Department. Effective July 1, 2018, all programs shall be rated through the Step Up to Quality program.

**Section 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS**

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to $1,000,000 in each fiscal year shall be used to support career connections activities. This may include, but shall not be limited to, development and promotion of career pathways.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to $2,563,568 in each fiscal year shall be used to fund secondary career-technical education at institutions, the Ohio School for the Deaf, and the Ohio State School for the Blind using a grant-based methodology, notwithstanding section 3317.05 of the Revised Code.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to $1,872,948 in fiscal year 2018 and
$936,474 in fiscal year 2019 shall be used by the Department of Education to fund competitive grants to tech prep consortia that expand the number of students enrolled in tech prep programs. These grant funds shall be used to directly support expanded tech prep programs provided to students enrolled in school districts, including joint vocational school districts, and affiliated higher education institutions. This support may include the purchase of equipment.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to $3,100,850 in each fiscal year shall be used by the Department to support existing High Schools That Work (HSTW) sites, develop and support new sites, fund technical assistance, and support regional centers and middle school programs. The purpose of HSTW is to combine challenging academic courses and modern career-technical studies to raise the academic achievement of students. HSTW provides intensive technical assistance, focused staff development, targeted assessment services, and ongoing communications and networking opportunities.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to $600,000 in each fiscal year shall be used by the Department to enable students in agricultural programs to enroll in a fifth quarter of instruction based on the agricultural education model of delivering work-based learning through supervised agricultural experience. The Department shall determine eligibility criteria and the reporting process for the Agriculture 5th Quarter Project and shall fund as many programs as possible given the set-aside. The eligibility criteria developed by the Department shall allow these funds to support supervised agricultural experience that occurs anytime outside of the regular school day.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to $550,000 in each fiscal year may be
used to support career planning and reporting through the Ohio Means Jobs web site.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to $1,000,000 in each fiscal year shall be used to support payments to city, local, and exempted village school districts, community schools, STEM schools, and joint vocational school districts whose students earn an industry-recognized credential or receive a journeyman certification recognized by the United States Department of Labor. The educating entity shall be required to inform students enrolled in career-technical education courses that lead to an industry-recognized credential about the opportunity to earn these credentials. The Department of Education shall work with the Department of Higher Education and the Governor's Office of Workforce Transformation to develop a schedule for reimbursement based on the Department of Education's list of industry-recognized credentials, the time it takes to earn the credential, and the cost to obtain the credential. The educating entity shall pay for the cost of the credential for an economically disadvantaged student and may claim and receive reimbursement. The educating entity may claim reimbursement based on the Department of Education's reimbursement schedule up to six months after the student has graduated from high school. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded.

Section 265.210. FOUNDATION FUNDING

Of the foregoing appropriation item 200550, Foundation Funding, up to $40,000,000 in each fiscal year shall be used to provide additional state aid to school districts, joint vocational school districts, community schools, and STEM schools for special education students under division (C)(3) of section 3314.08,
section 3317.0214, division (B) of section 3317.16, and section 3326.34 of the Revised Code, except that the Controlling Board may increase these amounts if presented with such a request from the Department of Education at the final meeting of the fiscal year.

Of the foregoing appropriation item 200550, Foundation Funding, up to $3,800,000 in each fiscal year shall be used to fund gifted education at educational service centers. The Department shall distribute the funding through the unit-based funding methodology in place under division (L) of section 3317.024, division (E) of section 3317.05, and divisions (A), (B), and (C) of section 3317.053 of the Revised Code as they existed prior to fiscal year 2010.

Of the foregoing appropriation item 200550, Foundation Funding, up to $31,000,000 in each fiscal year shall be reserved to fund the state reimbursement of educational service centers under the section of this act entitled "EDUCATIONAL SERVICE CENTERS FUNDING."

Of the foregoing appropriation item 200550, Foundation Funding, up to $10,000,000 in each fiscal year shall be distributed to educational service centers for School Improvement Initiatives and for the provision of technical assistance to schools and districts. The Department may distribute these funds through a competitive grant process.

Of the foregoing appropriation item 200550, Foundation Funding, up to $10,000,000 in each fiscal year shall be reserved for payments under section 3317.028 of the Revised Code. If this amount is not sufficient, the Department shall prorate the payment amounts so that the aggregate amount allocated in this paragraph is not exceeded.

Of the foregoing appropriation item 200550, Foundation Funding, up to $28,600,000 in fiscal year 2018 and up to
$26,400,000 in fiscal year 2019 shall be used to support school choice programs.

Of the portion of the funds distributed to the Cleveland Municipal School District under this section, up to $15,400,000 in fiscal year 2018 and $17,600,000 in fiscal year 2019 shall be used to operate the school choice program in the Cleveland Municipal School District under sections 3313.974 to 3313.979 of the Revised Code. Notwithstanding divisions (B) and (C) of section 3313.978 and division (C) of section 3313.979 of the Revised Code, up to $1,000,000 in each fiscal year of this amount shall be used by the Cleveland Municipal School District to provide tutorial assistance as provided in division (H) of section 3313.974 of the Revised Code. The Cleveland Municipal School District shall report the use of these funds in the district's three-year continuous improvement plan as described in section 3302.04 of the Revised Code in a manner approved by the Department.

Of the foregoing appropriation item 200550, Foundation Funding, up to $1,500,000 in each fiscal year may be used for payment of the College Credit Plus Program for students instructed at home pursuant to section 3321.04 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding, an amount shall be available in each fiscal year to be paid to joint vocational school districts in accordance with division (A) of section 3317.16 of the Revised Code, and the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

Of the foregoing appropriation item 200550, Foundation Funding, up to $700,000 in each fiscal year shall be used by the Department for a program to pay for educational services for youth who have been assigned by a juvenile court or other authorized agency to any of the facilities described in division (A) of the section of this act entitled "PRIVATE TREATMENT FACILITY PROJECT."
Of the foregoing appropriation item 200550, Foundation Funding, a portion may be used to pay college-preparatory boarding schools the per pupil boarding amount pursuant to section 3328.34 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding, up to $2,000,000 in each fiscal year shall be used for the Bright New Leaders for Ohio Schools Program created and implemented by the nonprofit corporation incorporated pursuant to section 3319.271 of the Revised Code, to provide an alternative path for individuals to receive training and development in the administration of primary and secondary education and leadership, enable those individuals to earn degrees and obtain licenses in public school administration, and promote the placement of those individuals in public schools that have a poverty percentage greater than fifty per cent.

Of the foregoing appropriation item 200550, Foundation Funding, up to $2,000,000 in each fiscal year may be used by the Department for duties and activities related to the establishment of academic distress commissions under section 3302.10 of the Revised Code. A portion of the funds may be used as matching funds for any monetary contributions made by a school district for which an academic distress commission is established or by the district's local community to support innovative education programs or a high-quality school accelerator as provided for in section 3302.10 of the Revised Code.

The remainder of appropriation item 200550, Foundation Funding, shall be used to distribute the amounts calculated for...
formula aid under section 3317.022 of the Revised Code and the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

Appropriation items 200502, Pupil Transportation, 200540, Special Education Enhancements, and 200550, Foundation Funding, other than specific set-asides, are collectively used in each fiscal year to pay state formula aid obligations for school districts, community schools, STEM schools, college preparatory boarding schools, and joint vocational school districts under this act. The first priority of these appropriation items, with the exception of specific set-asides, is to fund state formula aid obligations. It may be necessary to reallocate funds among these appropriation items or use excess funds from other general revenue fund appropriation items in the Department of Education's budget in each fiscal year in order to meet state formula aid obligations. If it is determined that it is necessary to transfer funds among these appropriation items or to transfer funds from other General Revenue Fund appropriations in the Department's budget to meet state formula aid obligations, the Superintendent of Public Instruction shall seek approval from the Director of Budget and Management to transfer funds as needed.

The Superintendent of Public Instruction shall make payments, transfers, and deductions, as authorized by Title XXXIII of the Revised Code in amounts substantially equal to those made in the prior year, or otherwise, at the discretion of the Superintendent, until at least the effective date of the amendments and enactments made to Title XXXIII by this act. Any funds paid to districts or schools under this section shall be credited toward the annual funds calculated for the district or school after the changes made to Title XXXIII in this act are effective. Upon the effective date of changes made to Title XXXIII in this act, funds shall be calculated as an annual amount.
Section 265.220. TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS

(A) The Department of Education shall distribute funds within appropriation item 200550, Foundation Funding, for temporary transitional aid in each fiscal year to each qualifying city, local, and exempted village school district.

(1) For fiscal years 2018 and 2019, the Department shall pay temporary transitional aid to each city, local, and exempted village school district according to the following formula:

\[(\text{The district's transitional aid guarantee base} \times \text{the district's transitional aid guarantee base percentage}) - \text{the district's foundation funding for the guarantee}\]

If the computation made under this division results in a negative number, the district's funding under this division shall be zero.

(2) As used in this section, "foundation funding for the guarantee" for each city, local, and exempted village school district, for fiscal year 2018, equals the sum of the following amounts for that fiscal year:

(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;

(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;

(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;

(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;

(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;

(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;

(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;

(i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;

(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code.

(3) As used in this section, "foundation funding for the guarantee" for each city, local, and exempted village school district, for fiscal year 2019, equals the sum of the following amounts for that fiscal year:

(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;

(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;

(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;

(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;

(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;

(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;

(g) Gifted identification and unit funds under division
(A)(7) of section 3317.022 of the Revised Code;

(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;

(i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;

(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code.

(4) As used in this section, the "transitional aid guarantee base" for each city, local, and exempted village school district, for fiscal year 2018, equals the sum of the following amounts computed for the district for fiscal year 2017 after any reductions made for fiscal year 2017 under division (B) of Section 263.230 of Am. Sub. H.B. 64 of the 131st General Assembly:

(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;

(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;

(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;

(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;

(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;

(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;

(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;
(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;

(i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;

(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;

(k) Temporary transitional aid under division (A) of Section 263.230 of Am. Sub. H.B. 64 of the 131st General Assembly.

(5) As used in this section, the "transitional aid guarantee base" for each city, local, and exempted village school district, for fiscal year 2019, equals the transitional aid guarantee base for fiscal year 2018 computed for the district pursuant to division (A)(4) of this section.

(6) The "transitional aid guarantee base percentage" for each city, local, and exempted village school district, for fiscal years 2018 and 2019, shall be computed as follows:

(a) Calculate each district's total ADM percentage change in accordance with the following formula:

\[
\text{(The district's total ADM for fiscal year 2016 / the district's total ADM for fiscal year 2011)} - 1
\]

(b) Determine the district's transitional aid guarantee base percentage as follows:

(i) If the district's total ADM percentage change calculated in division (A)(6)(a) of this section equals a decrease of ten per cent or more, then the district's transitional aid guarantee base percentage shall be equal to ninety-five per cent.

(ii) If the district's total ADM percentage change calculated in division (A)(6)(a) of this section equals a decrease of less than ten per cent but more than five per cent, then the district's
transitional aid guarantee base percentage shall be equal to the
district's total ADM percentage change calculated in division
(A)(6)(a) of this section plus one hundred five per cent.

(iii) If the district's total ADM percentage change
calculated in division (A)(6)(a) of this section equals a decrease
of five per cent or less, no change, or an increase of any amount,
then the district's transitional aid guarantee base percentage
shall be equal to one hundred per cent.

(7) The Department of Education shall adjust, as necessary,
the transitional aid guarantee base of any local school district
that participates in the establishment of a joint vocational
school district that begins receiving payments under section
3317.16 of the Revised Code for fiscal year 2018 or fiscal year
2019 but does not receive payments for the prior fiscal year. The
Department shall adjust any such local school district's guarantee
base according to the amounts received by the district in the
prior fiscal year for career-technical education students who
attend the newly established joint vocational school district.

(B)(1) Notwithstanding section 3317.022 of the Revised Code,
in fiscal years 2018 and 2019, no city, local, or exempted village
school district shall be allocated foundation funding subject to
the limitation for the current fiscal year that is greater than
1.05 times the district's limitation base for the current fiscal
year.

(2) As used in this section, "foundation funding subject to
the limitation" for each city, local, and exempted village school
district, for fiscal year 2018, equals the sum of the following
amounts for that fiscal year:

(a) The opportunity grant under division (A)(1) of section
3317.022 of the Revised Code;

(b) Targeted assistance funds under division (A)(2) of
section 3317.022 of the Revised Code;

   (c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;

   (d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;

   (e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;

   (f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;

   (g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;

   (h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;

   (i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;

   (j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;

   (k) Temporary transitional aid under division (A) of this section.

(3) As used in this section, "foundation funding subject to the limitation" for each city, local, and exempted village school district, for fiscal year 2019, equals the sum of the following amounts for that fiscal year:

   (a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;

   (b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;

(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;

(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;

(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;

(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;

(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;

(i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;

(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;

(k) Temporary transitional aid under division (A) of this section.

(4) As used in this section, the "limitation base" for each city, local, and exempted village school district, for fiscal year 2018, equals the sum of the following amounts computed for the district for fiscal year 2017 after any reductions made for fiscal year 2017 under division (B) of Section 263.230 of Am. Sub. H.B. 64 of the 131st General Assembly:

(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;

(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;

(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;

(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;

(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;

(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;

(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;

(i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;

(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;

(k) Temporary transitional aid under division (A) of Section 263.230 of Am. Sub. H.B. 64 of the 131st General Assembly.

(5) As used in this section, the "limitation base" for each city, local, and exempted village school district, for fiscal year 2019, equals the sum of the following amounts computed for the district for fiscal year 2018 after any reductions made for fiscal year 2018 under division (B) of this section:

(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;

(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;

(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;

(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;

(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;

(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;

(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;

(i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;

(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;

(k) Temporary transitional aid under division (A) of this section.

(6) The Department of Education shall adjust, as necessary, the limitation base of any local school district that participates in the establishment of a joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code for fiscal year 2018 or fiscal year 2019 but does not receive such payments for the prior fiscal year. The Department shall adjust any such local school district's limitation base according to the amounts received by the district in the prior fiscal year for career-technical education students who attend the newly established joint vocational school district.
(7) For fiscal year 2018 and fiscal year 2019, the Department shall reduce a district's payments under divisions (A)(1), (2), (4), (5), (6), (7), and (10) of section 3317.022 of the Revised Code proportionately as necessary in order to comply with this division. If those amounts are insufficient, the Department shall proportionately reduce a district's payments under division (A)(3) of section 3317.022 of the Revised Code and divisions (E), (F), and (G) of section 3317.0212 of the Revised Code.

Section 265.230. TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS

(A) The Department of Education shall distribute funds within appropriation item 200550, Foundation Funding, for temporary transitional aid in each fiscal year to each qualifying joint vocational school district.

(1) For fiscal years 2018 and 2019, the Department shall pay temporary transitional aid to each joint vocational school district according to the following formula:

\[(\text{district's transitional aid guarantee base} \times \text{district's transitional aid guarantee base percentage}) - \text{district's foundation funding for the guarantee}\]

If the computation made under this division results in a negative number, the district's funding under this division shall be zero.

(2) As used in this section, "foundation funding for the guarantee" for each joint vocational school district, for fiscal year 2018, equals the sum of the following amounts for that fiscal year:

(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;

(b) Additional state aid for special education and related
services under division (A)(2) of section 3317.16 of the Revised Code;

(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;

(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code.

(3) As used in this section, "foundation funding for the guarantee" for each joint vocational school district, for fiscal year 2019, equals the sum of the following amounts for that fiscal year:

(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;

(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;

(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;

(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code.

(4) As used in this section, the "transitional aid guarantee base" for each joint vocational school district, for fiscal year 2018, equals the sum of the following amounts computed for the district for fiscal year 2017 after any reductions made for fiscal year 2017 under division (B) of Section 263.240 of Am. Sub. H.B. 64 of the 131st General Assembly:

(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;

(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;
(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;

(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;

(e) Temporary transitional aid under division (A) of Section 263.240 of Am. Sub. H.B. 64 of the 131st General Assembly.

(5) As used in this section, the "transitional aid guarantee base" for each joint vocational school district, for fiscal year 2019, equals the transitional aid guarantee base for fiscal year 2018 computed for the district pursuant to division (A)(4) of this section.

(6) The "transitional aid guarantee base percentage" for a joint vocational school district, for fiscal year 2018 and fiscal year 2019, shall be computed as follows:

(a) Calculate each district's formula ADM percentage change in accordance with the following formula:

\[
\text{Percentage Change} = \frac{\text{District's formula ADM for fiscal year } 2016}{\text{District's formula ADM for fiscal year } 2011} - 1
\]

(b) Determine the district's transitional aid guarantee base percentage as follows:

(i) If the district's formula ADM percentage change calculated in division (A)(6)(a) of this section equals a decrease of ten per cent or more, then the district's transitional aid guarantee base percentage shall be equal to ninety-five per cent.

(ii) If the district's formula ADM percentage change calculated in division (A)(6)(a) of this section equals a decrease of less than ten per cent but more than five per cent, then the district's transitional aid guarantee base percentage shall be equal to the district's formula ADM percentage change calculated in division (A)(6)(a) of this section plus one hundred five per
(iii) If the district's formula ADM percentage change calculated in division (A)(6)(a) of this section equals a decrease of five per cent or less, no change, or an increase of any amount, then the district's transitional aid guarantee base percentage shall be equal to one hundred per cent.

(7) The Department of Education shall establish, as necessary, the transitional aid guarantee base of any joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code for fiscal year 2018 or fiscal year 2019 but does not receive such payments for the prior fiscal year. The Department shall establish any such joint vocational school district's guarantee base as an amount equal to the absolute value of the sum of the associated adjustments of any local school district's guarantee bases under division (A)(7) of the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

(B)(1) Notwithstanding division (A) of section 3317.16 of the Revised Code in fiscal years 2018 and 2019, no joint vocational school district shall be allocated foundation funding subject to the limitation for the current fiscal year that is greater than 1.05 times the district's limitation base for the current fiscal year.

(2) As used in this section, "foundation funding subject to the limitation" for each joint vocational school district, for fiscal year 2018, equals the sum of the following amounts for that fiscal year:

(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;

(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;
Code;

(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;

(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;

(e) Temporary transitional aid under division (A) of this section.

(3) As used in this section, "foundation funding subject to the limitation" for each joint vocational school district, for fiscal year 2019, equals the sum of the following amounts for that fiscal year:

(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;

(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;

(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;

(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;

(e) Temporary transitional aid under division (A) of this section.

(4) As used in this section, the "limitation base" for each joint vocational school district, for fiscal year 2018, equals the sum of the following amounts computed for the district for fiscal year 2017 after any reductions made for fiscal year 2017 under division (B) of Section 263.240 of Am. Sub. H.B. 64 of the 131st General Assembly:

(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;
(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;

(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;

(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;

(e) Temporary transitional aid under division (A) of Section 263.240 of Am. Sub. H.B. 64 of the 131st General Assembly.

(5) As used in this section, the "limitation base" for each joint vocational school district, for fiscal year 2019, equals the sum of the following amounts computed for the district for fiscal year 2018 after any reductions made for fiscal year 2018 under division (B) of this section:

(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;

(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;

(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;

(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;

(e) Temporary transitional aid under division (A) of this section.

(6) The Department of Education shall establish, as necessary, the limitation base of any joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code for fiscal year 2018 or fiscal year 2019 but does not receive such payments for the prior fiscal year. The
Department shall establish any such joint vocational school district's limitation base as an amount equal to the absolute value of the sum of the associated adjustments of any local school district's limitation base under division (B)(6) of the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

(7) For fiscal year 2018 and fiscal year 2019, the Department shall reduce a district's payments under divisions (A)(1), (3), and (4) of section 3317.16 of the Revised Code proportionately as necessary in order to comply with this division. If those amounts are insufficient, the Department shall proportionately reduce a district's payments under division (A)(2) of section 3317.16 of the Revised Code.

**Section 265.240. LITERACY IMPROVEMENT**

The foregoing appropriation item 200566, Literacy Improvement, shall be used by the Department of Education to support early literacy activities to align state, local, and federal efforts in order to bolster all students' reading success. Funds shall be distributed to educational service centers to establish and support regional literacy professional development teams. A portion of the funds may be used by the Department for program administration, monitoring, technical assistance, support, research, and evaluation.

**Section 265.250. ADULT EDUCATION PROGRAMS**

The foregoing appropriation item 200572, Adult Education Programs, shall be used in each fiscal year to make payments to institutions participating in the Adult Diploma Pilot Program under section 3313.902 of the Revised Code; to make payments under sections 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised Code; and to pay career-technical planning districts for the
amounts reimbursed to students, as prescribed in this section.

Each career-technical planning district shall reimburse individuals taking a nationally recognized high school equivalency examination approved by the Department of Education for the first time for application fees, examination fees, or both, in excess of $40, up to a maximum reimbursement per individual of $80. Each career-technical planning district shall designate a site or sites where individuals may register and take an approved examination. For each individual who registers for an approved examination, the career-technical planning district shall make available and offer career counseling services, including information on adult education programs that are available. A portion of the appropriation item may be reimbursed to the Department of Youth Services and the Department of Rehabilitation and Correction for individuals in these facilities who have taken an approved examination for the first time. The amounts reimbursed shall not exceed the per-individual amounts reimbursed to other individuals under this section for an approved examination.

Notwithstanding any provision of law to the contrary, the unexpended balance of appropriations for payments under section 3313.902 of the Revised Code at the end of each fiscal year may be encumbered by the Department of Education and remain available for payment for a period not to exceed two years from the end of each fiscal year in which the funds were originally appropriated, in accordance with guidelines established by the Superintendent of Public Instruction.

Of the foregoing appropriation item 200572, Adult Education Programs, a portion may be used for program administration, technical assistance, support, research, and evaluation of adult education programs, including high school equivalency examinations approved by the Department of Education.
Section 265.260. EDCHOICE EXPANSION

The foregoing appropriation item 200573, EdChoice Expansion, shall be used to provide for the scholarships awarded under the expansion of the educational choice program established under section 3310.032 of the Revised Code. The number of scholarships awarded under the expansion of the educational choice program shall not exceed the number that can be funded with the appropriations made by the General Assembly for this purpose.

Notwithstanding section 3310.16 of the Revised Code, as it existed prior to the amendment of that section by this act, if the scholarships awarded under section 3310.032 of the Revised Code in the first application period for the 2017-2018 school year use the entirety of the amount appropriated by the General Assembly for such scholarships for that school year, the Department of Education need not conduct a second application period for scholarships under that section. If, after the first application period, there are funds remaining to award scholarships under section 3310.032 of the Revised Code, the Department shall conduct a second application period in accordance with section 3310.16 of the Revised Code.

HALF-MILL MAINTENANCE EQUALIZATION

The foregoing appropriation item 200574, Half-Mill Maintenance Equalization, shall be used to make payments pursuant to section 3318.18 of the Revised Code.

Section 265.270. EDUCATION PROGRAM SUPPORT

The foregoing appropriation item 200597, Education Program Support, shall be distributed to Teach For America to increase recruitment of potential corps members at select Ohio universities, train and develop first-year and second-year teachers in the Teach for America program in Ohio, and expand
alumni support and networking within the state.

Section 265.280. MEDICAID IN SCHOOLS PROGRAM

The foregoing appropriation item, 657401, Medicaid in Schools Program, shall be used by the Department of Education to support the Medicaid in Schools Program.

Section 265.290. HIGH SCHOOL EQUIVALENCY

The foregoing appropriation item 200610, High School Equivalency, shall be used in conjunction with appropriation item 200572, Adult Education Programs.

Section 265.300. TEACHER CERTIFICATION AND LICENSURE

The foregoing appropriation item 200681, Teacher Certification and Licensure, shall be used by the Department of Education in each year of the biennium to administer and support teacher certification and licensure activities. Notwithstanding section 3319.51 of the Revised Code, a portion of the foregoing appropriation may also be used for implementation of teacher and principal evaluation systems, including incorporation of student growth as a metric in those systems, and teacher value-added reports.

Section 265.310. AUXILIARY SERVICES REIMBURSEMENT

Notwithstanding section 3317.064 of the Revised Code, if the unexpended, unencumbered cash balance is sufficient, the Treasurer of State shall remit $1,500,000 in fiscal year 2018 within thirty days after the effective date of this section, and $1,500,000 in fiscal year 2019 by August 1, 2018, from the Auxiliary Services Personnel Unemployment Compensation Fund to the Auxiliary Services Reimbursement Fund (Fund 5980) used by the Department of Education.
Section 265.320. SCHOOL DISTRICT SOLVENCY ASSISTANCE

(A) Of the foregoing appropriation item 200687, School District Solvency Assistance, $5,000,000 in each fiscal year shall be allocated to the School District Shared Resource Account and $5,000,000 in each fiscal year shall be allocated to the Catastrophic Expenditures Account. These funds shall be used to provide assistance and grants to school districts to enable them to remain solvent under section 3316.20 of the Revised Code. Assistance and grants shall be subject to approval by the Controlling Board. Except as provided under division (C) of this section, any required reimbursements from school districts for solvency assistance shall be made to the appropriate account in the School District Solvency Assistance Fund (Fund 5H30).

(B) Notwithstanding any provision of law to the contrary, upon the request of the Superintendent of Public Instruction, the Director of Budget and Management may make transfers to the School District Solvency Assistance Fund (Fund 5H30) from any fund used by the Department of Education or the General Revenue Fund to maintain sufficient cash balances in Fund 5H30 in fiscal years 2018 and 2019. Any cash transferred is hereby appropriated. The transferred cash may be used by the Department to provide assistance and grants to school districts to enable them to remain solvent and to pay unforeseeable expenses of a temporary or emergency nature that the school district is unable to pay from existing resources. The Director shall notify the members of the Controlling Board of any such transfers.

(C) If the cash balance of the School District Solvency Assistance Fund (Fund 5H30) is insufficient to pay solvency assistance in fiscal years 2018 and 2019, at the request of the Superintendent of Public Instruction, and with the approval of the Controlling Board, the Director of Budget and Management may
transfer cash from the Lottery Profits Education Reserve Fund (Fund 7018) to Fund 5H30 to provide assistance and grants to school districts to enable them to remain solvent and to pay unforeseeable expenses of a temporary nature that they are unable to pay from existing resources under section 3316.20 of the Revised Code. Such transfers are hereby appropriated to appropriation item 200670, School District Solvency Assistance – Lottery. Any required reimbursements from school districts for solvency assistance granted from appropriation item 200670, School District Solvency Assistance – Lottery, shall be made to Fund 7018.

Section 265.330. LOTTERY PROFITS EDUCATION FUND

Appropriation item 200612, Foundation Funding (Fund 7017), shall be used in conjunction with appropriation item 200550, Foundation Funding (GRF), to provide state foundation payments to school districts.

The Department of Education, with the approval of the Director of Budget and Management, shall determine the monthly distribution schedules of appropriation item 200550, Foundation Funding (GRF), and appropriation item 200612, Foundation Funding (Fund 7017). If adjustments to the monthly distribution schedule are necessary, the Department shall make such adjustments with the approval of the Director.

COMMUNITY CONNECTORS PROGRAM

The foregoing appropriation item 200629, Community Connectors, shall be used by the Superintendent of Public Instruction to create the Community Connectors Grant Program. The Superintendent shall develop guidelines for the grants. The program shall award competitive matching grants to provide funding for local networks of volunteers and organizations to sponsor career advising and mentoring for students in eligible school
districts. Each grant award shall match up to three times the funds allocated to the project by the local network. Eligible school districts are those with a high percentage of students in poverty, a high number of students not graduating on time, and other criteria as determined by the Superintendent. Eligible school districts shall partner with members of the business community, civic organizations, or the faith-based community to provide sustainable career advising and mentoring services. Upon the request of the Superintendent of Public Instruction and the approval of the Director of Budget and Management, an amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 200629, Community Connectors, at the end of fiscal year 2018 is hereby reappropriated to the Department for the same purpose for fiscal year 2019.

Notwithstanding any provision of law to the contrary, grants awarded under this section may be used by grant recipients for grant-related expenses for a period not to exceed three years from the date of the award, according to guidelines established by the Superintendent.

STRAIGHT A FUND

The foregoing appropriation item 200648, Straight A Fund, shall be used by the Department to make competitive grants in accordance with the section of this act entitled "STRAIGHT A PROGRAM."

COMMUNITY SCHOOL FACILITIES

The foregoing appropriation item 200684, Community School Facilities, shall be used to pay each community school established under Chapter 3314. of the Revised Code and each STEM school established under Chapter 3326. of the Revised Code an amount equal to $25 in each fiscal year for each full-time equivalent pupil in an internet- or computer-based community school and $200
in each fiscal year for each full-time equivalent pupil in all other community or STEM schools for assistance with the cost associated with facilities. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded.

Section 265.340. STRAIGHT A PROGRAM

(A) The Straight A Program is hereby created for fiscal years 2018 and 2019 to provide grants to city, local, exempted village, and joint vocational school districts, educational service centers, community schools established under Chapter 3314., STEM schools established under Chapter 3326., college-preparatory boarding schools established under Chapter 3328. of the Revised Code, individual school buildings, education consortia (which may represent a partnership among school districts, school buildings, community schools, STEM schools, educational service centers, county boards of developmental disabilities that provide special education and related services to children with disabilities, businesses, nonprofit organizations, or innovation incubators), institutions of higher education, and private or governmental entities partnering with one or more of the educational entities identified in this division for projects that aim to achieve significant advancement in one or more of the following goals:

(1) Increased student achievement or, in the case of an educational service center, increased student achievement in the educational service center's client school districts or other schools or school districts that are members of the consortium;

(2) Spending reduction in the five-year fiscal forecast required under section 5705.391 of the Revised Code or positive performance on other fiscal measures established by the governing board created under division (B)(1) of this section for the purpose of redirecting the cost savings to support educational
programming;

(3) Use of a shared services delivery model that demonstrates increased efficiency and effectiveness, long-term sustainability, and scalability.

(B)(1) Grants shall be awarded by a nine-member governing board consisting of the Superintendent of Public Instruction, or the Superintendent's designee, four members appointed by the Governor, two members appointed by the Speaker of the House of Representatives, and two members appointed by the President of the Senate. The Department of Education shall provide administrative support to the board. No member shall be compensated for the member's service on the board.

(2) The board shall select grant advisors with fiscal expertise and education expertise. These advisors shall evaluate proposals from grant applicants and advise the staff administering the program. No advisor shall be compensated for this service.

(3) The board shall issue an annual report to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the chairpersons of the House and Senate committees that primarily deal with education regarding the types of grants awarded, the grant recipients, and the effectiveness of the grant program.

(4) The board shall create a grant application and publish on the Department's web site the application and timeline for the submission, review, notification, and awarding of grant proposals. The board may establish any additional guidelines for applications it considers necessary. The board also shall designate allowable uses of grant funds.

(5) With the approval of the board, the Department of Education shall establish a system for evaluating and scoring the grant applications received under this section.
When determining whether to award grants from among two or more applicants of similar score, as determined by the board, the board shall award grants to applicants that demonstrate cost savings, as reflected in the goal described in division (A)(2) of this section, over applicants that do not demonstrate cost savings.

(C) The board may award the following types of grants to achieve one or more of the goals specified in division (A) of this section:

(1) Innovation grants, which shall be used to implement a new idea or modification to existing processes;

(2) Replication grants, which shall be used to replicate a project implemented by an existing or previous grantee that the board has designated as successful and suitable for replication, in accordance with criteria established by the board.

(D) Each grant applicant shall submit a proposal that includes all of the following:

(1) A description of the project for which the applicant is seeking a grant, including a description of how the project will have substantial value and lasting impact;

(2) An explanation of how the project will be self-sustaining. If the project will result in increased ongoing spending, the applicant shall show how the spending will be offset by verifiable, credible, permanent spending reductions.

(3) A description of quantifiable results of the project that can be benchmarked.

(4) If the project is aimed at achieving the goal described in division (A)(2) of this section, a description of the educational programming that the cost savings obtained from the project will be used to support.
(5) If grant funds will be used to purchase technology, equipment, or other capital assets, an explanation of how the purchase will benefit students and promote their educational success.

If an education consortium described in division (A) of this section applies for a grant, the lead applicant shall be the school district, school building, community school, STEM school, or educational service center that is a member of the consortium and shall so indicate on the grant application. In order for an educational service center to be the lead applicant on a grant application, at least one of the educational service center's client school districts shall also be included on the grant application as a member of the consortium.

(E)(1) The board shall issue a timely decision of "yes," "no," "hold," or "edit" for each application. In making its decision, the board shall consider whether the project has the capability of being replicated in other school districts and schools or creates something that can be used in other districts and schools. A grant awarded under this section shall not exceed $1,000,000.

(2) If the board issues a "hold" or "edit" decision for an application, it shall, upon returning the application to the applicant, specify the process for reconsideration of the application. An applicant may work with the grant advisors and staff to modify or improve a grant application.

(F) Upon deciding to award a grant to an applicant, the board shall enter into a grant agreement with the applicant that includes all of the following:

(1) The content of the applicant's proposal as outlined under division (C) of this section;

(2) The project's deliverables and a timetable for their
(3) Conditions for receiving grant funding, which may include authority for the applicant to use the first year of the grant for planning purposes;

(4) Conditions for receiving funding in future years if the contract is a multi-year contract;

(5) A provision specifying that funding will be returned to the board if the applicant fails to implement the agreement.

(6) A provision specifying that the agreement may be amended by mutual agreement between the board and the applicant;

(7) If determined beneficial by the board, designation of an existing or previous grantee to act as a mentor for the applicant during the first year of the grant. If so designated, the agreement shall require the applicant to pay a portion of the grant to the grantee for serving as a mentor.

(G) Each grant awarded under this section shall be subject to approval by the Controlling Board prior to execution of the grant agreement.

(H) As used in this section, "client school district" has the same meaning as in section 3311.0510 of the Revised Code.

(I) At the discretion of the board, a portion of appropriation item 200648, Straight A Fund, may be used by the Department of Education to administer the Straight A Program.

(J) Notwithstanding any provision of law to the contrary, grants awarded under this section may be used by grant recipients for grant-related expenses incurred for a period not to exceed two years from the date of the award according to guidelines established by the Straight A Fund governing board.
(A) There is hereby created the Lottery Profits Education Reserve Fund (Fund 7018) in the State Treasury. Investment earnings of the Lottery Profits Education Reserve Fund shall be credited to the fund.

(B) Notwithstanding any other provision of law to the contrary, the Director of Budget and Management may transfer cash from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) in fiscal year 2018 and fiscal year 2019.

(C) On July 15, 2017, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded $1,030,000,000 in fiscal year 2017.

(D) On July 15, 2018, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded $1,045,000,000 in fiscal year 2018.

(E) Notwithstanding any provision of law to the contrary, in fiscal year 2018 and fiscal year 2019, the Director of Budget and Management may transfer cash in excess of the amounts necessary to support appropriations in Fund 7017 from that fund to Fund 7018.

Section 265.360. EDUCATIONAL SERVICE CENTERS FUNDING

As used in this section, "high-performing educational service center" means an educational service center designated as such pursuant to rule 3301-105-01 of the Administrative Code.

As used in this section, "student count" means the count calculated under division (G)(1) of section 3313.843 of the Revised Code.

In each fiscal year, the Department of Education shall pay
the governing board of each high-performing educational service center state funds equal to twenty dollars times its student count, and to the governing board of each other center, state funds equal to eighteen dollars times its student count. The Superintendent of Public Instruction shall establish criteria and guidelines regarding the use of funds. Funds shall be used to reduce client school district expenditures and support improvement of student achievement at schools and districts identified by the Department.

If the amount earmarked for the state reimbursement of educational service centers in appropriation item 200550, Foundation Funding, is not sufficient, the Department shall prorate the payment amounts so that the appropriation is not exceeded.

Section 265.370. On July 1, 2017, or as soon as possible thereafter, the Superintendent of Public Instruction shall certify to the Director of Budget and Management the unexpended, unencumbered cash balances of the Neglected and Delinquent Education Fund (Fund 3090), the Advanced Placement Fund (Fund 3EK0), the Miscellaneous Nutrition Grants Fund (Fund 3GF0), the School Climate Transformation Fund (Fund 3GP0), the Project Aware Fund (Fund 3GQ0), the JAVITS Gifted and Talented Students Fund (Fund 3GZ0), and the Head Start Collaboration Project Fund (Fund 3H90). Upon receipt of certification from the Superintendent, the Director may transfer the cash balances of those funds to the Department of Education Federal Education Grants Fund (Fund 3HF0).

Section 265.380. SCHOOL DISTRICT PARTICIPATION IN NATIONAL ASSESSMENT OF EDUCATION PROGRESS

The General Assembly intends for the Superintendent of Public Instruction to provide for school district participation in the
administration of the National Assessment of Education Progress in accordance with section 3301.27 of the Revised Code. Each school and school district selected for participation by the Superintendent shall participate.

Section 265.390. COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH STUDENTS

(A) As used in this section:

(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

(2) "SBH student" means a student receiving special education and related services for severe behavior disabilities pursuant to an IEP.

(B) This section applies only to a community school established under Chapter 3314. of the Revised Code that in each of fiscal years 2018 and 2019 enrolls a number of SBH students equal to at least fifty per cent of the total number of students enrolled in the school in the applicable fiscal year.

(C) In addition to any state foundation payments made, in each of fiscal years 2018 and 2019, the Department of Education shall pay to a community school to which this section applies a subsidy equal to the difference between the aggregate amount calculated and paid in that fiscal year to the community school for special education and related services additional weighted costs for the SBH students enrolled in the school and the aggregate amount that would have been calculated for the school for special education and related services additional weighted costs for those same students in fiscal year 2001. If the difference is a negative number, the amount of the subsidy shall be zero.

(D) The amount of any subsidy paid to a community school
under this section shall not be deducted from the school district
in which any of the students enrolled in the community school are
entitled to attend school under section 3313.64 or 3313.65 of the
Revised Code. The amount of any subsidy paid to a community school
under this section shall be paid from funds appropriated to the
Department in appropriation item 200550, Foundation Funding.

**Section 265.400. EARMARK ACCOUNTABILITY**

At the request of the Superintendent of Public Instruction, any entity that receives a budget earmark under the Department of Education shall submit annually to the chairpersons of the committees of the House of Representatives and the Senate primarily concerned with education and education funding and to the Department a report that includes a description of the services supported by the funds, a description of the results achieved by those services, an analysis of the effectiveness of the program, and an opinion as to the program's applicability to other school districts. For an earmarked entity that received state funds from an earmark in the prior fiscal year, no funds shall be provided by the Department to an earmarked entity for a fiscal year until its report for the prior fiscal year has been submitted.

**Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME**

A community school established under Chapter 3314. of the Revised Code that was open for operation as a community school as of May 1, 2005, may operate from or in any home, as defined in section 3313.64 of the Revised Code, located in the state, regardless of when the community school's operations from or in a particular home began.

**Section 265.420. USE OF VOLUNTEERS**
The Department of Education may utilize the services of volunteers to accomplish any of the purposes of the Department. The Superintendent of Public Instruction shall approve for what purposes volunteers may be used and for these purposes may recruit, train, and oversee the services of volunteers. The Superintendent may reimburse volunteers for necessary and appropriate expenses in accordance with state guidelines and may designate volunteers as state employees for the purpose of motor vehicle accident liability insurance under section 9.83 of the Revised Code, for immunity under section 9.86 of the Revised Code, and for indemnification from liability incurred in the performance of their duties under section 9.87 of the Revised Code.

Section 265.430. RESTRICTION OF LIABILITY FOR CERTAIN REIMBURSEMENTS

(A) Except as expressly required under a court judgment not subject to further appeals, or a settlement agreement with a school district executed on or before June 1, 2009, in the case of a school district for which the formula ADM for fiscal year 2005, as reported for that fiscal year under division (A) of section 3317.03 of the Revised Code, was reduced based on enrollment reports for community schools, made under section 3314.08 of the Revised Code, regarding students entitled to attend school in the district, which reduction of formula ADM resulted in a reduction of foundation funding or transitional aid funding for fiscal year 2005, 2006, or 2007, no school district, except a district named in the court's judgment or the settlement agreement, shall have a legal claim for reimbursement of the amount of such reduction in foundation funding or transitional aid funding, and the state shall not have liability for reimbursement of the amount of such reduction in foundation funding or transitional aid funding.

(B) As used in this section:
(1) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.

(3) "Foundation funding" means payments calculated for the respective fiscal year under Chapter 3317. of the Revised Code.

(4) "Transitional aid funding" means payments calculated for the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 of the 125th General Assembly, as subsequently amended; Section 206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 of the 127th General Assembly.

Section 265.440. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN

In collaboration with the County Family and Children First Council, a city, local, or exempted village school district, community school, STEM school, joint vocational school district, educational service center, or county board of developmental disabilities that receives allocations from the Department of Education from appropriation item 200550, Foundation Funding, or appropriation item 200540, Special Education Enhancements, may transfer portions of those allocations to a flexible funding pool authorized by the Section of this act entitled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for maintenance of effort or for federal or state funding matching requirements shall not be transferred unless the allocation may still be used to meet such requirements.

Section 265.450. PRIVATE TREATMENT FACILITY PROJECT

(A) As used in this section:
(1) The following are "participating residential treatment centers":

(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2018 or fiscal year 2019 or both, the Department pays through appropriation item 470401, RECLAIM Ohio;

(b) Abraxas, in Shelby;

(c) Paint Creek, in Bainbridge;

(d) F.I.R.S.T., in Mansfield.

(2) "Education program" means an elementary or secondary education program or a special education program and related services.

(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.

(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.

(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.

(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria
established for such programs by the Department of Education. The educational program shall be provided by a school district or educational service center, or by the residential facility itself. Maximum flexibility shall be given to the residential treatment facility to determine the provider. In the event that a voluntary agreement cannot be reached and the residential facility does not choose to provide the educational program, the educational service center in the county in which the facility is located shall provide the educational program at the treatment center to children under twenty-two years of age residing in the treatment center.

(C) Any school district responsible for tuition for a residential child shall, notwithstanding any conflicting provision of the Revised Code regarding tuition payment, pay tuition for the child for fiscal year 2018 and fiscal year 2019 to the education program provider and in the amount specified in this division. If there is no school district responsible for tuition for a residential child and if the participating residential treatment center to which the child is assigned is located in the city, exempted village, or local school district that, if the child were not a resident of that treatment center, would be the school district where the child is entitled to attend school under sections 3313.64 and 3313.65 of the Revised Code, that school district, notwithstanding any conflicting provision of the Revised Code, shall pay tuition for the child for fiscal year 2018 and fiscal year 2019 under this division unless that school district is providing the educational program to the child under division (B) of this section.

A tuition payment under this division shall be made to the school district, educational service center, or residential treatment facility providing the educational program to the child.

The amount of tuition paid shall be:
(1) The amount of tuition determined for the district under division (A) of section 3317.08 of the Revised Code;

(2) In addition, for any student receiving special education pursuant to an individualized education program as defined in section 3323.01 of the Revised Code, a payment for excess costs. This payment shall equal the actual cost to the school district, educational service center, or residential treatment facility of providing special education and related services to the student pursuant to the student's individualized education program, minus the tuition paid for the child under division (C)(1) of this section.

A school district paying tuition under this division shall not include the child for whom tuition is paid in the district's average daily membership certified under division (A) of section 3317.03 of the Revised Code.

(D) In each of fiscal years 2018 and 2019, the Department of Education shall reimburse, from appropriations made for the purpose, a school district, educational service center, or residential treatment facility, whichever is providing the service, that has demonstrated that it is in compliance with the funding criteria for each served child for whom a school district must pay tuition under division (C) of this section. The amount of the reimbursement shall be the amount appropriated for this purpose divided by the full-time equivalent number of children for whom reimbursement is to be made.

(E) Funds provided to a school district, educational service center, or residential treatment facility under this section shall be used to supplement, not supplant, funds from other public sources for which the school district, service center, or residential treatment facility is entitled or eligible.

(F) The Department of Education shall track the utilization
of funds provided to school districts, educational service centers, and residential treatment facilities under this section and monitor the effect of the funding on the educational programs they provide in participating residential treatment facilities. The Department shall monitor the programs for educational accountability.

Section 265.460. (A) The Superintendent of Public Instruction may form partnerships with Ohio's business community, including the Ohio Business Roundtable, to create and implement initiatives that connect students with the business community in an effort to increase student engagement and job readiness through internships, work study, and site-based learning experiences.

(B) If the Superintendent forms a partnership pursuant to division (A) of this section, the initiatives created and implemented through that partnership shall do all of the following:

(1) Support the career connection learning strategies described in division (B)(2) of section 3301.079 of the Revised Code;

(2) Provide an opportunity for students to earn high school credit toward graduation or to meet curriculum requirements in accordance with divisions (J)(1) and (2) of section 3313.603 of the Revised Code;

(3) Inform the development of student success plans pursuant to division (C) of section 3313.6020 of the Revised Code.

Section 265.470. The Department of Education shall provide assistance to the State Board of Education for the purposes of updating the statewide plan on subject area competency, including credit by examination, pursuant to division (J)(2) of section 3313.603 of the Revised Code, to reduce barriers to student
participation in credit flexibility options.

Upon completion, the Department shall inform students, parents, and schools of the updated plan.

**Section 267.10.** ELC OHIO ELECTIONS COMMISSION

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<tr>
<th>Fund Group</th>
<th>Operating Expenses</th>
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<th>2022</th>
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**Section 269.10.** FUN STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS

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<td>$ 843,973</td>
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**Section 271.10.** PAY EMPLOYEE BENEFITS FUNDS

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### Section 271.20. PAYROLL DEDUCTION FUND

The foregoing appropriation item 995673, Payroll Deductions, shall be used to make payments from the Payroll Deduction Fund (Fund 1240) pursuant to section 125.21 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

### ACCRUED LEAVE LIABILITY FUND

The foregoing appropriation item 995666, Accrued Leave Fund, shall be used to make payments from the Accrued Leave Liability Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

### STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND

The foregoing appropriation item 995667, Disability Fund, shall be used to make payments from the State Employee Disability Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

### STATE EMPLOYEE HEALTH BENEFIT FUND

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<td>$1,840,467,749</td>
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The foregoing appropriation item 995668, State Employee Health Benefit Fund, shall be used to make payments from the State Employee Health Benefit Fund (Fund 8080) pursuant to section 124.87 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

DEPENDENT CARE SPENDING FUND

The foregoing appropriation item 995669, Dependent Care Spending Account, shall be used to make payments from the Dependent Care Spending Fund (Fund 8090) to employees eligible for dependent care expenses pursuant to section 124.822 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

LIFE INSURANCE INVESTMENT FUND

The foregoing appropriation item 995670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 8100) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

PARENTAL LEAVE BENEFIT FUND

The foregoing appropriation item 995671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 8110) to employees eligible for parental leave benefits pursuant to section 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

HEALTH CARE SPENDING ACCOUNT FUND
The foregoing appropriation item 995672, Health Care Spending Account, shall be used to make payments from the Health Care Spending Account Fund (Fund 8130) for payments pursuant to state employees' participation in a flexible spending account for non-reimbursed health care expenses and section 124.821 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD

General Revenue Fund

GRF 125321 Operating Expenses $ 3,862,270 $ 3,887,270 98885
TOTAL GRF General Revenue Fund $ 3,862,270 $ 3,887,270 98886

Dedicated Purpose Fund Group

5720 125603 Training and Publications $ 141,000 $ 131,000 98888
TOTAL DPF Dedicated Purpose Fund Group $ 141,000 $ 131,000 98889

TOTAL ALL BUDGET FUND GROUPS $ 4,003,270 $ 4,018,270 98890

Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS

Dedicated Purpose Fund Group

4K90 892609 Operating Expenses $ 1,123,966 $ 1,227,821 98894
TOTAL DPF Dedicated Purpose Fund Group $ 1,123,966 $ 1,227,821 98895

TOTAL ALL BUDGET FUND GROUPS $ 1,123,966 $ 1,227,821 98896

Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY

General Revenue Fund

GRF 715502 Auto Emissions E-Check Program $ 9,927,160 $ 9,919,594 98900

TOTAL GRF General Revenue Fund $ 9,927,160 $ 9,919,594 98901
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<td>Revolving Loan Fund - H. B. No. 49 Page 3221</td>
<td><em>H. B. No. 49 Page 3221</em></td>
<td><em>H. B. No. 49 Page 3221</em></td>
<td><em>H. B. No. 49 Page 3221</em></td>
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Operating

3F30 715632 Federally Supported $ 6,882,931 $ 6,968,645 98960

Cleanup and Response

3T30 715669 Drinking Water State $ 2,809,470 $ 2,809,470 98961

Revolving Fund

3V70 715606 Agencywide Grants $ 450,000 $ 450,000 98962

TOTAL FED Federal Fund Group $ 35,782,472 $ 35,868,186 98963

TOTAL ALL BUDGET FUND GROUPS $ 187,412,752 $ 189,515,252 98964

Section 277.20. AREAWIDE PLANNING AGENCIES

The Director of Environmental Protection Agency may award grants from appropriation item 715687, Areawide Planning Agencies, to areawide planning agencies engaged in areawide water quality management and planning activities in accordance with Section 208 of the "Federal Clean Water Act," 33 U.S.C. 1288.

CASH TRANSFER TO THE TITLE V CLEAN AIR FUND FROM THE SMALL BUSINESS ASSISTANCE FUND

On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management may transfer $1,500,000 cash from the Small Business Assistance Fund (Fund 5A00) used by the Air Quality Development Authority to the Title V Clean Air Fund (Fund 4T30) used by the Environmental Protection Agency.

CASH TRANSFER TO THE AUTO EMISSIONS TEST FUND FROM THE SCRAP TIRE MANAGEMENT FUND

The Director of Budget and Management, in consultation with the Director of Environmental Protection, shall establish a schedule of cash transfers totaling up to $3,000,000 from the Scrap Tire Management Fund (Fund 4R50) to the Auto Emissions Test Fund (Fund 5BY0) during the period from July 1, 2017, to June 30, 2019.

TRANSFER OF ASBESTOS ABATEMENT LICENSURE AND CERTIFICATION
On January 1, 2018, the Asbestos Abatement Licensure and Certification Program is transferred from the Department of Health to the Environmental Protection Agency. For the purposes of the transfer, all of the following apply:

(A) All rules, orders, and determinations of the Department related to the Program shall continue in effect as the rules, orders, and determinations of the Agency until rules for the Program are adopted and become effective for the Agency. If necessary to ensure the integrity of the numbering system of the Administrative Code, the Director of the Legislative Service Commission shall renumber the rules to reflect their transfer to the Agency.

Any licenses, certificates, permits, registrations, approvals, or endorsements issued before January 1, 2018, by the Department of Health related to the Program shall continue in effect as if issued by the Agency.

(B) Any business commenced but not completed by the Director of Health relating to the Program on the effective date of the amendment of the statutes governing the Program by this act shall be completed by the Director of Environmental Protection. Any validation, cure, right, privilege, remedy, obligation, or liability is not lost or impaired solely by reason of the transfer required by this act and shall be administered by the Director of Environmental Protection in accordance with this act.

(C) All of the orders and determinations of the Director of Health relating to the Program continue in effect as orders and determinations of the Director of Environmental Protection until modified or rescinded by the Director of Environmental Protection.

(D) Subject to the layoff provisions of sections 124.321 to 124.328 of the Revised Code or the applicable collective
bargaining agreement, all of the employees of the Department of Health working full-time for the Program are transferred to the Agency and retain their same positions. The Director of Environmental Protection may assign, reassign, classify, reclassify, transfer, reduce, promote, or demote any employees transferred from the Department who are not subject to Chapter 4117. of the Revised Code.

Any employment records and actions, including personnel actions, disciplinary actions, performance improvement plans, and performance evaluations transfer with the employee. Absent authorization from the employee, the Department is not to transfer to the Agency any medical documentation regarding the employee in its possession. These employees will be subject to the policies, procedures, and work rules of the Agency.

(E) All equipment and assets relating to the Program are transferred from the Department to the Agency.

(F) Whenever the Department or Director of Health, in relation to the Program, is referred to in any law, contract, or other document, the reference shall be deemed to refer to the Agency or its Director, whichever is appropriate in context.

(G) Any action or proceeding pending on the effective date of the amendment of the statutes governing the Program by this act is not affected by the transfer of the functions of that Program by this act and shall be prosecuted or defended in the name of the Director of Environmental Protection or the Agency, whichever is appropriate in context. In all such actions and proceedings, the Director of Environmental Protection or the Agency, whichever is appropriate in context, upon application to the court, shall be substituted as a party.

(H) The Directors of Health and Environmental Protection may enter into a memorandum of understanding in order to facilitate
the transfer of the Program.

(I) On January 1, 2018, or as soon as possible thereafter, the Director of Budget and Management may transfer up to $400,000 cash from the General Operations Fund (Fund 4700) used by the Department to the Non-Title V Clean Air Fund (Fund 4K20) created in section 3704.035 of the Revised Code and used by the Agency. Upon completion of the transfer, the Director of Budget and Management shall cancel any existing encumbrances against Fund 4700 appropriation item 440647, Fee Supported Programs, related to the Program, and reestablish them against Fund 4K20, appropriation item 715648, Clean Air - Non-Title V. The reestablished encumbrance amounts are hereby appropriated.

CLEAN OHIO REVITALIZATION OPERATING

On July 1, 2018, or as soon as possible thereafter, the Director of Environmental Protection may request that the Director of Budget and Management reappropriate any unexpended, unencumbered balance of the prior fiscal year's appropriation to the foregoing appropriation item 715607, Clean Ohio Revitalization Operating, for fiscal year 2019. The Director of Budget and Management may request additional information necessary for evaluating the request, and the Director of Environmental Protection shall provide the requested information to the Director of Budget and Management. Based on the information provided by the Director of Environmental Protection, the Director of Budget and Management shall determine the amount to be reappropriated, and those amounts are hereby reappropriated for fiscal year 2019.

### Section 279.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION

General Revenue Fund

<table>
<thead>
<tr>
<th>Description</th>
<th>Fiscal Year 1</th>
<th>Fiscal Year 2</th>
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<td>GRF 172321 Operating Expenses</td>
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<td>Section 281.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION</td>
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<tr>
<td>General Revenue Fund</td>
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<tr>
<td>GRF 935401 Statehouse News $324,533 $324,533 99084</td>
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<td>GRF 935402 Ohio Government $1,452,089 $1,452,089 99085</td>
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<td>GRF 935430 Broadcast Education Operating $3,793,006 $3,793,006 99087</td>
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<td>TOTAL GRF General Revenue Fund $9,526,722 $9,526,722 99088</td>
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<td>Dedicated Purpose Fund Group</td>
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<td>5FK0 935608 Media Services $95,000 $95,000 99090</td>
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<td>4F30 935603 Affiliate Services $4,000 $4,000 99093</td>
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<td>4T20 935605 Government Television/Telecommunications Operating $7,000 $7,000 99094</td>
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<td>TOTAL ALL BUDGET FUND GROUPS $9,632,722 $9,632,722 99097</td>
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</table>

**Section 281.20. STATEHOUSE NEWS BUREAU**

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau.
OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions.

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION

The foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, shall be used for the development, acquisition, and distribution of information resources by public media and radio reading services and for educational use in the classroom and online.

Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to $1,008,099 in each fiscal year shall be allocated equally among the Ohio educational television stations. Funds shall be used for the production of interactive instructional programming series with priority given to resources aligned with state academic content standards. The programming shall be targeted to the needs of the one-third lowest capacity school districts as determined by the district's state share index calculated by the Department of Education.

Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to $2,654,095 in each fiscal year shall be distributed by the Broadcast Educational Media Commission to Ohio's qualified public educational television stations and educational radio stations to support their operations. The funds shall be distributed pursuant to an allocation formula used by the Ohio Educational Telecommunications
Network Commission unless a substitute formula is developed by the Broadcast Educational Media Commission in consultation with Ohio's qualified public educational television stations and educational radio stations.

Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to $294,900 in each fiscal year shall be distributed by the Broadcast Educational Media Commission to Ohio's qualified radio reading services to support their operations. The funds shall be distributed pursuant to an allocation formula used by the Ohio Educational Telecommunications Network Commission unless a substitute formula is developed by the Broadcast Educational Media Commission in consultation with Ohio's qualified radio reading services.

Section 283.10. ETH OHIO ETHICS COMMISSION

General Revenue Fund

GRF 146321 Operating Expenses $ 1,457,245 $ 1,724,311
TOTAL GRF General Revenue Fund $ 1,457,245 $ 1,724,311

Dedicated Purpose Fund Group

4M60 146601 Operating Support $ 862,026 $ 650,000
TOTAL DPF Dedicated Purpose Fund Group $ 862,026 $ 650,000

TOTAL ALL BUDGET FUND GROUPS $ 2,319,271 $ 2,374,311

Section 285.10. EXP OHIO EXPOSITIONS COMMISSION

General Revenue Fund

GRF 723403 Junior Fair Subsidy $ 375,000 $ 375,000
TOTAL GRF General Revenue Fund $ 375,000 $ 375,000

Dedicated Purpose Fund Group

4N20 723602 Ohio State Fair Harness Racing $ 375,000 $ 375,000
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<td>5060 723604 Grounds Maintenance and Repairs</td>
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**STATE FAIR RESERVE**

The General Manager of the Expositions Commission, in consultation with the Director of Budget and Management, may submit a request to the Controlling Board to use available amounts in the State Fair Reserve Fund (Fund 6400) if revenues from either the 2017 or the 2018 Ohio State Fair are unexpectedly low.

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management, in consultation with the General Manager of the Expositions Commission, may determine that the Ohio Expositions Fund (Fund 5060) has a cash balance in excess of the anticipated operating costs of the Exposition Commission in that fiscal year. Notwithstanding section 991.04 of the Revised Code, the Director of Budget and Management may transfer an amount up to the excess cash from Fund 5060 to Fund 6400 in each fiscal year.

**GROUNDS MAINTENANCE AND REPAIRS**

The foregoing appropriation item 723604, Grounds Maintenance and Repairs, shall be used for maintenance and repairs on the grounds of the Ohio Expo Center.

**Section 287.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION**

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<td>GRF 230401 Cultural Facilities Lease Rental Bond</td>
<td>$30,962,300</td>
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Payments

GRF 230458 State Construction $ 1,750,000 $ 1,500,000 99189
   Management Services
GRF 230908 Common Schools $ 376,134,900 $ 405,025,700 99190
   General Obligation
   Bond Debt Service
TOTAL GRF General Revenue Fund $ 415,347,200 $ 445,956,900 99191

Internal Service Activity Fund Group
1310 230639 State Construction $ 9,057,889 $ 9,307,889 99193
   Management Operations
TOTAL ISA Internal Service Activity $ 9,057,889 $ 9,307,889 99194
Fund Group
TOTAL ALL BUDGET FUND GROUPS $ 424,405,089 $ 455,264,789 99195

Section 287.20. CULTURAL FACILITIES LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 230401, Cultural Facilities Lease Rental Bond Payments shall be used to meet all payments during the period from July 1, 2017, through June 30, 2019, by the Ohio Facilities Construction Commission under the primary leases and agreements for cultural and sports facilities made under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code.

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 230908, Common Schools General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2017, through June 30, 2019, on obligations issued under sections 151.01 and 151.03 of the Revised Code.
Section 287.30. COMMUNITY PROJECT ADMINISTRATION

The foregoing appropriation item 230458, State Construction Management Services, shall be used by the Ohio Facilities Construction Commission in administering Cultural and Sports Facilities Building Fund (Fund 7030) projects pursuant to section 123.201 of the Revised Code.

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION

At the request of the Executive Director of the Ohio Facilities Construction Commission, the Director of Budget and Management may cancel encumbrances for school district projects from a previous biennium if the district has not raised its local share of project costs within thirteen months of receiving Controlling Board approval under section 3318.05 or 3318.41 of the Revised Code. The Executive Director of the Ohio Facilities Construction Commission shall certify the amounts of the canceled encumbrances to the Director of Budget and Management on a quarterly basis. The amounts of the canceled encumbrances are hereby appropriated.

Section 287.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS

On July 1, 2017, or as soon as possible thereafter, the Executive Director of the Ohio Facilities Construction Commission shall certify to the Director of Budget and Management the amount of cash receipts and related investment income, irrevocable letters of credit from a bank, or certification of the availability of funds that have been received from a county or a municipal corporation for deposit into the Capital Donations Fund (Fund 5A10) and that are related to an anticipated project. These amounts are hereby appropriated to appropriation item C37146, Capital Donations. Prior to certifying these amounts to the
Director, the Executive Director shall make a written agreement with the participating entity on the necessary cash flows required for the anticipated construction or equipment acquisition project.

Section 287.50. AMENDMENT TO PROJECT AGREEMENT FOR MAINTENANCE LEVY

The Ohio Facilities Construction Commission shall amend the project agreement between the Commission and a school district that is participating in the Accelerated Urban School Building Assistance Program on the effective date of this section, if the Commission determines that it is necessary to do so in order to comply with division (B)(3)(c) of section 3318.38 of the Revised Code.

Section 287.60. Notwithstanding any other provision of law to the contrary, the Ohio Facilities Construction Commission may determine the amount of funding available for disbursement in a given fiscal year for any project approved under sections 3318.01 to 3318.20 of the Revised Code in order to keep aggregate state capital spending within approved limits and may take actions including, but not limited to, determining the schedule for design or bidding of approved projects, to ensure appropriate and supportable cash flow.

Section 287.70. ASSISTANCE TO JOINT VOCATIONAL SCHOOL DISTRICT

Notwithstanding division (B) of section 3318.40 of the Revised Code, the Ohio Facilities Construction Commission may provide assistance to at least one joint vocational school district each fiscal year for the acquisition of classroom facilities in accordance with sections 3318.40 to 3318.45 of the Revised Code.
Section 289.10. GOV OFFICE OF THE GOVERNOR

General Revenue Fund
GRF 040321 Operating Expenses $ 2,953,131 $ 2,953,131
TOTAL GRF General Revenue Fund $ 2,953,131 $ 2,953,131

Internal Service Activity Fund Group
5AK0 040607 Government Relations $ 313,870 $ 313,870
TOTAL ISA Internal Service Activity $ 313,870 $ 313,870

TOTAL ALL BUDGET FUND GROUPS $ 3,267,001 $ 3,267,001

GOVERNMENT RELATIONS

A portion of the foregoing appropriation item 040607, Government Relations, may be used to support Ohio's membership in national or regional associations.

The Office of the Governor may charge any state agency of the executive branch using an intrastate transfer voucher such amounts necessary to defray the costs incurred for the conduct of governmental relations associated with issues that can be attributed to the agency. Amounts collected shall be deposited in the Government Relations Fund (Fund 5AK0).

Section 291.10. DOH DEPARTMENT OF HEALTH

General Revenue Fund
GRF 440413 Local Health $ 2,000,000 $ 2,500,000
Departments
GRF 440416 Mothers and Children $ 4,428,015 $ 4,428,015
Safety Network
GRF 440431 Free Clinic Safety Net $ 437,326 $ 437,326
Services
GRF 440438 Breast and Cervical Cancer Screening $ 658,574 $ 658,574
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<td>440451</td>
<td>Public Health Laboratory</td>
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<td>Health Care Quality Assurance</td>
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<td>Environmental Health/Radiation Protection</td>
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<td>Help Me Grow</td>
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<td>440465</td>
<td>Federally Qualified Health Centers</td>
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<td>Alcohol Testing</td>
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<td>Tobacco Use Prevention and Cessation</td>
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<td>440474</td>
<td>Infant Vitality</td>
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<td>440477</td>
<td>Emergency Preparation and Response</td>
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<td>440482</td>
<td>Chronic Disease/Health Promotion</td>
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<td>440483</td>
<td>Infectious Disease Prevention and Control</td>
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<td>Medically Handicapped Children</td>
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<td>440507</td>
<td>Targeted Health Care Services-Over 21</td>
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<td>4770 440627 Medically Handicapped Children Audit</td>
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Section 291.20. MOTHERS AND CHILDREN SAFETY NETWORK

Of the foregoing appropriation item 440416, Mothers and Children Safety Network, $200,000 in each fiscal year shall be used to assist families with hearing impaired children under twenty-one years of age in purchasing hearing aids and hearing assistive technology. The Director of Health shall adopt rules governing the distribution of these funds, including rules that do both of the following: (1) establish eligibility criteria to include families with incomes at or below four hundred per cent of the federal poverty guidelines as defined in section 5101.46 of the Revised Code, and (2) develop a sliding scale of disbursements under this section based on family income. The Director may adopt other rules as necessary to implement this section. Rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.
The foregoing appropriation item 440444, AIDS Prevention and Treatment, shall be used to administer educational and other prevention initiatives.

FEDERALLY QUALIFIED HEALTH CENTERS

The foregoing appropriation item 440465, Federally Qualified Health Centers, shall be provided to the Ohio Association of Community Health Centers to administer the FQHC Primary Care Workforce Initiative. The Initiative shall provide medical, dental, behavioral health, physician assistant, and advanced practice nursing students with clinical rotations through federally qualified health centers. The Initiative shall also assist federally qualified health centers with developing recruitment and retention practices for these professional designations.

TOBACCO USE PREVENTION AND CESSATION

Of the foregoing appropriation item 440473, Tobacco Use Prevention and Cessation, $500,000 in each fiscal year shall be used to award grants in accordance with the section of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM."

INFANT VITALITY

The foregoing appropriation item 440474, Infant Vitality, shall be used to fund a multi-pronged population health approach to address infant mortality. This approach may include the following: increasing awareness; supporting data collection; analysis and interpretation to inform decision-making and ensure accountability; targeting resources where the need is greatest; and implementing quality improvement science and programming that is evidence-based or based on emerging practices. Measurable interventions may include activities related to safe sleep, community engagement, Centering Pregnancy, newborn screening, safe birth spacing, gestational diabetes, smoking cessation,
breastfeeding, care coordination, and progesterone.

**EMERGENCY PREPARATION AND RESPONSE**

The foregoing appropriation item 440477, Emergency Preparation and Response, shall be used to support public health emergency preparedness and response efforts at the state level or at a regional sub-level within the state, and may also be used to support data infrastructure projects related to public health emergency preparedness/response.

**TARGETED HEALTH CARE SERVICES—OVER 21**

The foregoing appropriation item 440507, Targeted Health Care Services—Over 21, shall be used to administer the Cystic Fibrosis Program and to implement the Hemophilia Insurance Premium Payment Program. The Department of Health shall expend $100,000 in each fiscal year to implement the Hemophilia Insurance Premium Payment Program.

The foregoing appropriation item 440507, Targeted Health Care Services—Over 21, shall also be used to provide essential medications and to pay the copayments for drugs approved by the Department of Health and covered by Medicare Part D that are dispensed to Bureau for Children with Medical Handicaps (BCMH) participants for the Cystic Fibrosis Program.

The Department shall expend all of these funds.

**FEE SUPPORTED PROGRAMS**

Of the foregoing appropriation item 440647, Fee Supported Programs, $2,160,000 in each fiscal year shall be used to distribute subsidies to local health departments on a per capita basis.

**CASH TRANSFER FROM THE GENERAL OPERATIONS FUND TO THE CENTRAL SUPPORT INDIRECT COSTS FUND**

On July 1, 2018, or as soon as possible thereafter, the
Director of Budget and Management may transfer up to $400,000 cash from the General Operations Fund (Fund 4700) to the Central Support Indirect Costs Fund (Fund 2110). Any transferred cash is hereby appropriated.

**MEDICALLY HANDICAPPED CHILDREN AUDIT**

The Medically Handicapped Children Audit Fund (Fund 4770) shall receive revenue from audits of hospitals and recoveries from third-party payers. Moneys may be expended for payment of audit settlements and for costs directly related to obtaining recoveries from third-party payers and for encouraging Medically Handicapped Children's Program recipients to apply for third-party benefits. Moneys also may be expended for payments for diagnostic and treatment services on behalf of medically handicapped children, as defined in division (A) of section 3701.022 of the Revised Code, and Ohio residents who are twenty-one or more years of age and who are suffering from cystic fibrosis or hemophilia. Moneys may also be expended for administrative expenses incurred in operating the Medically Handicapped Children's Program.

**GENETICS SERVICES**

The foregoing appropriation item 440608, Genetics Services (Fund 4D60), shall be used by the Department of Health to administer programs authorized by sections 3701.501 and 3701.502 of the Revised Code. None of these funds shall be used to counsel or refer for abortion, except in the case of a medical emergency.

**MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS**

The foregoing appropriation item 440607, Medically Handicapped Children - County Assessments (Fund 6660), shall be used to make payments under division (E) of section 3701.023 of the Revised Code.

**Section 291.30. MOMS QUIT FOR TWO GRANT PROGRAM**
(A) The Department of Health shall create the Moms Quit for Two Grant Program. Recognizing the significant health risks posed to women and their children by tobacco use during and after pregnancy, the Department shall award grants to private, nonprofit entities or government entities that demonstrate the ability to deliver evidence-based tobacco cessation interventions to women who reside in communities that have the highest incidence of infant mortality, as determined by the Director of Health, and who are pregnant or live with children. Funds awarded under this section shall not be used to provide tobacco cessation interventions to women who are eligible for Medicaid. The Department may adopt any rules it considers necessary to administer the Program.

(B) The Department shall create a grant application and develop a process for receiving and evaluating completed grant applications on a competitive basis. The Department shall give first preference to the entities described in division (A) of this section that are able to target the interventions to pregnant women and second preference to such entities that are able to target the interventions to women living with children. The Department's decision regarding a submitted grant application is final.

(C) The Department shall establish performance objectives to be met by grant recipients. The Department shall monitor the performance of each grant recipient in meeting the objectives.

(D) Not later than December 31, 2017, the Department shall evaluate the program and prepare a report describing its findings and make a recommendation on whether the Program should be continued. The Department shall provide a copy of the report to the Governor and General Assembly. The copy to the General Assembly shall be provided in accordance with section 101.68 of the Revised Code. The Department also shall make the report
available to the public on the Department's internet web site.

Section 291.40. WIC VENDOR CONTRACTS


(B) During fiscal year 2018 and fiscal year 2019, the Department of Health shall process and review a WIC vendor contract application pursuant to Chapter 3701-42 of the Administrative Code not later than forty-five days after receipt of the application if the applicant is a WIC-contracted vendor at the time of application and meets all of the following requirements:

(1) Submits a complete WIC vendor application with all required documents and information;

(2) Passes the required unannounced preauthorization visit within forty-five days of submitting a complete application;

(3) Completes the required in-person training within forty-five days of submitting the complete application.

(C) If an applicant fails to meet any of the requirements described in division (B) of this section, the Department shall deny the application for the contract. After an application has been denied, the applicant may reapply for a contract to act as a WIC vendor during the contracting cycle that is applicable to the applicant's WIC region.

Section 293.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION

Dedicated Purpose Fund Group

<table>
<thead>
<tr>
<th>4610 372601 Operating Expenses</th>
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<tr>
<td>TOTAL DPF Dedicated Purpose Fund</td>
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## Section 295.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS

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<tr>
<th>Fund Group</th>
<th>Operating Expenses</th>
<th>Operating Expenses</th>
<th>General Revenue Fund</th>
<th>Dedicated Purpose Fund Group</th>
<th>Special Initiatives</th>
<th>Special Initiatives</th>
<th>TOTAL DPF Dedicated Purpose Fund Group</th>
<th>TOTAL ALL BUDGET FUND GROUPS</th>
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<td><strong>TOTAL</strong></td>
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## Section 297.10. OHS OHIO HISTORY CONNECTION

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<tr>
<th>Fund Group</th>
<th>Education and Collections</th>
<th>Education and Collections</th>
<th>General Revenue Fund</th>
<th>Dedicated Purpose Fund Group</th>
<th>Ohio History Tax Check-off</th>
<th>Ohio History License</th>
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<td>$4,218,997</td>
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<td>$150,000</td>
<td>$150,000</td>
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### Funding Details
- **General Revenue Fund**
  - **GRP 148321 Operating Expenses**: $459,170
  - **GRP 360501 Education and Collections**: $4,218,997
  - **GRP 360502 Site and Museum Operations**: $5,941,086
  - **GRP 360504 Ohio Preservation Office**: $290,000
  - **GRP 360505 National Afro-American Museum**: $500,000
  - **GRP 360506 Hayes Presidential Center**: $500,000
  - **GRP 360509 Outreach and Partnership**: $160,395
- **Dedicated Purpose Fund Group**
  - **5KL0 360602 Ohio History Tax Check-off**: $150,000
  - **5PD0 360603 Ohio History License**: $10,000
Plate

TOTAL DPF Dedicated Purpose Fund $ 160,000 $ 160,000 99556

Group

TOTAL ALL BUDGET FUND GROUPS $ 11,770,478 $ 11,770,478 99557

SUBSIDY APPROPRIATION

Upon approval by the Director of Budget and Management, the foregoing appropriation items shall be released to the Ohio History Connection in quarterly amounts that in total do not exceed the annual appropriations. The funds and fiscal records of the Ohio History Connection for fiscal year 2018 and fiscal year 2019 shall be examined by independent certified public accountants approved by the Auditor of State, and a copy of the audited financial statements shall be filed with the Office of Budget and Management. The Ohio History Connection shall prepare and submit to the Office of Budget and Management the following:

(A) An estimated operating budget for each fiscal year of the biennium. The operating budget shall be submitted at or near the beginning of each calendar year.

(B) Financial reports, indicating actual receipts and expenditures for the fiscal year to date. These reports shall be filed at least semiannually during the fiscal biennium.

The foregoing appropriations shall be considered to be the contractual consideration provided by the state to support the state's offer to contract with the Ohio History Connection under section 149.30 of the Revised Code.

OUTREACH AND PARTNERSHIP

Of the foregoing appropriation item 360509, Outreach and Partnership, $70,000 in each fiscal year shall be distributed to the Ohio World War I Centennial Working Group.

Section 299.10. REP OHIO HOUSE OF REPRESENTATIVES 99583
General Revenue Fund

GRF 025321 Operating Expenses $ 25,272,941 $ 25,272,941

TOTAL GRF General Revenue Fund $ 25,272,941 $ 25,272,941

Internal Service Activity Fund Group

1030 025601 House of Representatives Reimbursement $ 1,433,664 $ 1,433,664

4A40 025602 Miscellaneous Sales $ 37,849 $ 37,849

TOTAL Internal Service Activity Fund Group $ 1,471,513 $ 1,471,513

TOTAL ALL BUDGET FUND GROUPS $ 26,744,454 $ 26,744,454

OPERATING EXPENSES

On July 1, 2017, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 025321, Operating Expenses, at the end of fiscal year 2017 to be reappropriated to fiscal year 2018. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2018.

On July 1, 2018, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 025321, Operating Expenses, at the end of fiscal year 2018 to be reappropriated to fiscal year 2019. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2019.

HOUSE REIMBURSEMENT

If it is determined by the Chief Administrative Officer of the House of Representatives that additional appropriations are...
necessary for the foregoing appropriation item 025601, House Reimbursement, the amounts are hereby appropriated.

Section 301.10. HFA OHIO HOUSING FINANCE AGENCY

Dedicated Purpose Fund Group

5AZ0 997601 Housing Finance Agency $ 12,413,447 $ 12,789,824

Personal Services

TOTAL DPF Dedicated Purpose Fund Group $ 12,413,447 $ 12,789,824

TOTAL ALL BUDGET FUND GROUPS $ 12,413,447 $ 12,789,824

Section 303.10. IGO OFFICE OF THE INSPECTOR GENERAL

General Revenue Fund

GRF 965321 Operating Expenses $ 1,401,581 $ 1,401,581

TOTAL GRF General Revenue Fund $ 1,401,581 $ 1,401,581

Internal Service Activity Fund Group

5FA0 965603 Deputy Inspector $ 400,000 $ 400,000

General for ODOT

5FT0 965604 Deputy Inspector $ 425,000 $ 425,000

General for BWC/OIC

TOTAL ISA Internal Service Activity $ 825,000 $ 825,000

TOTAL ALL BUDGET FUND GROUPS $ 2,226,581 $ 2,226,581

Section 305.10. INS DEPARTMENT OF INSURANCE

Dedicated Purpose Fund Group

5540 820601 Operating Expenses - OSHIIP $ 180,000 $ 180,000

5540 820606 Operating Expenses $ 27,237,840 $ 27,237,840

5550 820605 Examination $ 8,327,549 $ 8,327,549

5PT0 820613 Captive Insurance Regulation & $ 998,696 $ 998,696
Supervision

TOTAL DPF Dedicated Purpose $36,744,085 $36,744,085

Fund Group

Federal Fund Group

3U50 820602 OSHIIP Operating Grant $2,393,150 $2,393,150

TOTAL FED Federal Fund Group $2,393,150 $2,393,150

TOTAL ALL BUDGET FUND GROUPS $39,137,235 $39,137,235

MARKET CONDUCT EXAMINATION

When conducting a market conduct examination of any insurer doing business in this state, the Superintendent of Insurance may assess the costs of the examination against the insurer. The Superintendent may enter into consent agreements to impose administrative assessments or fines for conduct discovered that may be violations of statutes or rules administered by the Superintendent. All costs, assessments, or fines collected shall be deposited to the credit of the Department of Insurance Operating Fund (Fund 5540).

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES

The Director of Budget and Management, at the request of the Superintendent of Insurance, may transfer cash from the Department of Insurance Operating Fund (Fund 5540), established by section 3901.021 of the Revised Code, to the Superintendent's Examination Fund (Fund 5550), established by section 3901.071 of the Revised Code, only for expenses incurred in examining domestic fraternal benefit societies as required by section 3921.28 of the Revised Code.

TRANSFER OF FUNDS FOR CAPTIVE INSURANCE COMPANY REGULATION AND SUPERVISION

When funds from captive insurance company application fees, reimbursements from captive insurance companies for examinations,
and other sources have accrued to the Captive Insurance Regulation and Supervision Fund (Fund 5PT0) in such amounts as are deemed sufficient to sustain operations, the Director of Budget and Management, in consultation with the Superintendent of Insurance, shall establish a schedule for repaying the amounts previously transferred during fiscal years 2016 and 2017 from Fund 5PT0 to Fund 5540.

Section 307.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES

General Revenue Fund

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<td>GRF 600423 Families and Children Programs</td>
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<td>Early Care and Education</td>
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<td>$ 810,609,700</td>
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Dedicated Purpose Fund Group

<p>| 1980 600647 | Children's Trust Fund | $ 5,000,000 | $ 5,000,000 |
| 4A80 600658 | Public Assistance Activities | $ 26,000,000 | $ 26,000,000 |
| 4A90 600607 | Unemployment Compensation Administration Fund | $ 14,000,000 | $ 14,000,000 |
| 4E70 600604 | Family and Children Services Putative Father Registry | $ 650,000 | $ 650,000 |
| 4F10 600609 | Family and Children Activities | $ 708,000 | $ 708,000 |
| 5DM0 600633 | Audit Settlements and Contingency | $ 5,000,000 | $ 5,000,000 |
| 5ES0 600630 | Food Bank Assistance | $ 500,000 | $ 500,000 |</p>
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Section 307.20. COUNTY ADMINISTRATIVE FUNDS

(A) The foregoing appropriation item 600521, Family Assistance – Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs.

(B) The foregoing appropriation item 655522, Medicaid Program Support – Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program.

(C) In fiscal year 2018, the foregoing appropriation item 655523, Medicaid Program Support – Local Transportation, may be provided to county departments of job and family services to administer the Medicaid transportation program.

(D) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper appropriation item:

(1) Appropriation item 600521, Family Assistance – Local, and appropriation item 655522, Medicaid Program Support – Local; and

(2) Appropriation item 655523, Medicaid Program Support – Local Transportation, and appropriation item 655522, Medicaid...
Program Support – Local.

(E) If receipts credited to the Medicaid Program Support Fund (Fund 3F01) and the Supplemental Nutrition Assistance Program Fund (Fund 3840) exceed the amounts appropriated, the Director of Job and Family Services shall request the Director of Budget and Management to authorize expenditures from those funds in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 307.30. NAME OF FOOD STAMP PROGRAM

The Director of Job and Family Services is not required to amend rules regarding the Food Stamp Program to change the name of the program to the Supplemental Nutrition Assistance Program. The Director may refer to the program as the Food Stamp Program, the Supplemental Nutrition Assistance Program, or the Food Assistance Program in rules and documents of the Department of Job and Family Services.

Section 307.40. OHIO ASSOCIATION OF FOOD BANKS

Of the foregoing appropriation items 600410, TANF State Maintenance of Effort, 600658, Public Assistance Activities, and 600689, TANF Block Grant, a total of $17,050,000 in each fiscal year shall be used to provide funds to the Ohio Association of Food Banks to purchase and distribute food products.

Notwithstanding section 5101.46 of the Revised Code and any other provision in this bill, including funds designated for the Ohio Association of Food Banks in this section, in fiscal year 2018 and fiscal year 2019, the Director of Job and Family Services shall provide assistance from eligible funds to the Ohio Association of Food Banks in an amount not less than $19,550,000 in each fiscal year.

Eligible nonfederal expenditures made by member food banks of
the Association shall be counted by the Department of Job and Family Services toward the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). The Director of Job and Family Services shall enter into an agreement with the Ohio Association of Food Banks, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to carry out the requirements under this section.

Section 307.50. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE

The foregoing appropriation item 600658, Public Assistance Activities, shall be used by the Department of Job and Family Services to meet the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). When the state is assured that it will meet the maintenance of effort requirement, the Department of Job and Family Services may use funds from appropriation item 600658, Public Assistance Activities, to support public assistance activities.

Section 307.60. FOOD STAMPS TRANSFER

On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management may transfer up to $1,000,000 cash from the Supplemental Nutrition Assistance Program Fund (Fund 3840), to the Food Assistance Fund (Fund 5ES0).

Section 307.70. GOVERNOR'S OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES

Of the foregoing appropriation item 600689, TANF Block Grant, up to $6,540,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to provide support to programs or organizations that provide services that align with the mission and goals of the Governor's Office of Faith-Based and Community Initiatives, as outlined in section 107.12 of the Revised Code, and that further at least one of the
four purposes of the TANF program, as specified in 42 U.S.C. 601.

**Section 307.80. INDEPENDENT LIVING INITIATIVE**

Of the foregoing appropriation item 600689, TANF Block Grant, up to $2,000,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to support the Independent Living Initiative, including life skills training and work supports for older children in foster care and those who have recently aged out of foster care.

**Section 307.90. OHIO COMMISSION ON FATHERHOOD**

Of the foregoing appropriation item 600689, TANF Block Grant, $1,000,000 in each fiscal year shall be provided to the Ohio Commission on Fatherhood.

**Section 307.100. FAMILIES AND CHILDREN PROGRAMS**

Of the foregoing appropriation item 600423, Families and Children Programs, $2,000,000 in each fiscal year shall be used by the Office of Families and Children to fund Predictive Analytics to use current and historical data to predict future outcomes and behaviors in high-risk foster care children.

**Section 307.110. FAMILY AND CHILDREN SERVICES**

Of the foregoing appropriation item 600523, Family and Children Services, up to $3,200,000 shall be used to match eligible federal Title IV-B ESSA funds and federal Title IV-E Chafee funds allocated to public children services agencies.

**Section 307.120. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN**

In collaboration with the county family and children first council, a county department of job and family services or public children services agency that receives an allocation from the
Department of Job and Family Services from the foregoing appropriation item 600523, Family and Children Services, or 600533, Child, Family, and Community Protection Services, may transfer a portion of either or both allocations to a flexible funding pool as authorized by the section of this act titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL."

Section 307.130. CHILD, FAMILY, AND COMMUNITY PROTECTION SERVICES

(A) The foregoing appropriation item 600533, Child, Family, and Community Protection Services, shall be distributed to each county department of job and family services using the formula the Department of Job and Family Services uses when distributing Title XX funds to county departments of job and family services under section 5101.46 of the Revised Code. County departments shall use the funds distributed to them under this section as follows, in accordance with the written plan of cooperation entered into under section 307.983 of the Revised Code:

(1) To assist individuals in achieving or maintaining self-sufficiency, including by reducing or preventing dependency among individuals with family income not exceeding two hundred percent of the federal poverty guidelines;

(2) Subject to division (B) of this section, to respond to reports of abuse, neglect, or exploitation of children and adults, including through the differential response approach program;

(3) To provide outreach and referral services regarding home and community-based services to individuals at risk of placement in a group home or institution, regardless of the individuals' family income and without need for a written application;

(4) To provide outreach, referral, application assistance, and other services to assist individuals receive assistance,
benefits, or services under Medicaid; Title IV-A programs, as
defined in section 5101.80 of the Revised Code; the Supplemental
Nutrition Assistance Program; and other public assistance
programs.

(B) Protective services may be provided to a child or adult
as part of a response, under division (A)(2) of this section, to a
report of abuse, neglect, or exploitation without regard to a
child or adult's family income and without need for a written
application. The protective services may be provided if the case
record documents circumstances of actual or potential abuse,
neglect, or exploitation.

Section 307.140. FAMILY AND CHILDREN ACTIVITIES

The foregoing appropriation item 600609, Family and Children
Activities, shall be used to expend miscellaneous foundation funds
and grants to support family and children services activities.

Section 307.150. ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND

Notwithstanding section 5101.073 of the Revised Code, the
ODJFS Audit Settlements and Contingency Fund (Fund 5DM0) may also
consist of earned federal revenue the final disposition of which
is unknown.

Section 307.160. ADOPTION ASSISTANCE LOAN

The Department of Job and Family Services may use the State
Adoption Assistance Loan Fund (Fund 5DP0) for the administration
of adoption assistance loans pursuant to section 3107.018 of the
Revised Code. The amounts of any adoption assistance loans are
hereby appropriated.

Section 307.170. EARLY CHILDHOOD EDUCATION

Of the foregoing appropriation item 600696, Early Childhood
Education, up to $20,000,000 in each fiscal year shall be used to achieve the goals described in division (C) of section 5104.29 of the Revised Code. The funds shall be used to support early learning and development programs operating in smaller communities, early learning and development programs that are rated in the Step Up to Quality program at the third highest tier or higher, or both.

Section 307.180. CASH TRANSFER FROM THE UNEMPLOYMENT INSURANCE SUPPORT – OTHER SOURCES FUND TO THE UNEMPLOYMENT COMPENSATION ADMINISTRATION FUND

On July 1, 2017, or as soon as possible thereafter, the Director of Job and Family Services shall certify to the Director of Budget and Management the cash balance of the Unemployment Insurance Support – Other Sources Fund (Fund 5KU0). Upon certification, the Director of Budget and Management may transfer the amount certified to the Unemployment Compensation Administration Fund (Fund 4A90).

Section 307.190. VICTIMS OF HUMAN TRAFFICKING

The foregoing appropriation item 600660, Victims of Human Trafficking, shall be used to provide treatment, care, rehabilitation, education, housing, and assistance for victims of trafficking in persons as specified in section 5101.87 of the Revised Code. If receipts credited to the Victims of Human Trafficking Fund (Fund 5NG0) exceed the amounts appropriated to the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 307.200. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS
The Fiduciary Fund Group and Holding Account Fund Group shall be used to hold revenues until the appropriate fund is determined or until the revenues are directed to the appropriate governmental agency other than the Department of Job and Family Services. Any Department of Job and Family Services refunds or reconciliations received or held by the Department of Medicaid shall be transferred or credited to the Refunds and Audit Settlement Fund (Fund R012). If receipts credited to the Support Intercept – Federal Fund (Fund 1920), the Support Intercept – State Fund (Fund 5830), the Food Stamp Offset Fund (Fund 5B60), the Refunds and Audit Settlements Fund (Fund R012), or the Forgery Collections Fund (Fund R013) exceed the amounts appropriated from the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 307.210. COMPREHENSIVE CASE MANAGEMENT AND EMPLOYMENT PROGRAM

During the period that begins July 1, 2017, and ends on the effective date of the enactment by this act of section 5116.01 of the Revised Code, the Comprehensive Case Management and Employment Program created under Section 305.190 of Am. Sub. H.B. 64 of the 131st General Assembly shall continue in operation as enacted by that act with the following modification: the minimum age for participation in the program is reduced to fourteen. Beginning with the effective date of section 5116.01 of the Revised Code, as enacted by this act, the Comprehensive Case Management and Employment Program shall begin operation in accordance with Chapter 5116. of the Revised Code.
General Revenue Fund

GRF 029321 Operating Expenses $ 512,253 $ 512,253
TOTAL GRF General Revenue Fund $ 512,253 $ 512,253
TOTAL ALL BUDGET FUND GROUPS $ 512,253 $ 512,253

OPERATING GUIDANCE

The Legislative Service Commission shall act as fiscal agent for the Joint Committee on Agency Rule Review. Members of the Committee shall be paid in accordance with section 101.35 of the Revised Code.

OPERATING EXPENSES

On July 1, 2017, or as soon as possible thereafter, the Executive Director of the Joint Committee on Agency Rule Review may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 029321, Operating Expenses, at the end of fiscal year 2017 to be reappropriated to fiscal year 2018. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2018.

On July 1, 2018, or as soon as possible thereafter, the Executive Director of the Joint Committee on Agency Rule Review may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 029321, Operating Expenses, at the end of fiscal year 2018 to be reappropriated to fiscal year 2019. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2019.

Section 311.10. JEO JOINT EDUCATION OVERSIGHT COMMITTEE

General Revenue Fund

GRF 047321 Operating Expenses $ 500,000 $ 500,000
TOTAL GRF General Revenue Fund $ 500,000 $ 500,000
TOTAL ALL BUDGET FUND GROUPS $ 500,000 $ 500,000

OPERATING EXPENSES

The foregoing appropriation item 047321, Operating Expenses, shall be used to support expenses related to the Joint Education Oversight Committee under section 103.45 to 103.50 of the Revised Code.

On July 1, 2018, or as soon as possible thereafter, the Joint Education Oversight Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 047321, Operating Expenses, at the end of fiscal year 2018 to be reappropriated to fiscal year 2019. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2019.

Section 313.10. JMO JOINT MEDICAID OVERSIGHT COMMITTEE

General Revenue Fund
GRF 048321 Operating Expenses $ 351,355 $ 518,538
TOTAL GRF General Revenue Fund $ 351,355 $ 518,538
TOTAL ALL BUDGET FUND GROUPS $ 351,355 $ 518,538

OPERATING EXPENSES

The foregoing appropriation item 048321, Operating Expenses, shall be used to support expenses related to the Joint Medicaid Oversight Committee created by section 103.41 of the Revised Code.

On July 1, 2017, or as soon as possible thereafter, the Executive Director of the Joint Medicaid Oversight Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 048321, Operating Expenses, at the end of fiscal year 2017 to be reappropriated to fiscal year 2018. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2018.
On July 1, 2018, or as soon as possible thereafter, the Executive Director of the Joint Medicaid Oversight Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 048321, Operating Expenses, at the end of fiscal year 2018 to be reappropriated to fiscal year 2019. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2019.

The Legislative Service Commission shall act as fiscal agent for the Joint Medicaid Oversight Committee.

REVIEW OF CERTAIN DEPARTMENT OF HEALTH LINE ITEMS

The Joint Medicaid Oversight Committee shall review the following Department of Health appropriation items: 440416, Mothers and Children Safety Net Services; 440418, Immunizations; 440438, Breast and Cervical Cancer Screening; 440444, AIDS Prevention and Treatment; and 440505, Medically Handicapped Children. The review shall include the uses and the necessity of these appropriation items both before and after the enactment of section 1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)(VIII). The review shall also detail all funding sources, maintenance of effort requirements, and any grant restrictions. Additionally, the review shall include analysis and recommendations to maximize integration into the formal health care system with the goal of achieving the statutory goals of the Joint Medicaid Oversight Committee.

Section 315.10. JCO JUDICIAL CONFERENCE OF OHIO

General Revenue Fund

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Ohio Jury Instructions

TOTAL DPF Dedicated Purpose Fund $ 408,282 $ 431,346

TOTAL ALL BUDGET FUND GROUPS $ 1,215,245 $ 1,238,309

STATE COUNCIL OF UNIFORM STATE LAWS

Notwithstanding section 105.26 of the Revised Code, of the foregoing appropriation item 018321, Operating Expenses, up to $88,500 in fiscal year 2018 and up to $91,832 in fiscal year 2019 shall be used to pay the expenses of the State Council of Uniform State Laws, including membership dues to the National Conference of Commissioners on Uniform State Laws.

OHIO JURY INSTRUCTIONS FUND

The Ohio Jury Instructions Fund (Fund 4030) shall consist of grants, royalties, dues, conference fees, bequests, devises, and other gifts received for the purpose of supporting costs incurred by the Judicial Conference of Ohio in its activities as a part of the judicial system of the state as determined by the Judicial Conference Executive Committee. Fund 4030 shall be used by the Judicial Conference of Ohio to pay expenses incurred in its activities as a part of the judicial system of the state as determined by the Judicial Conference Executive Committee. Any receipts credited to Fund 4030 in excess of the amount originally appropriated from the fund are hereby appropriated for the purposes authorized. No money in Fund 4030 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board.

Section 317.10. JSC THE JUDICIARY/SUPREME COURT

General Revenue Fund

GRF 005321 Operating Expenses – $ 162,561,608 $ 170,954,475
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Requested</th>
<th>Appropriated</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>GRF 005406</td>
<td>Law-Related Education</td>
<td>$200,000</td>
<td>$200,000</td>
<td>100094</td>
</tr>
<tr>
<td>GRF 005409</td>
<td>Ohio Courts Technology Initiative</td>
<td>$3,350,000</td>
<td>$3,350,000</td>
<td>100095</td>
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<td><strong>TOTAL GRF General Revenue Fund</strong></td>
<td></td>
<td>$166,111,608</td>
<td>$174,504,475</td>
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<tr>
<td>4C80 005605</td>
<td>Attorney Services</td>
<td>$8,166,646</td>
<td>$8,122,279</td>
<td>100098</td>
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<tr>
<td>5HT0 005617</td>
<td>Court Interpreter Certification</td>
<td>$8,670</td>
<td>$9,537</td>
<td>100099</td>
</tr>
<tr>
<td>5SP0 005626</td>
<td>Civil Justice Grant Program</td>
<td>$350,000</td>
<td>$350,000</td>
<td>100100</td>
</tr>
<tr>
<td>5T80 005609</td>
<td>Grants and Awards</td>
<td>$6,000</td>
<td>$6,000</td>
<td>100101</td>
</tr>
<tr>
<td>6720 005601</td>
<td>Continuing Judicial Education</td>
<td>$100,000</td>
<td>$100,000</td>
<td>100102</td>
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<tr>
<td>6A80 005606</td>
<td>Supreme Court Admissions</td>
<td>$1,457,461</td>
<td>$1,477,098</td>
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<td><strong>TOTAL DPF Dedicated Purpose Fund Group</strong></td>
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<td>$10,088,777</td>
<td>$10,064,914</td>
<td>100104</td>
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<tr>
<td>5JY0 005620</td>
<td>County Law Library Resources Boards</td>
<td>$357,500</td>
<td>$357,500</td>
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<tr>
<td><strong>TOTAL FID Fiduciary Fund Group</strong></td>
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<td>$357,500</td>
<td>$357,500</td>
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<tr>
<td>3J00 005603</td>
<td>Federal Grants</td>
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<td>$1,528,315</td>
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<td><strong>TOTAL FED Federal Fund Group</strong></td>
<td></td>
<td>$1,705,708</td>
<td>$1,528,315</td>
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<tr>
<td><strong>TOTAL ALL BUDGET FUND GROUPS</strong></td>
<td></td>
<td>$178,263,593</td>
<td>$186,455,204</td>
<td>100111</td>
</tr>
</tbody>
</table>

**Section 317.20. LAW-RELATED EDUCATION**

The foregoing appropriation item 005406, Law-Related Education, shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing education.
citizenship education activities to primary and secondary
students, expanding delinquency prevention programs, increasing
activities for at-risk youth, and accessing additional public and
private money for new programs.

OHIO COURTS TECHNOLOGY INITIATIVE

The foregoing appropriation item 005409, Ohio Courts
Technology Initiative, shall be used to fund an initiative by the
Supreme Court to facilitate the exchange of information and
warehousing of data by and between Ohio courts and other justice
system partners through the creation of an Ohio Courts Network,
the delivery of technology services to courts throughout the
state, including the provision of hardware, software, and the
development and implementation of educational and training
programs for judges and court personnel, and operation of the
Commission on Technology and the Courts by the Supreme Court for
the promulgation of statewide rules, policies, and uniform
standards, and to aid in the orderly adoption and comprehensive
use of technology in Ohio courts.

ATTORNEY SERVICES

The Attorney Services Fund (Fund 4C80) shall consist of money
received by the Supreme Court (The Judiciary) pursuant to the
Rules for the Government of the Bar of Ohio. In addition to
funding other activities considered appropriate by the Supreme
Court, the foregoing appropriation item 005605, Attorney Services,
may be used to compensate employees and to fund appropriate
activities of the following offices established by the Supreme
Court: the Office of Disciplinary Counsel, the Board of
Commissioners on Grievances and Discipline, the Clients' Security
Fund, and the Attorney Services Division. If it is determined by
the Administrative Director of the Supreme Court that additional
appropriations are necessary, the amounts are hereby appropriated.
No money in Fund 4C80 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 4C80 shall be credited to the fund.

COURT INTERPRETER CERTIFICATION

The Court Interpreter Certification Fund (Fund 5HT0) shall consist of money received by the Supreme Court (The Judiciary) pursuant to Rules 80 through 87 of the Rules of Superintendence for the Courts of Ohio. The foregoing appropriation item 005617, Court Interpreter Certification, shall be used to provide training, to provide the written examination, and to pay language experts to rate, or grade, the oral examinations of those applying to become certified court interpreters. If it is determined by the Administrative Director that additional appropriations are necessary, the amounts are hereby appropriated.

No money in Fund 5HT0 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 5HT0 shall be credited to the fund.

CIVIL JUSTICE PROGRAM

The Civil Justice Program Fund (Fund 5SP0) shall consist of (1) $50 voluntary donations made as part of the biennium attorney registration process and (2) $150 increase in the pro hac vice fees for out-of-state attorneys pursuant to Government of the Bar Rule amendments. The foregoing appropriation item 005626, Civil Justice Program, shall be used by the Supreme Court of Ohio for grants to not-for-profit organizations and agencies dedicated to providing civil legal aid to underserved populations, to fund innovative programs directed at this purpose, and to increase access to judicial service to that population.

No money in Fund 5SP0 shall be transferred to any other fund.
by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 5SP0 shall be credited to the fund.

GRANTS AND AWARDS

The Grants and Awards Fund (Fund 5T80) shall consist of grants and other money awarded to the Supreme Court (The Judiciary) by the State Justice Institute, the Division of Criminal Justice Services, or other entities. The foregoing appropriation item 005609, Grants and Awards, shall be used in a manner consistent with the purpose of the grant or award. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No money in Fund 5T80 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 5T80 shall be credited or transferred to the General Revenue Fund.

JUDICIARY/SUPREME COURT EDUCATION

The Judiciary/Supreme Court Education Fund (Fund 6720) shall consist of fees paid for attending judicial and public education on the law, reimbursement of costs for judicial and public education on the law, and other gifts and grants received for the purpose of judicial and public education on the law. The foregoing appropriation item 005601, Judiciary/Supreme Court Education, shall be used to pay expenses for judicial education courses for judges, court personnel, and those who serve the courts, and for public education on the law. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No money in Fund 6720 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board.
Interest earned on money in Fund 6720 shall be credited to the fund.

SUPREME COURT ADMISSIONS

The foregoing appropriation item 005606, Supreme Court Admissions, shall be used to compensate Supreme Court employees who are primarily responsible for administering the attorney admissions program under the Rules for the Government of the Bar of Ohio, and to fund any other activities considered appropriate by the court. Moneys shall be deposited into the Supreme Court Admissions Fund (Fund 6A80) under the Supreme Court Rules for the Government of the Bar of Ohio. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No money in Fund 6A80 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 6A80 shall be credited to the fund.

COUNTY LAW LIBRARY RESOURCES BOARD

The Statewide Consortium of County Law Library Resources Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant to section 307.515 of the Revised Code into a county's law library resources fund and forwarded by that county's treasurer for deposit in the state treasury pursuant to division (E)(1) of section 3375.481 of the Revised Code. The foregoing appropriation item 005620, County Law Library Resources Board, shall be used for the operation of the Statewide Consortium of County Law Library Resources Boards. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No money in Fund 5JY0 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board.
Interest earned on money in Fund 5JY0 shall be credited to the fund.

FEDERAL GRANTS

The Federal Grants Fund (Fund 3J00) shall consist of grants and other moneys awarded to the Supreme Court (The Judiciary) by the United States Government or other entities that receive the moneys directly from the United States Government and distribute those moneys to the Supreme Court (The Judiciary). The foregoing appropriation item 005603, Federal Grants, shall be used in a manner consistent with the purpose of the grant or award. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No money in Fund 3J00 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. However, interest earned on money in Fund 3J00 shall be credited or transferred to the General Revenue Fund.

Section 319.10. LEC LAKE ERIE COMMISSION

Dedicated Purpose Fund Group

<table>
<thead>
<tr>
<th>Fund</th>
<th>Fund Name</th>
<th>User</th>
<th>FY 2018</th>
<th>FY 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>4C00</td>
<td>Lake Erie Protection</td>
<td>$568,000</td>
<td>$571,000</td>
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</table>

TOTAL DPF Dedicated Purpose

<table>
<thead>
<tr>
<th>Fund Group</th>
<th>FY 2018</th>
<th>FY 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>$568,000</td>
<td>$571,000</td>
<td></td>
</tr>
</tbody>
</table>

TOTAL ALL BUDGET FUND GROUPS

<table>
<thead>
<tr>
<th>Fund Group</th>
<th>FY 2018</th>
<th>FY 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>$568,000</td>
<td>$571,000</td>
<td></td>
</tr>
</tbody>
</table>

CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management may transfer cash from the funds specified below, up to the amounts specified below, to the Lake Erie Protection Fund (Fund 4C00). Fund 4C00 may accept contributions and transfers made to the fund.
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>5BC0</td>
<td>Environmental Protection</td>
<td>$25,000</td>
<td>$25,000</td>
<td>100271</td>
</tr>
<tr>
<td>6690</td>
<td>Pesticide, Fertilizer and Lime</td>
<td>$25,000</td>
<td>$25,000</td>
<td>100272</td>
</tr>
<tr>
<td>4700</td>
<td>General Operations</td>
<td>$25,000</td>
<td>$25,000</td>
<td>100273</td>
</tr>
<tr>
<td>1570</td>
<td>Central Support Indirect</td>
<td>$25,000</td>
<td>$25,000</td>
<td>100274</td>
</tr>
</tbody>
</table>

On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management may transfer $25,000 cash from a fund used by the Development Services Agency, as specified by the Director of Development Services, to Fund 4C00.

On July 1, 2018, or as soon as possible thereafter, the Director of Budget and Management may transfer $25,000 cash from a fund used by the Development Services Agency, as specified by the Director of Development Services, to Fund 4C00.

TRANSFER CASH FROM AND ABOLISH THE LAKE ERIE RESOURCES FUND

On July 1, 2017, or as soon as possible thereafter, the Director of Environmental Protection shall certify to the Director of Budget and Management the cash balance in the Lake Erie Resources Fund (Fund 5D80). The Director of Budget and Management may transfer the certified cash amount from Fund 5D80 to the Lake Erie Protection Fund (Fund 4C00). Upon completion of the transfer, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 780602, Lake Erie Resources, and reestablish them against appropriation item 780601, Lake Erie Protection. The reestablished encumbrance amounts are hereby appropriated and Fund 5D80 is abolished.

Section 321.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
<th>Fiscal Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>GRF 028321</td>
<td>Legislative Ethics Committee</td>
<td>$550,000</td>
<td>$550,000</td>
<td>100297</td>
</tr>
<tr>
<td></td>
<td>TOTAL GRF General Revenue Fund</td>
<td>$550,000</td>
<td>$550,000</td>
<td>100298</td>
</tr>
<tr>
<td></td>
<td>Dedicated Purpose Fund Group</td>
<td></td>
<td></td>
<td>100299</td>
</tr>
<tr>
<td>4G70 028601</td>
<td>Joint Legislative Ethics Committee</td>
<td>$150,000</td>
<td>$150,000</td>
<td>100300</td>
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<td></td>
<td>TOTAL DPF Dedicated Purpose Fund Group</td>
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<td>$150,000</td>
<td>100301</td>
</tr>
<tr>
<td></td>
<td>TOTAL ALL BUDGET FUND GROUPS</td>
<td>$700,000</td>
<td>$700,000</td>
<td>100302</td>
</tr>
</tbody>
</table>

**LEGISLATIVE ETHICS COMMITTEE**

On July 1, 2017, or as soon as possible thereafter, the Legislative Inspector General of the Joint Legislative Ethics Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 028321, Legislative Ethics Committee, at the end of fiscal year 2017 to be reappropriated to fiscal year 2018. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2018.

On July 1, 2018, or as soon as possible thereafter, the Legislative Inspector General of the Joint Legislative Ethics Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 028321, Legislative Ethics Committee, at the end of fiscal year 2018 to be reappropriated to fiscal year 2019. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2019.

**Section 323.10. LSC LEGISLATIVE SERVICE COMMISSION**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
<th>Fiscal Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>GRF 035321</td>
<td>Operating Expenses</td>
<td>$17,000,000</td>
<td>$17,000,000</td>
<td>100322</td>
</tr>
<tr>
<td>GRF 035402</td>
<td>Legislative Fellows</td>
<td>$1,070,000</td>
<td>$1,070,000</td>
<td>100323</td>
</tr>
</tbody>
</table>
### Section 323.20. OPERATING EXPENSES

On July 1, 2017, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 035321, Operating Expenses, at the end of fiscal year 2017 to be reappropriated to fiscal year 2018. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2018.

On July 1, 2018, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 035321,
Operating Expenses, at the end of fiscal year 2018 to be reappropriated to fiscal year 2019. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2019.

**LEGISLATIVE TASK FORCE ON REDISTRICTING**

An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 035407, Legislative Task Force on Redistricting, at the end of fiscal year 2017 is hereby reappropriated to the Legislative Service Commission for the same purpose for fiscal year 2018.

An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 035407, Legislative Task Force on Redistricting, at the end of fiscal year 2018 is hereby reappropriated to the Legislative Service Commission for the same purpose for fiscal year 2019.

**LEGISLATIVE INFORMATION SYSTEMS**

On July 1, 2017, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 035410, Legislative Information Systems, at the end of fiscal year 2017 to be reappropriated to fiscal year 2018. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2018.

On July 1, 2018, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 035410, Legislative Information Systems, at the end of fiscal year 2018 to be reappropriated to fiscal year 2019. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2019.
year 2019.

**Ohio Constitutional Modernization Commission**

The foregoing appropriation item 035411, Ohio Constitutional Modernization Commission, shall be used to support the operation and expenses of the Ohio Constitutional Modernization Commission under sections 103.61 to 103.67 of the Revised Code. All expenditures paid from the appropriation item must be approved by the director and chairperson of the Legislative Service Commission under division (A) of section 103.21 of the Revised Code.

**Litigation**

The foregoing appropriation item 035501, Litigation, shall be used for any lawsuit in which the General Assembly is a party because a legal or constitutional challenge is made against the Ohio Constitution or an act of the General Assembly. The chairperson and vice-chairperson of the Legislative Service Commission shall both approve the use of the appropriated moneys.

An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 035501, Litigation, at the end of fiscal year 2017 is hereby reappropriated to the Legislative Service Commission for the same purpose for fiscal year 2018.

An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 035501, Litigation, at the end of fiscal year 2018 is hereby reappropriated to the Legislative Service Commission for the same purpose for fiscal year 2019.

**Section 325.10. Lib State Library Board**

General Revenue Fund

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>GRF 350321</td>
<td>Operating Expenses</td>
<td>$5,206,745</td>
<td>$5,206,745</td>
</tr>
<tr>
<td>GRF 350401</td>
<td>Ohioana Rental Payments</td>
<td>$120,114</td>
<td>$120,114</td>
</tr>
<tr>
<td>GRF 350502</td>
<td>Regional Library</td>
<td>$582,469</td>
<td>$582,469</td>
</tr>
<tr>
<td>System</td>
<td>Amount</td>
<td>Description</td>
<td>Code</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>----------------</td>
<td>------------------------------------</td>
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</tr>
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<td>TOTAL GRF General Revenue Fund</td>
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<tr>
<td>Dedicated Purpose Fund Group</td>
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<td>100410</td>
</tr>
<tr>
<td>4590 350603 Services for Libraries</td>
<td>$4,190,834</td>
<td>$4,190,834</td>
<td>100411</td>
</tr>
<tr>
<td>4S40 350604 Ohio Public Library Information Network</td>
<td>$5,689,788</td>
<td>$5,689,788</td>
<td>100412</td>
</tr>
<tr>
<td>5GB0 350605 Library for the Blind</td>
<td>$1,274,194</td>
<td>$1,274,194</td>
<td>100413</td>
</tr>
<tr>
<td>TOTAL DPF Dedicated Purpose Fund Group</td>
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<td>$11,154,816</td>
<td>100414</td>
</tr>
<tr>
<td>Internal Service Activity Fund</td>
<td></td>
<td></td>
<td>100416</td>
</tr>
<tr>
<td>1390 350602 Services for State Agencies</td>
<td>$8,000</td>
<td>$8,000</td>
<td>100417</td>
</tr>
<tr>
<td>TOTAL ISA Internal Service Activity Fund Group</td>
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<td>$8,000</td>
<td>100418</td>
</tr>
<tr>
<td>Federal Fund Group</td>
<td></td>
<td></td>
<td>100420</td>
</tr>
<tr>
<td>3130 350601 LSTA Federal</td>
<td>$5,350,000</td>
<td>$5,350,000</td>
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<td>TOTAL FED Federal Fund Group</td>
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<tr>
<td>TOTAL ALL BUDGET FUND GROUPS</td>
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<td>$22,422,144</td>
<td>100423</td>
</tr>
</tbody>
</table>

**Section 325.20. OHIOANA RENTAL PAYMENTS**

The foregoing appropriation item 350401, Ohioana Rental Payments, shall be used to pay the rental expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code.

**REGIONAL LIBRARY SYSTEMS**

The foregoing appropriation item 350502, Regional Library Systems, shall be used to support regional library systems eligible for funding under sections 3375.83 and 3375.90 of the Revised Code.

**OHIO PUBLIC LIBRARY INFORMATION NETWORK**
(A) The foregoing appropriation item 350604, Ohio Public Library Information Network, shall be used for an information telecommunications network linking public libraries in the state and such others as may participate in the Ohio Public Library Information Network (OPLIN).

The Ohio Public Library Information Network Board of Trustees created under section 3375.65 of the Revised Code may make decisions regarding use of the foregoing appropriation item 350604, Ohio Public Library Information Network.

(B) The OPLIN Board shall research and assist or advise local libraries with regard to emerging technologies and methods that may be effective means to control access to obscene and illegal materials. The OPLIN Director shall provide written reports upon request within ten days to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate on any steps being taken by OPLIN and public libraries in the state to limit and control such improper usage as well as information on technological, legal, and law enforcement trends nationally and internationally affecting this area of public access and service.

(C) The Ohio Public Library Information Network, INFOhio, and OhioLINK shall, to the extent feasible, coordinate and cooperate in their purchase or other acquisition of the use of electronic databases for their respective users and shall contribute funds in an equitable manner to such effort.

LIBRARY FOR THE BLIND

The foregoing appropriation item 350605, Library for the Blind, shall be used for the statewide Talking Book Program to assist the blind and disabled.

TRANSFER TO OPLIN TECHNOLOGY FUND

Notwithstanding sections 5747.03 and 5747.47 of the Revised
Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer $3,689,788 cash in each fiscal year from the Public Library Fund (Fund 7065) to the OPLIN Technology Fund (Fund 4S40).

TRANSFER TO LIBRARY FOR THE BLIND FUND

Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer $1,274,194 cash in each fiscal year from the Public Library Fund (Fund 7065) to the Library for the Blind Fund (Fund 5GB0).

### Section 327.10. LCO LIQUOR CONTROL COMMISSION

<table>
<thead>
<tr>
<th>Dedicated Purpose Fund Group</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>5LP0 970601 Operating Expenses</td>
<td>$ 844,553</td>
<td>$ 851,269</td>
<td>100481</td>
</tr>
<tr>
<td>TOTAL DPF Dedicated Purpose Fund Group</td>
<td>$ 844,553</td>
<td>$ 851,269</td>
<td>100482</td>
</tr>
<tr>
<td>TOTAL ALL BUDGET FUND GROUPS</td>
<td>$ 844,553</td>
<td>$ 851,269</td>
<td>100483</td>
</tr>
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</table>

### Section 329.10. LOT STATE LOTTERY COMMISSION

<table>
<thead>
<tr>
<th>State Lottery Fund Group</th>
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<tr>
<td>7044 950321 Operating Expenses</td>
<td>$ 53,339,208</td>
<td>$ 53,287,220</td>
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<td>7044 950402 Advertising Contracts</td>
<td>$ 25,800,000</td>
<td>$ 25,800,000</td>
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<td>7044 950403 Gaming Contracts</td>
<td>$ 68,258,704</td>
<td>$ 68,917,884</td>
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<tr>
<td>7044 950601 Direct Prize Payments</td>
<td>$ 142,307,278</td>
<td>$ 142,949,268</td>
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<td>7044 950605 Problem Gambling</td>
<td>$ 3,300,000</td>
<td>$ 3,300,000</td>
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<tr>
<td>8710 950602 Annuity Prizes</td>
<td>$ 81,000,000</td>
<td>$ 81,000,000</td>
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<td>TOTAL SLF State Lottery Fund Group</td>
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<tr>
<td>TOTAL ALL BUDGET FUND GROUPS</td>
<td>$ 374,005,190</td>
<td>$ 375,254,372</td>
<td>100495</td>
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OPERATING EXPENSES 100496
Notwithstanding sections 127.14 and 131.35 of the Revised
Code, the Controlling Board may, at the request of the State
Lottery Commission, authorize expenditures from the State Lottery
Fund in excess of the amounts appropriated, up to a maximum of 10
per cent of anticipated total revenue accruing from the sale of
lottery products. Upon the approval of the Controlling Board, the
additional amounts are hereby appropriated.

DIRECT PRIZE PAYMENTS

Any amounts, in addition to the amounts appropriated in
appropriation item 950601, Direct Prize Payments, that the
Director of the State Lottery Commission determines to be
necessary to fund prizes are hereby appropriated.

ANNUITY PRIZES

Upon request of the State Lottery Commission, the Director of
Budget and Management may transfer cash from the State Lottery
Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in
an amount sufficient to fund deferred prizes. The Treasurer of
State, from time to time, shall credit the Deferred Prizes Trust
Fund (Fund 8710) the pro rata share of interest earned by the
Treasurer of State on invested balances.

Any amounts, in addition to the amounts appropriated in
appropriation item 950602, Annuity Prizes, that the Director of
the State Lottery Commission determines to be necessary to fund
deferred prizes and interest earnings are hereby appropriated.

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND

Estimated transfers from the State Lottery Fund (Fund 7044)
to the Lottery Profits Education Fund (Fund 7017) are to be
$1,045,000,000 in fiscal year 2018 and $1,055,000,000 in fiscal
year 2019. The Director of Budget and Management shall transfer
such amounts contingent upon the availability of resources.

Transfers from the State Lottery Fund to the Lottery Profits
Education Fund shall represent the estimated net income from operations for the Commission in fiscal year 2018 and fiscal year 2019. Transfers by the Director of Budget and Management to the Lottery Profits Education Fund shall be administered as the statutes direct.

**Section 331.10. MHC MANUFACTURED HOMES COMMISSION**

Dedicated Purpose Fund Group

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>State</th>
<th>Federal</th>
<th>Total</th>
<th>Unit</th>
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<td>4K90</td>
<td>Operating Expenses</td>
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<td>5MC0</td>
<td>Manufactured Homes Regulation</td>
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**Section 333.10. MCD DEPARTMENT OF MEDICAID**

General Revenue Fund

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<tr>
<th>Code</th>
<th>Description</th>
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<th>Unit</th>
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<tbody>
<tr>
<td>GRF</td>
<td>Medicaid Program Support - State</td>
<td>$196,812,968</td>
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<tr>
<td>GRF</td>
<td>Medicaid Health Care Services State</td>
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<td>Medicaid Health Care Services Federal</td>
<td>$10,278,580,968</td>
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<td>Medicaid Health Care Services Total</td>
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<td>GRF</td>
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<td>TOTAL GRF General Revenue Fund State</td>
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<td></td>
<td>Federal</td>
<td>$10,278,580,968</td>
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<td>GRF Total</td>
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<td>4E30</td>
<td>Resident Protection</td>
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<td>Fund</td>
<td>As Introduced</td>
<td>Page 3280</td>
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<td>5AJ0 651631 Money Follows the Person</td>
<td>$ 12,760,900</td>
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<td>5DL0 651639 Medicaid Services - Recoveries</td>
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<td>5DL0 651685 Medicaid Recoveries - Program Support</td>
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**Holding Account Fund Group**

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<th>Fund</th>
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<th>Page 3280</th>
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<tr>
<td>R055 651644 Refunds and Reconciliations</td>
<td>$ 1,000,000</td>
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<td><strong>TOTAL HLD Holding Account Fund</strong></td>
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**Federal Fund Group**

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<th>Fund</th>
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<tr>
<td>3ER0 651603 Medicaid Health and</td>
<td>$ 61,896,000</td>
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Transformation
Technology

3F00 651623 Medicaid Services - Federal $ 6,213,919,469 $ 6,338,785,019 100570

3F00 651624 Medicaid Program Support - Federal $ 631,793,871 $ 725,032,537 100571

3FA0 651680 Health Care Grants - Federal $ 38,658,704 $ 38,664,967 100572

3G50 651655 Medicaid Interagency Pass Through $ 125,651,597 $ 125,701,597 100573

TOTAL FED Federal Fund Group $ 7,071,919,641 $ 7,290,080,120 100574

TOTAL ALL BUDGET FUND GROUPS $24,988,874,812 $25,680,231,986 100575

Section 333.20. TEMPORARY AUTHORITY REGARDING EMPLOYEES

(A) Until July 1, 2019, the Medicaid Director has the authority to establish, change, and abolish positions for the Department of Medicaid, and to assign, reassign, classify, reclassify, transfer, reduce, promote, or demote all employees of the Department of Medicaid who are not subject to Chapter 4117. of the Revised Code.

(B) The authority granted under division (A) of this section includes assigning or reassigning an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification if the Medicaid Director determines that the bargaining unit classification is the proper classification for that employee. The actions of the Medicaid Director shall be consistent with the requirements of 5 C.F.R. 900.603 for those employees subject to such requirements. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification under this section, the Medicaid Director, or in the case of a transfer outside the Department of Medicaid, the Director of Administrative Services, shall assign the employee to

100578 100579 100580 100581 100582 100583 100584 100585 100586 100587 100588 100589 100590 100591 100592 100593 100594 100595 100596
the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(C) Actions taken by the Medicaid Director and Director of Administrative Services pursuant to this section are not subject to appeal to the State Personnel Board of Review.

(D) A portion of the foregoing appropriation items 651425, Medicaid Program Support – State, 651603, Medicaid Health and Transformation Technology, 651624, Medicaid Program Support – Federal, 651680, Health Care Grants – Federal, 651655, Medicaid Interagency Pass-Through, 651605, Resident Protection Fund, 651631, Money Follows the Person, 651682, Health Care Grants – State, and 651654, Medicaid Program Support, may be used to pay for costs associated with the administration of the Medicaid program, including the assignment, reassignment, classification, reclassification, transfer, reduction, promotion, or demotion of employees authorized by this section.

Section 333.30. For fiscal years 2018 and 2019, the Director of Budget and Management may transfer appropriation between appropriation item 651425, Medicaid Program Support – State, and appropriation item 655425, Medicaid Program Support. Any appropriation so transferred shall be used to resolve funding issues resulting from the transfer of medical assistance programs from the Department of Job and Family Services to the Department of Medicaid.

Section 333.40. MEDICAID HEALTH CARE SERVICES

The foregoing appropriation item 651525, Medicaid Health Care Services, shall not be limited by section 131.33 of the Revised Code.
Section 333.50. MANAGED CARE PERFORMANCE PAYMENT PROGRAM

At the beginning of each quarter, or as soon as possible thereafter, the Medicaid Director shall certify to the Director of Budget and Management the amount withheld in accordance with section 5167.30 of the Revised Code for purposes of the Managed Care Performance Payment Program.

Section 333.60. PERFORMANCE PAYMENTS FOR MEDICAID MANAGED CARE

(A) As used in this section:

(1) "ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.

(2) "Integrated Care Delivery System" and "ICDS" have the same meaning as section 5164.01 of the Revised Code.

(3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.

(B) For fiscal year 2018 and fiscal year 2019, the Department of Medicaid shall provide performance payments as provided under this section to Medicaid managed care organizations providing care under the Integrated Care Delivery System.

(C) If ICDS participants receive care through Medicaid managed care organizations under ICDS, the Department shall, in consultation with the United States Centers for Medicare and Medicaid Services, do both of the following:

(1) Develop quality measures designed specifically to determine the effectiveness of the health care and other services provided to ICDS participants by Medicaid managed care organizations;

(2) Determine an amount to be withheld from the Medicaid premium payments paid to Medicaid managed care organizations for...
ICDS participants.

(D)(1) For the purposes of division (C)(2) of this section, the Department shall establish an amount that is to be withheld each time a premium payment is made to a Medicaid managed care organization for an ICDS participant. The amount shall be established as a percentage of each premium payment. The percentage shall be the same for all Medicaid managed care organizations providing care to ICDS participants.

(2) Each Medicaid managed care organization shall agree to the withholding as a condition of receiving or maintaining its Medicaid provider agreement with the Department.

(3) When the amount is established and each time the amount is modified thereafter, the Department shall certify the amount to the Director of Budget and Management and begin withholding the amount from each premium the Department pays to a Medicaid managed care organization for an ICDS participant.

(E) A Medicaid managed care organization subject to this section is not subject to section 5167.30 of the Revised Code for premium payments attributed to ICDS participants during fiscal year 2018 and fiscal year 2019.

Section 333.70. HOSPITAL FRANCHISE FEE PROGRAM

The Director of Budget and Management may authorize additional expenditures from appropriation item 651623, Medicaid Services - Federal, appropriation item 651525, Medicaid Health Care Services, and appropriation item 651656, Medicaid Services - Hospital/UPL, in order to implement the programs authorized by sections 5168.20 through 5168.28 of the Revised Code. Any amounts authorized are hereby appropriated.

Section 333.80. MEDICARE PART D
The foregoing appropriation item 651526, Medicare Part D, may be used by the Department of Medicaid for the implementation and operation of the Medicare Part D requirements contained in the "Medicare Prescription Drug, Improvement, and Modernization Act of 2003," Pub. L. No. 108-173, as amended. Upon the request of the Department of Medicaid, the Director of Budget and Management may transfer the state share of appropriations between appropriation item 651525, Medicaid Health Care Services, and appropriation item 651526, Medicare Part D. If the state share of appropriation item 651525, Medicaid Health Care Services, is adjusted, the Director of Budget and Management shall adjust the federal share accordingly. The Department of Medicaid shall provide notification to the Controlling Board of any transfers at the next scheduled Controlling Board meeting.

Section 333.90. HEALTH CARE SERVICES SUPPORT AND RECOVERIES FUND

Of the amount received by the Department of Medicaid during fiscal year 2018 and fiscal year 2019 from the first installment of assessments paid under section 5168.06 of the Revised Code and intergovernmental transfers made under section 5168.07 of the Revised Code, the Medicaid Director shall deposit $350,000 in each fiscal year into the state treasury to the credit of the Health Care Services Support and Recoveries Fund (Fund 5DL0).

Section 333.100. HOSPITAL CARE ASSURANCE MATCH

If receipts credited to the Health Care Federal Fund (Fund 3F00) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, expenditures from the fund shall be authorized.
Management, the additional amounts are hereby appropriated.

The foregoing appropriation item 651649, Medicaid Services – Health Care Assurance Program, shall be used by the Department of Medicaid for distributing the state share of all hospital care assurance program funds to hospitals under section 5168.09 of the Revised Code. If receipts credited to the Hospital Care Assurance Program Fund (Fund 6510) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 333.110. REFUNDS AND RECONCILIATION FUND

If receipts credited to the Refunds and Reconciliation Fund exceed the amounts appropriated from the fund, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 333.120. MEDICAID INTERAGENCY PASS-THROUGH

The Medicaid Director may request the Director of Budget and Management to increase appropriation item 651655, Medicaid Interagency Pass-Through. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 333.130. NON-EMERGENCY MEDICAL TRANSPORTATION

In order to ensure access to a non-emergency medical transportation brokerage program established pursuant to section...
1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), upon the request of the Medicaid Director, the Director of Budget and Management may transfer the state share appropriations between General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid and 655523, Medicaid Program Support – Local Transportation, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of General Revenue Fund appropriation line 651525, Medicaid Health Care Services, within the Department of Medicaid, and the Medicaid Program Support Fund (Fund 3F01) appropriation line 655624, Medicaid Program Support - Federal, within the Department of Job and Family Services. The Director of Medicaid shall transmit to the Medicaid Program Support Fund (Fund 3F01) the federal funds which the Department of Medicaid, as the state's sole point of contact with the federal government for Medicaid reimbursements, has drawn for this transaction.

**Section 333.140. **PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION SYSTEM IMPLEMENTATION

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to $5,000,000 of state share appropriations in each fiscal year between General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and 655522, Medicaid Program Support – Local, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and the Medicaid Program Support Fund (Fund 3F01) appropriation item 655624, Medicaid Program Support - Federal, within the Department of Job and Family Services.
The Director of Medicaid shall transmit to the Medicaid Program Support Fund (3F01) the federal funds which the Department of Medicaid, as the state's sole point of contact with the federal government for Medicaid reimbursements, has drawn for this transaction.

Any increase in funding shall be provided to county departments of job and family services and shall only be used for costs related to transitioning to a new public assistance eligibility determination system. These funds shall not be used for existing and ongoing operating expenses. The Medicaid Director shall establish criteria for distributing these funds and for county departments of job and family services to submit allowable expenses.

County departments of job and family services shall comply with new roles, processes, and responsibilities related to the new eligibility determination system. County departments of job and family services shall report to the Ohio Department of Job and Family Services and the Ohio Department of Medicaid, on a schedule determined by the Medicaid Director, how the funds were used.

Section 333.150. MEDICAID PROGRAM SUPPORT – LOCAL TRANSPORTATION

If the Department of Job and Family Services continues to administer the Medicaid transportation program in fiscal year 2019, upon request of the Director of Job and Family Services, the Director of Budget and Management may transfer up to $45,100,000 in appropriation from appropriation item 651525, Medicaid Health Care Services, to appropriation item 655523, Medicaid Program Support—Local Transportation. Any appropriation so transferred shall be used by the Department of Job and Family Services to continue to administer the Medicaid transportation program.
Section 333.160. STATE PLAN HOME AND COMMUNITY-BASED SERVICES

For the period beginning July 1, 2017, and ending on the effective date of the enactment by this act of section 5164.10 of the Revised Code, the Medicaid program may continue to cover state plan home and community-based services in the same manner that it covered the services during fiscal year 2016 and fiscal year 2017 under Section 327.190 of Am. Sub. H.B. 64 of the 131st General Assembly. Beginning with the effective date of the enactment by this act of section 5164.10 of the Revised Code, the Medicaid program may cover state plan home and community-based services in accordance with that section.

Section 333.170. FISCAL YEAR 2018 AND FISCAL YEAR 2019 MEDICAID PAYMENT RATES FOR DIRECT CARE COSTS

(A) As used in this section, "change of operator," "direct care costs," "effective date of a change of operator," "entering operator," "nursing facility," and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.

(B) Notwithstanding section 5165.19 of the Revised Code, the Department of Medicaid shall, for the purpose of determining each nursing facility's per Medicaid day payment rate for direct care costs for nursing facility services provided during the period beginning October 1, 2017, and ending July 1, 2019, reduce each peer group's cost per case-mix unit determined under division (D) of section 5165.19 of the Revised Code by seven per cent. If a nursing facility undergoes a change of operator and the effective date of the change of operator occurs during the period beginning on July 1, 2017, and ending October 1, 2017, the per Medicaid day payment rate for direct care costs to be paid to the entering operator for nursing facility services that the nursing facility provides shall be modified in accordance with this section.
(C) This section does not apply to the total per Medicaid day payment rates determined under section 5165.153 or 5165.157 of the Revised Code or the Medicaid payment rates determined under section 327.270 of Am. Sub. H.B. 64 of the 131st General Assembly.

Section 333.180. MEDICAID PAYMENT RATES FOR NONINSTITUTIONAL PROVIDERS

Notwithstanding section 5164.70 of the Revised Code as in effect on June 30, 2017, the Department of Medicaid may establish Medicaid payment rates for services provided by a Medicaid provider, other than a hospital, nursing facility, or intermediate care facility for individuals with intellectual disabilities, that may exceed the authorized payment limits for the same service under the Medicare Program. Such rates may take effect for dates of service on or after July 1, 2017. A portion of the foregoing appropriation items 651525, Medicaid/Health Care Services, 651603, Medicaid Health Information Technology, 651623, Medicaid Services – Federal, 651624, Medicaid Program Support – Federal, 651680, Health Care Grants – Federal, 651682, Health Care Grants – State, may be used to pay for Medicaid services and costs associated with the administration of the Medicaid Program, including the establishment and payment of rates in accordance with this section.

Section 333.190. TRANSFER OF INDIVIDUALS FROM DEPARTMENT OF HEALTH PROGRAMS TO DEPARTMENT OF MEDICAID PROGRAMS

(A) As used in this section:

(1) "Cystic Fibrosis Program" means the Cystic Fibrosis Program the Department of Health administers pursuant to division (H) of section 3701.023 of the Revised Code.

(2) "Hemophilia Program" means the Hemophilia Program the Department of Health is required to establish and administer under
section 3701.029 of the Revised Code.

(3) "Program for Medically Handicapped Children" means the Program for Medically Handicapped Children the Department of Health administers pursuant to sections 3702.022 to 3702.028 of the Revised Code.

(B) The Department of Medicaid shall work in collaboration with the Department of Health to do both of the following on January 1, 2018:

(1) Enroll in the Medicaid program all Medicaid-eligible individuals who meet both of the following requirements:

(a) Are enrolled in the Program for Medically Handicapped Children, Cystic Fibrosis Program, or Hemophilia Program on December 31, 2017, and lose eligibility for the program on January 1, 2018, because of the amendments by this act to section 3701.023 or 3701.029 of the Revised Code;

(b) Do not object to enrolling in the Medicaid program.

(2) Enroll in the program established under section 5160.51 of the Revised Code all nonMedicaid-eligible individuals who meet all of the following requirements:

(a) Are enrolled in the Program for Medically Handicapped Children, Cystic Fibrosis Program, or Hemophilia Program on December 31, 2017, and lose eligibility for the program on January 1, 2018, because of the amendments by this act to section 3701.023 or 3701.029 of the Revised Code;

(b) Are eligible for the program established under section 5160.51 of the Revised Code;

(c) Do not object to enrolling in the program established under section 5160.51 of the Revised Code.

(C) An individual's objection under this section to enrolling in Medicaid or the program established under section 5160.51 of
the Revised Code does not negate any of the following:

(1) The individual's ineligibility for the Program for Medically Handicapped Children pursuant to division (A)(2) of section 3701.023 of the Revised Code;

(2) The individual's ineligibility for the Cystic Fibrosis Program pursuant to division (H) of section 3701.023 of the Revised Code;

(3) The individual's ineligibility for the Hemophilia Program pursuant to division (B) of section 3701.029 of the Revised Code.

Section 333.200. TRANSFER OF OHIO ACCESS SUCCESS PROJECT ENROLLEES

(A) As used in this section:

(1) "Helping Ohioans Move, Expanding Choice program" means the component of the Medicaid program authorized by section 5164.90 of the Revised Code.

(2) "Home and community-based Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.

(3) "Ohio Access Success Project" means the program established under section 5166.35 of the Revised Code.

(B) Before January 1, 2019, the Department of Medicaid shall transfer all Medicaid recipients who are enrolled in the Ohio Access Success Project to the following:

(1) Except as provided in division (B) of this section, the Helping Ohioans Move, Expanding Choice program;

(2) If the Helping Ohioans Move, Expanding Choice program is integrated into a home and community-based services Medicaid waiver component, the same or another home and community-based services Medicaid waiver component.
### Section 335.10. MED STATE MEDICAL BOARD

Dedicated Purpose Fund Group

<table>
<thead>
<tr>
<th>Group</th>
<th>FY 2021</th>
<th>FY 2022</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>5C60 883609 Operating Expenses</td>
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<td>$11,064,757</td>
<td>$901,253</td>
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<td>$11,064,757</td>
<td>$901,253</td>
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</table>

TOTAL ALL BUDGET FUND GROUPS | $10,163,504 | $11,064,757 |

### Section 337.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES

General Revenue Fund

<table>
<thead>
<tr>
<th>Fund Group</th>
<th>FY 2021</th>
<th>FY 2022</th>
<th>Change</th>
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<tbody>
<tr>
<td>GRF 336321 Central Administration</td>
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<td>$15,049,089</td>
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<tr>
<td>GRF 336402 Resident Trainees</td>
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<td>$1,450,000</td>
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<tr>
<td>GRF 336405 Family and Children First</td>
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<tr>
<td>GRF 336406 Prevention and Wellness</td>
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<td>GRF 336412 Hospital Services</td>
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<td>GRF 336415 Mental Health Facilities Lease Rental Bond Payments</td>
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<td>GRF 336421 Continuum of Care Services</td>
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<td>GRF 336422 Criminal Justice Services</td>
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<td>GRF 336424 Recovery Housing</td>
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<td>GRF 336425 Specialized Docket Support</td>
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<tr>
<td>Account</td>
<td>Description</td>
<td>Budget 1</td>
<td>Budget 2</td>
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<tr>
<td>---------</td>
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<td>GRF 336504</td>
<td>Community Innovations</td>
<td>$5,850,000</td>
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<td>GRF 336506</td>
<td>Court Costs</td>
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<td>GRF 336510</td>
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<td>GRF 336511</td>
<td>Early Childhood Mental Health Counselors and Consultation</td>
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<td>GRF 652321</td>
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Dedicated Purpose Fund Group

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<tr>
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<td>Mental Health Operating</td>
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Internal Service Activity Fund Group

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<td>336610</td>
<td>Operating Expenses</td>
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<td>Community Mental Health Projects</td>
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<td>Administrative Reimbursement</td>
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<td>Community Medicaid Legacy Support</td>
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<td>TOTAL ALL BUDGET FUND GROUPS</td>
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<td>$ 694,544,896</td>
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</tbody>
</table>

**Section 337.20.** RESIDENT TRAINEES

Of the foregoing appropriation item 336402, Resident Trainees, up to $500,000 in each fiscal year shall be used to assist with workforce recruitment and retention by supporting community behavioral health centers in the provision of clinical
oversight and supervision of practitioners working toward their independent licensure.

Of the foregoing appropriation item 336402, Resident Trainees, up to $500,000 in each fiscal year shall be used to support residency programs for psychiatrists, advanced practice nurses, and physician assistants who engage in the public behavioral health system.

Of the foregoing appropriation item 336402, Resident Trainees, up to $450,000 in each fiscal year may be used to fund residencies and traineeship programs in psychiatry, psychology, nursing, and social work at state universities and teaching hospitals.

Section 337.30. PREVENTION AND WELLNESS

The foregoing appropriation item 336406, Prevention and Wellness, shall be used as follows:

(A) Up to $500,000 in each fiscal year shall be used to support evidence-based prevention in school settings.

(B) Up to $1,500,000 in each fiscal year shall be distributed to boards of alcohol, drug addiction, and mental health services to purchase the provision of evidence-based prevention services from providers certified by the Department of Mental Health and Addiction Services.

(C) Up to $500,000 in each fiscal year shall be used to support suicide prevention efforts.

Section 337.40. MENTAL HEALTH FACILITIES LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 336415, Mental Health Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2017, through June 30,
2019, by the Department of Mental Health and Addiction Services under leases and agreements made under section 154.20 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on obligations issued pursuant to Chapter 154. of the Revised Code.

Section 337.50. CONTINUUM OF CARE SERVICES

The foregoing appropriation item 336421, Continuum of Care Services, shall be used as follows:

(A) A portion of this appropriation shall be allocated to boards of alcohol, drug addiction, and mental health services in accordance with a distribution methodology determined by the Director of Mental Health and Addiction Services for the boards to purchase mental health and addiction services permitted under Chapter 340. of the Revised Code. Boards may use a portion of the funds allocated:

(1) To provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization due to lack of medication; and

(2) To provide subsidized support for medication-assisted treatment costs.

(B) A portion of this appropriation may be distributed to boards of alcohol, drug addiction, and mental health services, community addiction and/or mental health services providers, courts, or other governmental entities to provide specific grants in support of initiatives concerning mental health and addiction services.

Section 337.60. CRIMINAL JUSTICE SERVICES

The foregoing appropriation item 336422, Criminal Justice Services, shall be used to provide forensic psychiatric
evaluations to courts of common pleas and to conduct evaluations
of patients of forensic status in facilities operated or
designated by the Department of Mental Health and Addiction
Services prior to conditional release to the community. A portion
of this appropriation may be allocated through boards of alcohol,
drug addiction, and mental health services to community addiction
and/or mental health services providers in accordance with a
distribution methodology as determined by the Director of Mental
Health and Addiction Services.

The foregoing appropriation item 336422, Criminal Justice
Services, may also be used to:

(A) Provide forensic monitoring and tracking of individuals
on conditional release;

(B) Provide forensic training;

(C) Support projects that assist courts and law enforcement
to identify and develop appropriate alternative services to
incarceration for nonviolent mentally ill offenders;

(D) Provide specialized re-entry services to offenders
leaving prisons and jails;

(E) Provide specific grants in support of addiction services
alternatives to incarceration;

(F) Support therapeutic communities; and

(G) Support specialty dockets and expand or create new
certified court programs.

Section 337.70. MEDICATION-ASSISTED TREATMENT FOR DRUG COURT
SPECIALIZED DOCKET PROGRAMS

(A) As used in this section:

(1) "Community addiction services provider" has the same
meaning as in section 5119.01 of the Revised Code.
(2) "Medication-assisted treatment drug court program" and "MAT drug court program" mean a session of any of the following that holds initial or final certification from the Supreme Court of Ohio as a specialized docket program for drugs: a common pleas court, municipal court, or county court, or a division of any of those courts.

(3) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code.

(4) "Recovery supports" has the same meaning as in section 5119.01 of the Revised Code.

(B)(1) The Department of Mental Health and Addiction Services shall conduct a program to provide addiction treatment, which may include medication-assisted treatment and recovery supports, to persons eligible to participate in a medication-assisted treatment drug court program, and are selected under this section to be participants in the program because of their dependence on opioids, alcohol, or both.

(2) The Department shall conduct the program in those courts of Allen, Clinton, Crawford, Cuyahoga, Franklin, Gallia, Hamilton, Hardin, Hocking, Jackson, Marion, Mercer, Montgomery, Summit, and Warren counties that are conducting MAT drug court programs. If in any of these counties there is no court conducting a MAT drug court program, the Department shall conduct the program in a court that is conducting a MAT drug court program in another county.

(3) In addition to conducting the program in accordance with division (B)(2) of this section, the Department may conduct the program in any other court that is conducting a MAT drug court program.

(C) In conducting the program, the Department shall collaborate with the Supreme Court, the Department of Rehabilitation and Correction, and any agency of the state that
the Department of Mental Health and Addiction Services determines
may be of assistance in accomplishing the objectives of the
program. The Department may collaborate with the boards of
alcohol, drug addiction, and mental health services and with local
law enforcement agencies that serve the counties in which a court
participating in the program is located.

(D)(1) A MAT drug court program shall select persons who are
criminal offenders or who are involved in a family drug or
dependency court to be participants in the program. A person shall
not be selected to be a participant unless the person meets the
legal and clinical eligibility criteria for the MAT drug court
program and is an active participant in the program.

(2) The total number of persons participating in a program at
any time shall not exceed one thousand five hundred, subject to
available funding, except that the Department may authorize the
maximum number to be exceeded in circumstances that the Department
considers to be appropriate.

(3) After being enrolled in a MAT drug court program, a
participant shall comply with all requirements of the MAT drug
court program.

(E) The treatment provided in a MAT drug court program shall
be provided by a community addiction services provider. The
provider shall do all of the following:

(1) Provide treatment based on an integrated service delivery
model that consists of the coordination of care between a
prescriber and the community addiction services provider;

(2) Conduct professional, comprehensive substance abuse and
mental health diagnostic assessments of a person under
consideration for selection as a program participant to determine
whether the person would benefit from substance abuse treatment
and monitoring;
(3) Determine, based on the assessment described in division (E)(2) of this section, the treatment needs of the program participants served by the community addiction services provider;

(4) Develop, for program participants served by the community addiction services provider, individualized goals and objectives;

(5) Provide access to the long-acting antagonist therapies, partial agonist therapies, or both, that are included in the program's medication-assisted treatment;

(6) Provide other types of therapies, including psychosocial therapies, for both substance abuse and any disorders that are considered by the community addiction services provider to be co-occurring disorders;

(7) Monitor program compliance through the use of regular drug testing, including urinalysis, of the program participants served by the community addiction services provider;

(8) Provide access to time-limited recovery supports.

(F) In the case of medication-assisted treatment provided under the program, all of the following conditions apply:

(1) A drug may be used only if the drug has been approved by the United States Food and Drug Administration for use in treating dependence on opioids, alcohol, or both, or for preventing relapse into the use of opioids, alcohol, or both.

(2) One or more drugs may be used, but each drug that is used must constitute long-acting antagonist therapy or partial agonist therapy.

(3) If a drug constituting partial agonist therapy is used, the program shall provide safeguards to minimize abuse and diversion of the drug, including such safeguards as routine drug testing of program participants.

(G) It is anticipated and expected that MAT drug court
programs will expand their ability to serve more drug court participants as a result of increased access to commercial or publicly funded health insurance. In order to ensure that funds appropriated to support the program established under this section are used in the most efficient manner with a goal of enrolling the maximum number of participants, the Medicaid Director, in collaboration with major Ohio health care plans, shall develop plans consistent with this division. There shall be no prior authorizations or step therapy for medication-assisted treatment for program participants. The plans developed under this division shall ensure all of the following:

(1) The development of an efficient and timely process for review of eligibility for health benefits for all offenders selected to participate in the program;

(2) A rapid conversion to reimbursement for all health care services by the participant's health care plan following approval for coverage of health care benefits;

(3) The development of a consistent benefit package that provides ready access to and reimbursement for essential health care services including, but not limited to, primary health care services, alcohol and opioid detoxification services, appropriate psychosocial services, and medication for long-acting injectable antagonist therapies and partial agonist therapies;

(4) The development of guidelines that require the provision of all treatment services, including medication, with minimal administrative barriers and within a time frame that meets the requirements of individual patient care plans.

(H) Upon completion of the report required in division (J) of Section 331.90 of Am. Sub. H.B. 64 of the 131st General Assembly, the institution that prepared the report shall submit the report to the Governor, Chief Justice of the Supreme Court, President of
the Senate, Speaker of the House of Representatives, Director of Mental Health and Addiction Services, Director of Rehabilitation and Correction, and any state agency that the Department of Mental Health and Addiction Services collaborates with in conducting the program.

(I) Of the foregoing appropriation item 336422, Criminal Justice Services, up to $5,000,000 in each fiscal year shall be used to support medication-assisted treatment for drug court specialized docket programs.

Section 337.80. ADDICTION SERVICES PARTNERSHIP WITH CORRECTIONS

Any business commenced but not completed by July 1, 2015, by the Department of Rehabilitation and Correction regarding recovery services shall be completed by the Department of Mental Health and Addiction Services. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section and shall be administered by the Department of Mental Health and Addiction Services. Any rules, orders, and determinations pertaining to the Bureau of Recovery Services continue in effect as rules, orders, and determinations of the Department of Mental Health and Addiction Services until modified or rescinded by the Department of Mental Health and Addiction Services. If necessary to ensure the integrity of the numbering of the Administrative Code, the Director of the Legislative Service Commission shall renumber the numbers to reflect their transfer to the Department of Mental Health and Addiction Services.

Subject to the lay-off provisions of sections 124.321 to 124.382 of the Revised Code, all employees of the Bureau of Recovery Services are hereby transferred to the Department of Mental Health and Addiction Services and retain their positions.
and all of their benefits.

Wherever the Bureau of Recovery Services is referred to in any law, contract, or other document, the reference shall be deemed to refer to the Department of Mental Health and Addiction Services or its director, as appropriate.

Any business commenced but not completed under appropriation item 505321, Institution Medical Services, pertaining to the Bureau of Recovery Services, shall be completed under appropriation item 336423, Addiction Services Partnership with Corrections, in the same manner, and with the same effect, as if completed with regard to appropriation item 505321, Institution Medical Services.

Section 337.90. RECOVERY HOUSING

The foregoing appropriation item 336424, Recovery Housing, shall be used to expand and support access to recovery housing as defined in section 340.01 of the Revised Code and in accordance with section 340.034 of the Revised Code. For expenditures that are capital in nature, the Department of Mental Health and Addiction Services shall develop procedures to administer these funds in a manner that is consistent with current community capital assistance guidelines.

Section 337.100. SPECIALIZED DOCKET SUPPORT

(A) The foregoing appropriation item 336425, Specialized Docket Support, shall be used to defray a portion of the annual payroll costs associated with the specialized docket of a common pleas court, municipal court, county court, juvenile court, or family court that meets all of the eligibility requirements in division (B) of this section, including a family dependency treatment docket. The foregoing appropriation item 336425, Specialized Docket Support, may also be used to defray costs
associated with treatment services and recovery supports for participants.

(B) To be eligible, the specialized docket must have received Supreme Court of Ohio final certification and include participants with behavioral health needs in its target population.

(C) Of the foregoing appropriation item 336425, Specialized Docket Support, the Department of Mental Health and Addiction Services shall use up to one per cent of the funds appropriated in each fiscal year to pay the cost it incurs in administering the duties established in this section.

(D) The Department, in consultation with the Supreme Court of Ohio, may adopt funding distribution methodology, guidelines, and procedures as necessary to carry out the purposes of this section.

Section 337.110. COMMUNITY INNOVATIONS

The foregoing appropriation item 336504, Community Innovations, may be used by the Department of Mental Health and Addiction Services to make targeted investments in programs, projects, or systems operated by or under the authority of other state agencies, governmental entities, or private not-for-profit agencies that impact, or are impacted by, the operations and functions of the Department, with the goal of achieving a net reduction in expenditure of state general revenue funds and/or improved outcomes for Ohio citizens without a net increase in state general revenue fund spending.

The Director shall identify and evaluate programs, projects, or systems proposed or operated, in whole or in part, outside of the authority of the Department, where targeted investment of these funds in the program, project, or system is expected to decrease demand for the Department or other resources funded with state general revenue funds, and/or to measurably improve outcomes.
for Ohio citizens with mental illness or with alcohol, drug, or gambling addictions. The Director shall have discretion to transfer money from the appropriation item to other state agencies, governmental entities, or private not-for-profit agencies in amounts, and subject to conditions, that the Director determines most likely to achieve state savings and/or improved outcomes. Distribution of moneys from this appropriation item shall not be subject to sections 9.23 to 9.239 or Chapter 125. of the Revised Code.

The Department shall enter into an agreement with each recipient of community innovation funds, identifying: allowable expenditure of the funds; other commitment of funds or other resources to the program, project, or system; expected state savings and/or improved outcomes and proposed mechanisms for measurement of such savings or outcomes; and required reporting regarding expenditure of funds and savings or outcomes achieved.

Of the foregoing appropriation item 336504, Community Innovations, up to $3,000,000 in fiscal year 2018 and $4,000,000 in fiscal year 2019 shall be used to provide funding for community projects across the state that focus on support for families, assisting families in avoiding crisis, and crisis intervention.

Of the foregoing appropriation item 336504, Community Innovations, up to $500,000 in fiscal year 2018 and $750,000 in fiscal year 2019 shall be used to enhance access to naloxone across the state for county health departments to then disperse through a grant program to local law enforcement, emergency personnel, and first responders. If local law enforcement, emergency personnel, and first responders are not making use of the naloxone grant funds, the county health department may use grant funding to provide naloxone through a Project DAWN program within the county.

Of the foregoing appropriation item 336504, Community
Innovations, up to $850,000 in fiscal year 2018 and $2,000,000 in fiscal year 2019 shall be used to support projects that assist local communities in implementing a full continuum of care, including workforce development, as described in division (A)(1) of section 340.03 of the Revised Code.

Section 337.120. RESIDENTIAL STATE SUPPLEMENT

(A) The foregoing appropriation item 336510, Residential State Supplement, may be used by the Department of Mental Health and Addiction Services to provide training for residential facilities providing accommodations, supervision, and personal care services to three to sixteen unrelated adults with mental illness and to make payments to residential state supplement recipients.

(B) The Department of Mental Health and Addiction Services shall adopt rules establishing eligibility criteria and payment amounts under section 5119.41 of the Revised Code.

Section 337.130. EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND CONSULTATION

The foregoing appropriation item 336511, Early Childhood Mental Health Counselors and Consultation, shall be used to promote identification and intervention for early childhood mental health and to enhance healthy social emotional development in order to reduce preschool to third grade classroom expulsions. Funds shall be used by the Department of Mental Health and Addiction Services to support early childhood mental health credentialed counselors and consultation services, as well as administration and workforce development for the program.

Section 337.140. MEDICAID SUPPORT

The foregoing appropriation item 652321, Medicaid Support,
shall be used to fund specified Medicaid Services as delegated by
the state's single agency responsible for the Medicaid Program.

Section 337.150. PROBLEM GAMBLING AND CASINO ADDICTION

A portion of appropriation item 336629, Problem Gambling and
Casino Addiction, shall be allocated to boards of alcohol, drug
addiction, and mental health services in accordance with a
distribution methodology determined by the Director of Mental
Health and Addiction Services.

Section 337.160. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING
POOL

A county family and children first council may establish and
operate a flexible funding pool in order to assure access to
needed services by families, children, and older adults in need of
protective services. The operation of the flexible funding pools
shall be subject to the following restrictions:

(A) The county council shall establish and operate the
flexible funding pool in accordance with formal guidance issued by
the Family and Children First Cabinet Council;

(B) The county council shall produce an annual report on its
use of the pooled funds. The annual report shall conform to a
format prescribed in the formal guidance issued by the Family and
Children First Cabinet Council;

(C) Unless otherwise restricted, funds transferred to the
flexible funding pool may include state general revenues allocated
to local entities to support the provision of services to families
and children;

(D) The amounts transferred to the flexible funding pool
shall be limited to amounts that can be redirected without
impairing the achievement of the objectives for which the initial
allocation is designated; and

(E) Each amount transferred to the flexible funding pool from a specific allocation shall be approved for transfer by the director of the local agency that was the original recipient of the allocation.

Section 337.170. MEDICAID SPENDING AS MAINTENANCE OF EFFORT

The designation of administering agency for federal aid shall be held jointly by the Department of Mental Health and Addiction Services and the Department of Medicaid for determining maintenance of effort pursuant to 42 U.S.C. 300x-30. The Department of Mental Health and Addiction Services remains the designated agency for all other purposes established by 42 U.S.C. 300x et seq. and section 5119.32 of the Revised Code.

Section 337.180. ACCESS SUCCESS II PROGRAM

To the extent cash is available, the Director of Budget and Management may transfer cash from the Money Follows the Person Enhanced Reimbursement Fund (Fund 5AJ0), used by the Department of Medicaid, to the Sale of Goods and Services Fund (Fund 1490), used by the Department of Mental Health and Addiction Services. The transferred cash is hereby appropriated.

The Department of Mental Health and Addiction Services shall use the transferred funds to administer the Access Success II Program to help non-Medicaid patients in any hospital established, controlled, or supervised by the Department under Chapter 5119. of the Revised Code to transition from inpatient status to a community setting.

Section 337.190. CASH TRANSFER FROM THE INDIGENT DRIVERS ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION FUND
On a schedule determined by the Director of Budget and Management, the Director of Mental Health and Addiction Services shall certify to the Director of Budget and Management the amount of excess license reinstatement fees that are available pursuant to division (F)(2)(c) of section 4511.191 of the Revised Code to be transferred from the Indigent Drivers Alcohol Treatment Fund (Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 4750). Upon certification, the Director of Budget and Management may transfer cash from the Indigent Drivers Alcohol Treatment Fund to the Statewide Treatment and Prevention Fund.

Section 339.10. MIH COMMISSION ON MINORITY HEALTH

General Revenue Fund

<table>
<thead>
<tr>
<th>Fund</th>
<th>Description</th>
<th>2016</th>
<th>2017</th>
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<td>GRF</td>
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<td>GRF</td>
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<td>Infant Mortality Health Grants</td>
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Dedicated Purpose Fund Group

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<tr>
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TOTAL ALL BUDGET FUND GROUPS | $2,734,672 | $2,772,333 |

Section 341.10. CRB MOTOR VEHICLE REPAIR BOARD

Dedicated Purpose Fund Group

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<thead>
<tr>
<th>Group</th>
<th>Description</th>
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TOTAL ALL BUDGET FUND GROUPS | $587,371 | $604,593 |
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<th>Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES</th>
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<tr>
<td>General Revenue Fund</td>
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<tr>
<td>GRF 725401 Division of Wildlife-Operating Subsidy</td>
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<td>GRF 725413 Parks and Recreational Facilities Lease Rental Bond Payments</td>
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<td>GRF 725456 Canal Lands</td>
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<td>GRF 725505 Healthy Lake Erie Program</td>
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<td>GRF 725903 Natural Resources General Obligation Bond Debt Service</td>
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<td>GRF 738321 Office of Real Estate and Land Management</td>
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<td>GRF 741321 Division of Natural Areas and Preserves</td>
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Dedicated Purpose Fund Group | 101450 |
<p>| 2270 725406 Parks Projects                    | $1,073,153 $1,112,791 101451 |</p>
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<td>Departmental Projects</td>
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3P20 725642 Oil and Gas - Federal $ 147,000 $ 147,000 101515
3P30 725650 Coastal Management - $ 1,905,150 $ 1,905,150 101516
Federal
3P40 725660 Federal - Soil and Water Resources $ 601,000 $ 608,000 101517
3R50 725673 Acid Mine Drainage Abatement/Treatment $ 1,200,000 $ 1,200,000 101518
3Z50 725657 Federal Recreation and Trails $ 1,600,000 $ 1,600,000 101519
TOTAL FED Federal Fund Group $ 22,056,974 $ 24,698,497 101520
TOTAL ALL BUDGET FUND GROUPS $ 352,459,024 $ 349,499,363 101521

Section 343.20. PARK MAINTENANCE

The foregoing appropriation item 725514, Park Maintenance, shall be used by the Department of Natural Resources to pay the costs of projects supported by the State Park Maintenance Fund (Fund 5TD0) under section 1501.08 of the Revised Code.

On July 1, 2017, or as soon as possible thereafter, the Director of Natural Resources shall certify the amount of five percent of the average of the previous five years of deposits in the State Park Fund (Fund 5120) to the Director of Budget and Management. The Director of Budget and Management may transfer up to $1,500,000 from Fund 5120 to the State Park Maintenance Fund (Fund 5TD0).

Section 343.30. CENTRAL SUPPORT INDIRECT FUND

The Department of Natural Resources, with approval of the Director of Budget and Management, shall use a methodology for determining each division's payments into the Central Support Indirect Fund (Fund 1570). The methodology used shall contain the characteristics of administrative ease and uniform application in...
compliance with federal grant requirements. It may include direct cost charges for specific services provided. Payments to Fund 1570 shall be made using an intrastate transfer voucher.

The foregoing appropriation item 725401, Division of Wildlife-Operating Subsidy, shall be used to pay the direct and indirect costs of the Division of Wildlife.

**Section 343.40. PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND PAYMENTS**

The foregoing appropriation item 725413, Parks and Recreational Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2017, through June 30, 2019, by the Department of Natural Resources pursuant to leases and agreements made under section 154.22 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.

**HEALTHY LAKE ERIE PROGRAM**

The foregoing appropriation item 725505, Healthy Lake Erie Program, shall be used by the Director of Natural Resources, in support of (1) conservation measures in the Western Lake Erie Basin as determined by the Director; (2) funding assistance for soil testing, winter cover crops, edge of field testing, tributary monitoring, animal waste abatement; and (3) any additional efforts to reduce nutrient runoff as the Director may decide. The Director shall give priority to recommendations that encourage farmers to adopt agricultural production guidelines commonly known as 4R nutrient stewardship practices.

**COAL AND MINE SAFETY PROGRAM**

The foregoing appropriation item 725507, Coal and Mine Safety Program, shall be used for the administration of the Mine Safety
Program and the Coal Regulation Program.

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 725903, Natural Resources General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2017, through June 30, 2019, on obligations issued under sections 151.01 and 151.05 of the Revised Code.

Section 343.50. OIL AND GAS WELL PLUGGING

The foregoing appropriation item 725677, Oil and Gas Well Plugging, shall be used exclusively for the purposes of plugging wells and to properly restore the land surface of idle and orphan oil and gas wells pursuant to section 1509.071 of the Revised Code. This appropriation item shall not be used for salaries, maintenance, equipment, or other administrative purposes, except for those costs directly attributed to the plugging of an idle or orphan well. This appropriation item shall not be used to transfer cash to any other fund or appropriation item.

WELL LOG FILING FEES

The Chief of the Division of Water Resources shall deposit fees forwarded to the Division pursuant to section 1521.05 of the Revised Code into the Water Management Fund (Fund 5160) for the purposes described in that section.

PARKS CAPITAL EXPENSES FUND

The Director of Natural Resources shall submit to the Director of Budget and Management the estimated design, engineering, and planning costs of capital-related work to be done by Department of Natural Resources staff for parks projects within the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the Director of Budget and Management approves the estimated costs, the Director may release appropriations from Fund 7035.
appropriation item C725E6, Project Planning, for those purposes.

Upon release of the appropriations, the Department of Natural Resources shall pay for these expenses from the Parks Capital Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be reimbursed by Fund 7035 using an intrastate transfer voucher.

**NATUREWORKS CAPITAL EXPENSES FUND**

The Department of Natural Resources shall submit to the Director of Budget and Management the estimated design, planning, and engineering costs of capital-related work to be done by Department of Natural Resources staff for each capital improvement project within the Ohio Parks and Natural Resources Fund (Fund 7031). If the Director of Budget and Management approves the estimated costs, the Director may release appropriations from Fund 7031 appropriation item C725E5, Project Planning, for those purposes. Upon release of the appropriations, the Department of Natural Resources shall pay for these expenses from the Capital Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031 using an intrastate transfer voucher.

**Section 343.60. HUMAN RESOURCES DIRECT SERVICE**

The foregoing appropriation item 725696, Human Resources Direct Service, shall be used to cover the cost of support, coordination, and oversight of the Department of Natural Resources' human resources functions. The Human Resources Chargeback Fund (Fund 2050) shall consist of cash transferred to it via intrastate transfer voucher from other funds as determined by the Director of Natural Resources and the Director of Budget and Management.

**LAW ENFORCEMENT ADMINISTRATION**

The foregoing appropriation item 725665, Law Enforcement Administration, shall be used to cover the cost of support,
coordination, and oversight of the Department of Natural Resources' law enforcement functions. The Law Enforcement Administration Fund (Fund 2230) shall consist of cash transferred to it via intrastate transfer voucher from other funds as determined by the Director of Natural Resources and the Director of Budget and Management.

**FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO EXPO CENTER**

The foregoing appropriation item 725664, Fountain Square Facilities Management, shall be used for payment of repairs, renovation, utilities, property management, and building maintenance expenses for the Fountain Square complex and the Department of Natural Resources grounds at the Ohio Expo Center. Cash transferred by intrastate transfer vouchers from various department funds and rental income received by the Department of Natural Resources shall be deposited into the Fountain Square Facilities Management Fund (Fund 6350).

**Section 343.70. CLEAN OHIO TRAIL OPERATING EXPENSES**

The foregoing appropriation item 725405, Clean Ohio Trail Operating, shall be used by the Department of Natural Resources in administering Clean Ohio Trail Fund (Fund 7061) projects pursuant to section 1519.05 of the Revised Code.

**Section 345.10. NUR STATE BOARD OF NURSING**

Dedicated Purpose Fund Group

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>FY19</th>
<th>FY20</th>
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<tr>
<td>4K90</td>
<td>Operating Expenses</td>
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<td>$ 9,317,358</td>
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<td>5AC0</td>
<td>Nurse Education Grant Program</td>
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<td>5P80</td>
<td>Nursing Special Issues</td>
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TOTAL DPF Dedicated Purpose Fund Group $ 10,430,395 $ 10,837,858
Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD

Dedicated Purpose Fund Group

4K90 890609 Operating Expenses $ 612,956 $ 0

TOTAL DPF Dedicated Purpose Fund Group

TOTAL ALL BUDGET FUND GROUPS $ 612,956 $ 0

Section 351.10. OLA OHIOANA LIBRARY ASSOCIATION

General Revenue Fund

GRF 355501 Library Subsidy $ 175,000 $ 180,000

TOTAL GRF General Revenue Fund $ 175,000 $ 180,000

TOTAL ALL BUDGET FUND GROUPS $ 175,000 $ 180,000

Section 353.10. OOD OPPORTUNITIES FOR OHIOANS WITH DISABILITIES AGENCY

General Revenue Fund

GRF 415402 Independent Living $ 252,000 $ 252,000

Council

GRF 415406 Assistive Technology $ 26,618 $ 26,618

GRF 415431 Brain Injury $ 126,567 $ 126,567

GRF 415506 Services for Individuals with Disabilities $ 15,817,710 $ 15,817,710

GRF 415508 Services for the Deaf $ 28,000 $ 28,000

TOTAL GRF General Revenue Fund $ 16,250,895 $ 16,250,895

Dedicated Purpose Fund Group

4670 415609 Business Enterprise $ 1,555,368 $ 1,555,368

Operating Expenses

4680 415618 Third Party Services $ 12,300,000 $ 12,300,000
### Funding

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<th>Program Description</th>
<th>Budget 2022</th>
<th>Budget 2023</th>
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<td>Disability Determination</td>
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<td>Federal - Vocational Rehabilitation</td>
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<td>Personal Care</td>
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<td>Community Centers for the Deaf</td>
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<td>Independent Living</td>
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<td>Social Security Special Program Assistance</td>
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<td>Federal - Supported Employment</td>
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<td>Vocational Rehabilitation Programs</td>
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<td>$258,800,870</td>
<td>$262,382,975</td>
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</table>

**Note:**

The foregoing appropriation item 415402, Independent Living Council, shall be used to support the state independent living.

Of the foregoing appropriation item 415402, Independent Living Council, $67,662 in each fiscal year shall be used as state matching funds for vocational rehabilitation innovation and expansion activities.

ASSISTIVE TECHNOLOGY

The total amount of the foregoing appropriation item 415406, Assistive Technology, shall be provided to Assistive Technology of Ohio to provide grants and assistive technology services for people with disabilities in the State of Ohio.

BRAIN INJURY

The foregoing appropriation item 415431, Brain Injury, shall be provided to The Ohio State University College of Medicine to support the Brain Injury Program established under section 3304.23 of the Revised Code.

SERVICES FOR THE DEAF

The foregoing appropriation item 415508, Services for the Deaf, shall be used to provide grants to community centers for the deaf.

**Section 355.10. ODB OHIO OPTICAL DISPENSERS BOARD**

Dedicated Purpose Fund Group

<table>
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<tr>
<th>Program Support</th>
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**Section 357.10. OPT STATE BOARD OF OPTOMETRY** 101734
Dedicated Purpose Fund Group

4K90  885609  Program Support  $  227,394  $  0  
TOTAL DPF Dedicated Purpose Fund  $  227,394  $  0  

TOTAL ALL BUDGET FUND GROUPS  $  227,394  $  0  

Section 359.10. OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, AND PEDORTHICS

Dedicated Purpose Fund Group

4K90  973609  Operating Expenses  $  122,574  $  0  
TOTAL DPF Dedicated Purpose Fund  $  122,574  $  0  

TOTAL ALL BUDGET FUND GROUPS  $  122,574  $  0  

Section 361.10. PEN PENSION SUBSIDIES

General Revenue Fund

GRF  090524  Police and Fire  $  3,000  $  3,000  
Disability Pension Fund

GRF  090534  Police and Fire Ad Hoc Cost of Living  $  42,000  $  42,000  

GRF  090554  Police and Fire Survivor Benefits  $  355,000  $  355,000  

GRF  090575  Police and Fire Death Benefits  $  20,000,000  $  20,000,000  

TOTAL GRF General Revenue Fund  $  20,400,000  $  20,400,000  
TOTAL ALL BUDGET FUND GROUPS  $  20,400,000  $  20,400,000  

POLICE AND FIRE DEATH BENEFIT FUND

The foregoing appropriation item 090575, Police and Fire Death Benefits, shall be disbursed quarterly by the Treasurer of State at the beginning of each quarter of each fiscal year to the Board of Trustees of the Ohio Police and Fire Pension Fund. The
Treasurer of State shall certify such amounts quarterly to the Director of Budget and Management. By the twentieth day of June of each fiscal year, the Board of Trustees of the Ohio Police and Fire Pension Fund shall certify to the Treasurer of State the amount disbursed in the current fiscal year to make the payments required by section 742.63 of the Revised Code and shall return to the Treasurer of State moneys received from this appropriation item but not disbursed.

Section 363.10. UST PETROLEUM UNDERGROUND STORAGE TANK RELEASE COMPENSATION BOARD

Dedicated Purpose Fund Group

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
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<th>Fiscal Year 2</th>
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<td>6910 810632</td>
<td>Petroleum Underground Storage Tank Release Compensation Board - Operating</td>
<td>$1,433,220</td>
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TOTAL DPF Dedicated Purpose Fund Group $1,433,220 $1,461,073

TOTAL ALL BUDGET FUND GROUPS $1,433,220 $1,461,073

Section 365.10. PHS STATE PHYSICAL HEALTH SERVICES BOARD

Dedicated Purpose Fund Group

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
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<th>Fiscal Year 2</th>
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<td>4K90 127609</td>
<td>Operating Expenses</td>
<td>$576,740</td>
<td>$1,122,918</td>
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TOTAL DPF Dedicated Purpose Fund Group $576,740 $1,122,918

TOTAL ALL BUDGET FUND GROUPS $576,740 $1,122,918

Section 367.10. PRX STATE BOARD OF PHARMACY

Dedicated Purpose Fund Group

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Fiscal Year 1</th>
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<tr>
<td>4A50 887605</td>
<td>Drug Law Enforcement</td>
<td>$150,000</td>
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<tr>
<td>4K90 887609</td>
<td>Operating Expenses</td>
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<td>5SG0 887612</td>
<td>Drug Database</td>
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<td>Line</td>
<td>Budget Group</td>
<td>Description</td>
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<td>5SY0</td>
<td>Medical Marijuana Control Program</td>
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<td>3EB0</td>
<td>2008 Developing/Enhancing PMP</td>
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<td>3HD0</td>
<td>Pharmacy Federal Grants</td>
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<td>TOTAL FED Federal Fund Group</td>
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<td>TOTAL ALL BUDGET FUND GROUPS</td>
<td>$10,665,915</td>
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**Section 369.10.** PSY STATE BOARD OF PSYCHOLOGY

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<tr>
<th>Line</th>
<th>Budget Group</th>
<th>Description</th>
<th>Requested</th>
<th>Actual</th>
<th>Change</th>
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**Section 371.10.** PUB OHIO PUBLIC DEFENDER COMMISSION

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<th>Line</th>
<th>Budget Group</th>
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<th>Requested</th>
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<td>GRF 019401</td>
<td>State Legal Defense Services</td>
<td>$3,385,087</td>
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<td>GRF 019403</td>
<td>Multi-County: State Share</td>
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<td>GRF 019404</td>
<td>Trumbull County - State Share</td>
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<td>GRF 019405</td>
<td>Training Account</td>
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<td>GRF 019501</td>
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<td>1010</td>
<td>Juvenile Legal Assistance</td>
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<td>Client Payments</td>
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<td>Gifts and Grants</td>
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<td>Trumbull County - County Share</td>
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<td>Civil Legal Aid</td>
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<td>Civil Case Filing Fee</td>
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**INDIGENT DEFENSE OFFICE**

The foregoing appropriation items 019404, Trumbull County - State Share, and 019610, Trumbull County - County Share, shall be used to support an indigent defense office for Trumbull County.

**MULTI-COUNTY OFFICE**

101827
101828
101829
101830
101831
The foregoing appropriation items 019403, Multi-County: State Share, and 019601, Multi-County: County Share, shall be used to support the Office of the Ohio Public Defender's Multi-County Branch Office Program.

TRAINING ACCOUNT

The foregoing appropriation item 019405, Training Account, shall be used by the Ohio Public Defender to provide legal training programs at no cost for private appointed counsel who represents at least one indigent defendant at no cost, state and county public defenders, and attorneys who contract with the Ohio Public Defender to provide indigent defense services.

FEDERAL REPRESENTATION

The foregoing appropriation item 019608, Federal Representation, shall be used to support representation provided by the Ohio Public Defender in federal court cases.

Section 373.10. DPS DEPARTMENT OF PUBLIC SAFETY

General Revenue Fund

<table>
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<tr>
<th>GRF</th>
<th>763403</th>
<th>EMA Operating</th>
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<td>Investigative Unit Operating</td>
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<td>GRF</td>
<td>768425</td>
<td>Justice Program Services</td>
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Dedicated Purpose Fund Group

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<td>Investigative, Contraband, and Forfeiture</td>
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<td>Emergency Management</td>
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### Assistance and Training

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<tr>
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**TOTAL FED Federal Fund Group**: $107,765,672 $100,103,672 101874

**TOTAL ALL BUDGET FUND GROUPS**: $143,323,209 $136,614,390 101885

### Section 373.20. STATE DISASTER RELIEF

The State Disaster Relief Fund (Fund 5330) may accept transfers of cash or appropriations from Controlling Board appropriation items for the Ohio Emergency Management Agency disaster response costs and disaster program management costs, and
may also be used for the following purposes:

   (A) To accept transfers of cash or appropriations from Controlling Board appropriation items for Ohio Emergency Management Agency public assistance and mitigation program match costs to reimburse eligible local governments and private nonprofit organizations for costs related to disasters;

   (B) To accept transfers of cash to reimburse the costs associated with Emergency Management Assistance Compact (EMAC) deployments;

   (C) To accept disaster related reimbursement from federal, state, and local governments. The Director of Budget and Management may transfer cash from reimbursements received by this fund to other funds of the state from which transfers were originally approved by the Controlling Board.

   (D) To accept transfers of cash or appropriations from Controlling Board appropriation items to fund the State Disaster Relief Program, for disasters that qualify for the program by written authorization of the Governor, and the State Individual Assistance Program for disasters that have been declared by the federal Small Business Administration and that qualify for the program by written authorization from the Governor. The Ohio Emergency Management Agency shall publish and make available application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program.

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer $200,000 cash from the State Fire Marshall Fund (Fund 5460) to the Emergency Management Agency Service and Reimbursement Fund (Fund 4V30) to be distributed to the Ohio Task Force One - Urban Search
and Rescue Unit, other similar urban search and rescue units around the state, and for maintenance of the statewide fire emergency response plan by an entity recognized by the Ohio Emergency Management Agency.

COMMUNITY POLICE RELATIONS

The foregoing appropriation item 768621, Community Police Relations, shall be used to implement key recommendations of the Ohio Task Force on Community-Police Relations, including a database on use of force and officer involved shootings, a public awareness campaign, and state-provided assistance with policy-making and manuals.

SARA TITLE III HAZMAT PLANNING

The SARA Title III Hazmat Planning Fund (Fund 6810) is entitled to receive grant funds from the Emergency Response Commission to implement the Emergency Management Agency's responsibilities under Chapter 3750. of the Revised Code.

Section 375.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO

Dedicated Purpose Fund Group

<table>
<thead>
<tr>
<th>Code</th>
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<td>4A30</td>
<td>Grade Crossing Protection Devices-State</td>
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<td>4L80</td>
<td>Pipeline Safety-State</td>
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<td>5610</td>
<td>Power Siting Board</td>
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<td>5F60</td>
<td>Utility and Railroad Regulation</td>
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<td>NARUC/NRRI Subsidy</td>
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<td>Intrastate Registration</td>
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<td>Unified Carrier Registration</td>
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<td>Code</td>
<td>Project Description</td>
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<td>Non-Federal</td>
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<td>Hazardous Materials Registration</td>
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<td>Hazardous Materials Civil Forfeiture</td>
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<td>Underground Facilities Protection</td>
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<td>Gas Pipeline Safety</td>
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<td>Commercial Vehicle Information Systems/Networks</td>
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**Section 377.10. PWC PUBLIC WORKS COMMISSION**

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<tbody>
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<td>Conservation General Obligation Bond Debt Service</td>
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Improvement General Obligation Bond Debt Service

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<td>Capital Projects Fund Group</td>
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<td>7038 150321</td>
<td>State Capital Improvements Program</td>
<td>$923,229</td>
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<td>- Operating Expenses</td>
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<td>7056 150403</td>
<td>Clean Ohio Conservation Operating</td>
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**Section 377.20.** CONSERVATION GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 150904, Conservation General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2017, through June 30, 2019, at the times they are required to be made for obligations issued under sections 151.01 and 151.09 of the Revised Code.

**INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT SERVICE**

The foregoing appropriation item 150907, Infrastructure Improvement General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2017, through June 30, 2019, at the times they are required to be made for obligations issued under sections 151.01 and 151.08 of the Revised Code.

**CLEAN OHIO CONSERVATION OPERATING**
The foregoing appropriation item 150403, Clean Ohio Conservation Operating, shall be used by the Ohio Public Works Commission in administering Clean Ohio Conservation Fund (Fund 7056) projects pursuant to sections 164.20 to 164.27 of the Revised Code.

STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES

The foregoing appropriation item 150321, State Capital Improvements Program - Operating Expenses, shall be used by the Ohio Public Works Commission to administer the State Capital Improvement Program under sections 164.01 to 164.16 of the Revised Code.

DISTRICT ADMINISTRATION COSTS

The Director of the Public Works Commission is authorized to create a District Administration Costs Program from proceeds of the Capital Improvements Fund and Local Transportation Improvement Program Fund. The program shall be used to provide for the direct costs of district administration of the nineteen public works districts. Districts choosing to participate in the program shall only expend State Capital Improvements Fund moneys for State Capital Improvements Fund costs and Local Transportation Improvement Program Fund moneys for Local Transportation Improvement Program Fund costs. The District Administration Costs Program account shall not exceed $1,235,000 per fiscal year. Each public works district may be eligible for up to $65,000 per fiscal year from its district allocation as provided in sections 164.08 and 164.14 of the Revised Code.

The Director, by rule, shall define allowable and nonallowable costs for the purpose of the District Administration Costs Program. Nonallowable costs include indirect costs, elected official salaries and benefits, and project-specific costs. No district public works committee may participate in the District
Administration Costs Program without the approval of those costs by the district public works committee under section 164.04 of the Revised Code.

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS

The Director of the Public Works Commission is authorized to create a District Administration Costs Program for districts represented by natural resource assistance councils. This program shall be funded from proceeds of the Clean Ohio Conservation Fund. The program shall be used by natural resource assistance councils in order to provide for administration costs of the nineteen natural resource assistance councils for the direct costs of council administration. Councils choosing to participate in this program may be eligible for up to $15,000 per fiscal year from its district allocation as provided in section 164.27 of the Revised Code. The director shall define allowable and nonallowable costs for the purpose of the District Administration Costs Program. Nonallowable costs include indirect costs, elected official salaries and benefits, and project-specific costs.

Section 379.10. RAC STATE RACING COMMISSION

Dedicated Purpose Fund Group

<table>
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<tr>
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<td>Standardbred Development</td>
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<td>Horse Racing Development-Casino</td>
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**Fiduciary Fund Group**

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**TOTAL FID Fiduciary Fund Group**

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**Holding Account Fund Group**

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**TOTAL HLD Holding Account Fund Group**

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**TOTAL ALL BUDGET FUND GROUPS**

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**Section 381.10. BOR DEPARTMENT OF HIGHER EDUCATION**

**General Revenue Fund**

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<td>GRF 235402</td>
<td>Sea Grants</td>
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<td>GRF 235406</td>
<td>Articulation and Transfer</td>
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<td>GRF 235408</td>
<td>Midwest Higher Education Compact</td>
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<td>GRF 235414</td>
<td>Grants and Scholarship Administration</td>
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<td>GRF 235417</td>
<td>Technology Maintenance and Operations</td>
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<td>GRF 235428</td>
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<td>GRF 235438</td>
<td>Choose Ohio First Scholarship</td>
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<td>GRF 235444</td>
<td>Ohio Technical Centers</td>
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<td>The Ohio State University Clinical</td>
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<td>Program Approval and Reauthorization</td>
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<td>Sales and Services</td>
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<td>Higher Educational Facility Commission Administration</td>
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<td>Conference/Special Purposes</td>
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<td>Accelerated Completion in Technical Studies</td>
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<td>Federal Research Network</td>
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<td>Bond Research and Development Fund Group</td>
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<td>Research Incentive Third Frontier</td>
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<td>Federal Fund Group</td>
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<td>Carl D. Perkins Grant/Plan Administration</td>
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<td>Improving Teacher Quality Grant</td>
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<td>Adult Basic and Literacy Education - Federal</td>
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<td>Gear Up Grant Scholarships</td>
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<td>Human Services Project</td>
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<td>John R. Justice Student Loan Repayment Program</td>
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<td>TOTAL ALL BUDGET FUND GROUPS</td>
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</table>
The foregoing appropriation item 235402, Sea Grants, shall be used to match federal dollars and leverage additional support by The Ohio State University's Sea Grant program, including Stone Laboratory, for research, education, and outreach to enhance the economic value, public utilization, and responsible management of Lake Erie and Ohio's coastal resources.

Section 381.30. ARTICULATION AND TRANSFER

The foregoing appropriation item 235406, Articulation and Transfer, shall be used by the Chancellor of Higher Education to maintain and expand the work of the Articulation and Transfer Council to develop a system of transfer policies to ensure that students at state institutions of higher education can transfer and have coursework apply to their majors and degrees at any other state institution of higher education without unnecessary duplication or institutional barriers under sections 3333.16, 3333.161, and 3333.162 of the Revised Code.

Section 381.40. MIDWEST HIGHER EDUCATION COMPACT

The foregoing appropriation item 235408, Midwest Higher Education Compact, shall be distributed by the Chancellor of Higher Education under section 3333.40 of the Revised Code.

Section 381.50. GRANTS AND SCHOLARSHIP ADMINISTRATION

The foregoing appropriation item 235414, Grants and Scholarship Administration, shall be used by the Chancellor of Higher Education to manage and administer student financial aid programs created by the General Assembly and grants for which the Department of Higher Education is responsible. The appropriation item also shall be used to support all state financial aid audits and student financial aid programs created by Congress, and to provide fiscal and administrative services for the Ohio National
Guard Scholarship Program.

Section 381.60. TECHNOLOGY MAINTENANCE AND OPERATIONS

The foregoing appropriation item 235417, Technology Maintenance and Operations, shall be used by the Chancellor of Higher Education to support the development and implementation of information technology solutions designed to improve the performance and capacity of the Department of Higher Education. The information technology solutions may be provided by the Ohio Technology Consortium (OH-TECH).

Of the foregoing appropriation item 235417, Technology Maintenance and Operations, a portion in each fiscal year may be used by the Chancellor to support the continued implementation of eStudent Services, a consortium organized under division (T) of section 3333.04 of the Revised Code to expand access to dual enrollment opportunities for high school students, as well as adult and higher education opportunities through technology. The funds shall be used by eStudent Services to develop and promote learning and assessment through the use of technology, to test and provide advice on emerging learning-directed technologies, to facilitate cost-effectiveness through shared educational technology investments, and for any other priorities of the Chancellor of Higher Education.

Of the foregoing appropriation item 235417, Technology Maintenance and Operations, a portion in each fiscal year shall be used by the Chancellor to implement a high priority data warehouse, advanced analytics, and visualization integration services associated with the Higher Education Information (HEI) system. The services may be facilitated by OH-TECH.
On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management, upon request by the Chancellor of Higher Education, shall cancel any existing encumbrances against appropriation item 235483, Technology Integration and Professional Development, and re-establish them against appropriation item 235417, Technology Maintenance and Operations. The re-established encumbrance amounts are hereby appropriated.

Section 381.70. APPALACHIAN NEW ECONOMY PARTNERSHIP

The foregoing appropriation item 235428, Appalachian New Economy Partnership, shall be distributed to Ohio University to continue a multi-campus and multi-agency coordinated effort to link Appalachia to the new economy. Ohio University shall use these funds to provide leadership in the development and implementation of initiatives in the areas of entrepreneurship, management, education, and technology.

Section 381.80. CHOOSE OHIO FIRST SCHOLARSHIP

The foregoing appropriation item 235438, Choose Ohio First Scholarship, shall be used to operate the program prescribed in sections 3333.60 to 3333.69 of the Revised Code. During each fiscal year, the Chancellor of Higher Education, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235438, Choose Ohio First Scholarship. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the Choose Ohio First Scholarship Reserve Fund (Fund 5PV0).

Section 381.90. ADULT BASIC AND LITERACY EDUCATION

The foregoing appropriation item 235443, Adult Basic and
Literacy Education - State, shall be used to support the adult basic and literacy education instructional grant program and state leadership program. The supported programs shall satisfy the state match and maintenance of effort requirements for the state-administered grant program.

Section 381.100. OHIO TECHNICAL CENTERS FUNDING

The foregoing appropriation item 235444, Ohio Technical Centers, shall be used by the Chancellor of Higher Education to support post-secondary adult career-technical education. The Chancellor shall provide coordination for Ohio Technical Centers through program approval processes, data collection of program and student outcomes, and subsidy disbursements from the foregoing appropriation item 235444, Ohio Technical Centers.

(A)(1) As soon as possible in each fiscal year, in accordance with instructions of the Chancellor, each Ohio Technical Center shall report its actual data, consistent with the definitions in the Higher Education Information (HEI) system's files, to the Chancellor.

(a) In defining the number of full-time equivalent students for state subsidy purposes, the Chancellor shall exclude all students who are not residents of Ohio.

(b) A full-time equivalent student shall be defined as a student who completes 450 hours. Those students that complete some portion of 450 hours shall be counted as a partial full-time equivalent for funding purposes, while students that complete more than 450 hours shall be counted as proportionally greater than one full-time equivalent.

(c) In calculating each Ohio Technical Center's full-time equivalent students, the Chancellor shall use a three-year average.
(d) After June 30, 2019, Ohio Technical Centers shall operate with, or be an active candidate for, accreditation by an accreditor authorized by the United States Department of Education to be eligible to receive subsidies from the foregoing appropriation item 235444, Ohio Technical Centers.

(2) In each fiscal year, twenty-five per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete a post-secondary technical workforce training program approved by the Chancellor with a grade of C or better or a grade of pass if the program is evaluated on a pass/fail basis.

(3) In each fiscal year, twenty per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete 50 per cent of a program of study as a measure of student retention.

(4) In each fiscal year, fifty per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who have found employment, entered military service, or enrolled in additional post-secondary education and training in accordance with the placement definitions of the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins). The calculation for eligible full-time equivalent students shall be based on the per cent of Perkins placements for students who have completed at least 50 per cent of a program of study.

(5) In each fiscal year, five per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who have earned a credential.
from an industry-recognized third party.

(B) Of the foregoing appropriation item 235444, Ohio Technical Centers, up to 2.38 per cent in each fiscal year may be distributed by the Chancellor to the Ohio Central School System, up to $48,000 in each fiscal year may be utilized for assistance for Ohio Technical Centers, and up to $1,300,000 in each fiscal year may be distributed by the Chancellor to Ohio Technical Centers that provide business consultation with matching local dollars, with preference to industries on the in-demand jobs list created under section 6301.11 of the Revised Code or in regionally emerging fields. Centers meeting this requirement shall receive an amount not to exceed $25,000 per center.

(C) The remainder of the foregoing appropriation item 235444, Ohio Technical Centers, in each fiscal year shall be distributed in accordance with division (A) of this section.

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL CENTERS

(1) In fiscal year 2018, no Ohio Technical Center shall receive performance funding calculated under division (A) of this section, excluding funding for third party credentials calculated under division (A)(5) of this section, that is less than 95 per cent of the average allocation the Center received, excluding funding for third party credentials, in the three prior fiscal years.

In fiscal year 2019, no Ohio Technical Center shall receive performance funding calculated under division (A) of this section, excluding funding for third party credentials calculated under division (A)(5) of this section, that is less than 94 per cent of the average allocation the Center received, excluding funding for third party credentials, in the three prior fiscal years.

(2) In order to ensure that no Center receives less than the
amounts identified for each fiscal year in accordance with division (D)(1) of this section, funds shall be made available to support the phase-in allocation by proportionally reducing formula earnings from each Center not receiving phase-in funding.

Section 381.110. AREA HEALTH EDUCATION CENTERS PROGRAM SUPPORT

The foregoing appropriation item 235474, Area Health Education Centers Program Support, shall be used by the Chancellor of Higher Education to support the medical school regional area health education centers' educational programs for the continued support of medical and other health professions education and for support of the Area Health Education Center Program.

Section 381.120. CAMPUS SAFETY AND TRAINING

The foregoing appropriation item 235492, Campus Safety and Training, shall be used by the Chancellor of Higher Education for the purpose of developing model best practices for preventing and responding to sexual violence on campus. The Chancellor, in consultation with state institutions of higher education as defined in section 3345.011 of the Revised Code and private nonprofit institutions of higher education holding certificates of authorization under Chapter 1713. of the Revised Code, shall continue to develop model best practices in line with emerging trends, research, and evidence-based training for preventing and responding to sexual violence and protecting students and staff who are victims of sexual violence on campus. The Chancellor shall convene state institutions of higher education and private nonprofit institutions of higher education in the training and implementation of best practices regarding campus sexual violence.

Section 381.130. STATE SHARE OF INSTRUCTION FORMULAS
The Chancellor of Higher Education shall establish procedures to allocate the foregoing appropriation item 235501, State Share of Instruction, based on the formulas detailed in this section that utilize the enrollment, course completion, degree attainment, and student achievement factors reported annually by each state institution of higher education participating in the Higher Education Information (HEI) system.

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE COMPLETIONS

(1) As soon as possible during each fiscal year of the biennium ending June 30, 2019, in accordance with instructions of the Department of Higher Education, each state institution of higher education shall report its actual data, consistent with the definitions in the Higher Education Information (HEI) system's enrollment files, to the Chancellor of Higher Education.

(2) In defining the number of full-time equivalent students for state subsidy instructional cost purposes, the Chancellor shall exclude all undergraduate students who are not residents of Ohio or who do not meet the definition of residency for state subsidy and tuition surcharge purposes, except those charged in-state fees in accordance with reciprocity agreements made under section 3333.17 of the Revised Code or employer contracts entered into under section 3333.32 of the Revised Code.

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT

For purposes of calculating state share of instruction allocations, the total instructional costs per full-time equivalent student shall be:

<table>
<thead>
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<th>Model</th>
<th>Fiscal Year 2018</th>
<th>Fiscal Year 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>ARTS AND HUMANITIES 1</td>
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<tr>
<td>Field</td>
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<td>Amount 2</td>
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<td>-------------------------------------------</td>
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<td>ARTS AND HUMANITIES 6</td>
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<td>BUSINESS, EDUCATION &amp; SOCIAL SCIENCES 1</td>
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</table>
Doctoral I and Doctoral II models shall be allocated in accordance with division (D)(2) of this section.

Medical I and Medical II models shall be allocated in accordance with divisions (D)(3) and (D)(4) of this section.

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS

For the purpose of implementing the recommendations of the 2006 State Share of Instruction Consultation and the Higher Education Funding Study Council that priority be given to maintaining state support for science, technology, engineering, mathematics, medicine, and graduate programs, the costs in division (B) of this section shall be weighted by the amounts provided below:

<table>
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(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES

(1) Of the foregoing appropriation item 235501, State Share of Instruction, 50 per cent of the appropriation for universities, as established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2018 AND 2019," in each fiscal year shall be reserved for support of associate, baccalaureate, master's, and professional level degree attainment.

The degree attainment funding shall be allocated to universities in proportion to each campus's share of the total statewide degrees granted, weighted by the cost of the degree programs. The degree cost calculations shall include the model cost weights for the science, technology, engineering, mathematics, and medicine models as established in division (C) of this section.

For degrees including credits earned at multiple institutions, degree attainment funding shall be allocated to universities in proportion to each campus's share of the student-specific cost of earned credits for the degree. Each institution shall receive its prorated share of degree funding for credits earned at that institution. Cost of credits not earned at a university main or regional campus shall be credited to the degree-granting institution for the first degree earned by a student at each degree level. The cost credited to the
degree-granting institution shall not be eligible for at-risk 102455
weights and shall be limited to 12.5 per cent of the 102456
student-specific degree costs. However, the 12.5 per cent 102457
limitation shall not apply if the student transferred 12 or fewer 102458
credits into the degree granting institution.

In calculating the subsidy entitlements for degree attainment 102460
for universities, the Chancellor shall use the following count of 102461
degrees and degree costs:

(a) The subsidy eligible undergraduate degrees shall be 102462
defined as follows:

(i) The subsidy eligible degrees conferred to students 102463
identified as residents of the state of Ohio in any term of their 102464
studies, as reported through the Higher Education Information 102465
(HEI) system student enrollment file, shall be weighted by a 102466
factor of 1.

(ii) The subsidy eligible degrees conferred to students 102467
identified as out-of-state residents during all terms of their 102468
studies, as reported through the Higher Education Information 102469
(HEI) system student enrollment file, who remain in the state of 102470
Ohio at least one year after graduation, as calculated based on 102471
the three-year average in-state residency rate using the 102472
Unemployment Wage data for out-of-state graduates at each 102473
institution, shall be weighted by a factor of 50 per cent.

(iii) Subsidy eligible associate degrees are defined as those 102474
earned by students attending any state-supported university main 102475
or regional campus.

(b) In calculating each campus's count of degrees, the 102476
Chancellor shall use the three-year average associate, 102477
baccalaureate, master's, and professional degrees awarded for the 102478
three-year period ending in the prior year.

(i) If a student is awarded an associate degree and,
subsequently, is awarded a baccalaureate degree, the amount funded for the baccalaureate degree shall be limited to either the difference in cost between the cost of the baccalaureate degree and the cost of the associate degree paid previously, or if the associate degree has a higher cost than the baccalaureate degree, the cost of the credits earned by the student after the associate degree was awarded.

(ii) If a student earns an associate degree then, subsequently, earns a baccalaureate degree, the associate degree granting institution shall only receive the prorated share of the baccalaureate degree funding for the credits earned at that institution after the associate degree is awarded.

(iii) If a student earns more than one degree at the same institution at the same degree level in the same fiscal year, the funding for the highest cost degree shall be prorated among institutions based on where the credits were earned and additional degrees shall be funded at 25 per cent of the cost of the degrees.

(c) Associate degrees and baccalaureate degrees earned by a student defined as at-risk based on academic underpreparation, age, minority status, financial status, or first generation post-secondary status based on neither parent completing any education beyond high school, shall be defined as degrees earned by an at-risk student and shall be weighted by the following:

A student-specific degree completion weight, where the weight is calculated based on the at-risk factors of the individual student, determined by calculating the difference between the percentage of students with each risk factor who earned a degree and the percentage of non-at-risk students who earned a degree.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, up to 11.78 per cent of the appropriation for universities, as established in division (A)(2) of the section of
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2018 and 2019," in each fiscal year shall be reserved for support of doctoral programs to implement the funding recommendations made by representatives of the universities. The amount so reserved shall be referred to as the doctoral set-aside.

In fiscal year 2018, NEOMED shall receive $250,000 and in fiscal year 2019 NEOMED shall receive $275,000 of the doctoral set-aside funding allocation with the remaining doctoral set-aside allocated to universities as follows:

(a) 32.50 per cent of the remaining doctoral set-aside in fiscal year 2018 and 25 per cent of the remaining doctoral set-aside in fiscal year 2019 shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Doctoral I equivalent FTEs as calculated on an institutional basis using historical FTEs for the period fiscal year 1994 through fiscal year 1998 with annualized FTEs for fiscal years 1994 through 1997 and all-term FTEs for fiscal year 1998 as adjusted to reflect the effects of doctoral review and subsequent changes in Doctoral I equivalent enrollments. For the purposes of this calculation, Doctoral I equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs.

(b) 45 per cent of the doctoral set-aside in fiscal year 2018 and 50 per cent of the doctoral set-aside in fiscal year 2019 shall be allocated to universities in proportion to each campus's share of the total statewide doctoral degrees, weighted by the cost of the doctoral discipline. In calculating each campus's doctoral degrees the Chancellor shall use the three-year average doctoral degrees awarded for the three-year period ending in the prior year.

(c) 22.5 per cent of the doctoral set-aside in fiscal year 2018 and 25 per cent of the doctoral set-aside in fiscal year 2019 shall be reserved for support of doctoral programs to implement the funding recommendations made by representatives of the universities. The amount so reserved shall be referred to as the doctoral set-aside.
shall be allocated to universities in proportion to their share of
research grant activity. Funding for this component shall be
allocated to eligible universities in proportion to their share of
research grant activity published by the National Science
Foundation. Grant awards from the Department of Health and Human
Services shall be weighted at 50 per cent.

(3) Of the foregoing appropriation item 235501, State Share
of Instruction, 6.41 per cent of the appropriation for
universities, as established in division (A)(2) of the section of
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS
2018 AND 2019," in each fiscal year shall be reserved for support
of Medical II FTEs. The amount so reserved shall be referred to as
the medical II set-aside.

The medical II set-aside shall be allocated to universities
in proportion to their share of the statewide total of each state
institution's three-year average Medical II FTEs as calculated in
division (A) of this section.

In calculating the core subsidy entitlements for Medical II
models only, students repeating terms may be no more than five per
cent of current year enrollment.

(4) Of the foregoing appropriation item 235501, State Share
of Instruction, 1.48 per cent of the appropriation for
universities, as established in division (A)(2) of the section of
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS
2018 AND 2019," in each fiscal year shall be reserved for support
of Medical I FTEs. The amount so reserved shall be referred to as
the medical I set-aside.

The medical I set-aside shall be allocated to universities in
proportion to their share of the statewide total of each state
institution's three-year average Medical I FTEs as calculated in
division (A) of this section.
(5) In calculating the course completion funding for universities, the Chancellor shall use the following count of FTE students:

(a) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file;

(b) Those undergraduate FTE students with successful course completions, identified in division (D)(5)(a) of this section, that are defined as at-risk based on academic under-preparation or financial status shall have their eligible completions weighted by the following:

(i) Institution-specific course completion indexes, where the indexes are calculated based upon the number of at-risk students enrolled during the 2014-2016 academic years; and

(ii) A statewide average at-risk course completion weight determined for each subsidy model. The statewide average at-risk course completion weight shall be determined by calculating the difference between the percentage of traditional students who complete a course and the percentage of at-risk students who complete the same course.

(c) The course completion earnings shall be determined by multiplying the amounts listed above in divisions (B) and (C) of this section by the subsidy-eligible FTEs for the three-year period ending in the prior year for all models except Medical I, Medical II, Doctoral I, and Doctoral II.

(d) For universities, the Chancellor shall compute the course completion earnings by dividing the appropriation for universities, established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2018 AND 2019," and adjusted pursuant to division (B) of that
section, less the degree attainment funding as calculated in division (D)(1) of this section, less the doctoral set-aside, less the medical I set-aside, and less the medical II set-aside, by the sum of all campuses' instructional costs as calculated in division (D)(5) of this section.

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES

(1) Of the foregoing appropriation item 235501, State Share of Instruction, 50 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges as established in division (A)(1) of the section of the act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2018 AND 2019," in each fiscal year shall be reserved for course completion FTEs as aggregated by the subsidy models defined in division (B) of this section.

The course completion funding shall be allocated to campuses in proportion to each campus's share of the total sector's course completions, weighted by the instructional cost of the subsidy models.

To calculate the subsidy entitlements for course completions at community colleges, state community colleges, and technical colleges, the Chancellor shall use the following calculations:

(a) In calculating each campus's count of FTE course completions, the Chancellor shall use a three-year average for course completions for the three year period ending in the prior year.

(b) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file.

(c) Those students with successful course completions, that
are defined as access students based on financial status, minority status, age, or academic under-preparation shall have their eligible course completions weighted by a statewide access weight. The weight given to any student that meets any access factor shall be 15 per cent for all course completions.

(d) The model costs as used in the calculation shall be augmented by the model weights for science, technology, engineering, mathematics, and medicine models as established in division (C) of this section.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, 25 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges as established in division (A)(1) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2018 AND 2019," in each fiscal year shall be reserved for colleges in proportion to their share of college student success factors.

Student success factors shall be awarded at the institutional level for each student that successfully:

(a) Completes a developmental math course and, within the next year, enrolls in a college-level math course.
(b) Completes a developmental English course and, within the next year, enrolls in a college-level English course.
(c) Completes 12 semester credit hours of college-level coursework.
(d) Completes 24 semester credit hours of college-level coursework.
(e) Completes 36 semester credit hours of college-level coursework.

(3) Of the foregoing appropriation item 235501, State Share
of Instruction, 25 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges shall be reserved for completion milestones.

Completion milestones shall include associate degrees, technical certificates over 30 credit hours as designated by the Department of Higher Education, and students transferring to any four-year institution with at least 12 credit hours of college-level coursework earned at that community college, state community college, or technical college.

The completion milestone funding shall be allocated to colleges in proportion to each institution's share of the sector's total completion milestones, weighted by the instructional cost of the associate degree, certificate, or transfer models. Costs for technical certificates over 30 hours shall be weighted at one-half of the associate degree model costs and transfers with at least 12 credit hours of college-level coursework shall be weighted at one-fourth of the average cost for all associate degree model costs.

(4) To calculate the subsidy entitlements for completions at community colleges, state community colleges, and technical colleges, the Chancellor shall use the following calculations:

(a) In calculating each campus's count of completions, the Chancellor shall use a three-year average for completion metrics.

(b) The subsidy eligible completions by model shall equal only those students who successfully complete an associate degree or technical certificate over 30 credit hours, or transfer to any four-year institution with at least 12 credit hours of college-level coursework as defined and reported in the Higher Education Information (HEI) system. Student completions reported in HEI shall have an accompanying course enrollment record in order to be subsidy eligible.
(c) Those students with successful completions for associate degrees, technical certificates over 30 credit hours, or transfer to any four-year institution with at least 12 credit hours of college-level coursework, identified in division (E)(3) of this section, that are defined as access students based on financial status, minority status, age, or academic under-preparation shall have their eligible completions weighted by a statewide access weight. The weight shall be 25 per cent for students with one access factor, 66 per cent for students with two access factors, 150 per cent for students with three access factors, and 200 per cent for students with four access factors.

(d) For those students who complete more than one completion milestone, funding for each additional associate degree or technical certificate over 30 credit hours designated as such by the Department of Higher Education shall be funded at 50 per cent of the model costs as defined in division (3) of this section.

(F) CAPITAL COMPONENT DEDUCTION

After all other adjustments have been made, state share of instruction earnings shall be reduced for each campus by the amount, if any, by which debt service charged in Am. H.B. 748 of the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 562 of the 127th General Assembly for that campus exceeds that campus's capital component earnings. The sum of the amounts deducted shall be transferred to appropriation item 235552, Capital Component, in each fiscal year.

(G) EXCEPTIONAL CIRCUMSTANCES

Adjustments may be made to the state share of instruction
payments and other subsidies distributed by the Chancellor of Higher Education to state colleges and universities for exceptional circumstances. No adjustments for exceptional circumstances may be made without the recommendation of the Chancellor and the approval of the Controlling Board.

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF INSTRUCTION

The standard provisions of the state share of instruction calculation as described in the preceding sections of temporary law shall apply to any reductions made to appropriation item 235501, State Share of Instruction, before the Chancellor has formally approved the final allocation of the state share of instruction funds for any fiscal year. Any reductions made to appropriation item 235501, State Share of Instruction, after the Chancellor has formally approved the final allocation of the state share of instruction funds for any fiscal year, shall be uniformly applied to each campus in proportion to its share of the final allocation.

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION

The state share of instruction payments to the institutions shall be in substantially equal monthly amounts during the fiscal year, unless otherwise determined by the Director of Budget and Management pursuant to section 126.09 of the Revised Code. Payments during the first six months of the fiscal year shall be based upon the state share of instruction appropriation estimates made for the various institutions of higher education and payments during the last six months of the fiscal year shall be based on the final data from the Chancellor.

(J) STUDY ON THE USE OF SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS

The presidents of public institutions of higher education as
defined in section 3345.011 of the Revised Code, or their designees, in consultation with the Chancellor of Higher Education, shall study the effectiveness of the science, technology, engineering, mathematics, medicine, and graduate weights as originally recommended by the 2006 State Share of Instruction Consultation and the Higher Education Funding Study Council and as implemented in division (C) of this section. The study shall identify the extent to which STEMM and graduate weights re-allocate resources among institutions within the State Share of Instruction line item, the extent to which the resource re-allocation affects institutional production of STEMM and graduate completions, and the extent to which the weights are appropriate given current workforce data associated with emerging and in-demand fields. The study shall be completed by October 15, 2017. Notwithstanding any provision of law to the contrary, the presidents of public institutions of higher education as defined in section 3345.011 of the Revised Code, or their designees, in consultation with the Chancellor, shall use the results of the study to recommend changes in the science, technology, engineering, mathematics, medicine, and graduate weights as originally recommended by the 2006 State Share of Instruction Consultation and the Higher Education Funding Study Council and as implemented in division (C) of this section. Not later than December 1, 2017, the members shall report any changes to the Governor, the General Assembly, and the Office of Budget and Management.

Section 381.140. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2018 AND 2019

(A) The foregoing appropriation item 235501, State Share of Instruction, shall be distributed according to the section of this act entitled "STATE SHARE OF INSTRUCTION FORMULAS."
(1) Of the foregoing appropriation item 235501, State Share of Instruction, $460,818,566 in fiscal year 2018 and $465,426,752 in fiscal year 2019 shall be distributed to state-supported community colleges, state community colleges, and technical colleges.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, $1,538,392,150 in fiscal year 2018 and $1,553,776,071 in fiscal year 2019 shall be distributed to state-supported university main and regional campuses.

Section 381.150. RESTRICTION ON FEE INCREASES

(A) Except as provided in division (B) of this section, in fiscal years 2018 and 2019, the boards of trustees of state institutions of higher education shall restrain increases in in-state undergraduate instructional, general, and all other fees. For the 2017-2018 and 2018-2019 academic years, each state institution of higher education shall not increase its in-state undergraduate instructional, general, and all other fees over what the institution charged for the 2016-2017 academic year. This limitation does not apply to room and board.

(B) For the 2018-2019 academic year, the boards of trustees of state institutions of higher education shall provide textbooks to all undergraduate students as a mandatory service. For this purpose, the board of trustees may charge a textbook fee not to exceed an annualized amount of $300 for a full-time undergraduate student. The board of trustees shall pro-rate the fee for a part-time undergraduate student based on the number of credit hours for which the student is enrolled.

(C) The limitations under this section shall not apply to increases required to comply with institutional covenants related to their obligations or to meet unfunded legal mandates or legally binding obligations incurred or commitments made prior to the
effective date of this section with respect to which the institution had identified such fee increases as the source of funds. Any increase required by such covenants and any such mandates, obligations, or commitments shall be reported by the Chancellor of Higher Education to the Controlling Board. These limitations may also be modified by the Chancellor, with the approval of the Controlling Board, to respond to exceptional circumstances as identified by the Chancellor.

(D) As used in this section, "textbook" means any required instructional tools, such as bound and electronic textbooks and software, used specifically for curricular content instruction in a course.

Section 381.160. HIGHER EDUCATION - BOARD OF TRUSTEES

(A) Funds appropriated for instructional subsidies at colleges and universities may be used to provide such branch or other off-campus undergraduate courses of study and such master's degree courses of study as may be approved by the Chancellor of Higher Education.

(B) In providing instructional and other services to students, boards of trustees of state institutions of higher education shall supplement state subsidies with income from charges to students. Except as otherwise provided in this act, each board shall establish the fees to be charged to all students, including an instructional fee for educational and associated operational support of the institution and a general fee for noninstructional services, including locally financed student services facilities used for the benefit of enrolled students. The instructional fee and the general fee shall encompass all charges for services assessed uniformly to all enrolled students. Each board may also establish special purpose fees, service charges, and fines as required; such special purpose fees and service
charges shall be for services or benefits furnished individual
students or specific categories of students and shall not be
applied uniformly to all enrolled students. A tuition surcharge
shall be paid by all students who are not residents of Ohio.

The board of trustees of a state institution of higher
education shall not authorize a waiver or nonpayment of
instructional fees or general fees for any particular student or
any class of students other than waivers specifically authorized
by law or approved by the Chancellor. This prohibition is not
intended to limit the authority of boards of trustees to provide
for payments to students for services rendered the institution,
nor to prohibit the budgeting of income for staff benefits or for
student assistance in the form of payment of such instructional
and general fees.

Each state institution of higher education in its statement
of charges to students shall separately identify the instructional
fee, the general fee, the tuition charge, and the tuition
surcharge. Fee charges to students for instruction shall not be
considered to be a price of service but shall be considered to be
an integral part of the state government financing program in
support of higher educational opportunity for students.

(C) The boards of trustees of state institutions of higher
education shall ensure that faculty members devote a proper and
judicious part of their work week to the actual instruction of
students. Total class credit hours of production per academic term
per full-time faculty member is expected to meet the standards set
forth in the budget data submitted by the Chancellor of Higher
Education.

(D) The authority of government vested by law in the boards
of trustees of state institutions of higher education shall in
fact be exercised by those boards. Boards of trustees may consult
extensively with appropriate student and faculty groups.
Administrative decisions about the utilization of available resources, about organizational structure, about disciplinary procedure, about the operation and staffing of all auxiliary facilities, and about administrative personnel shall be the exclusive prerogative of boards of trustees. Any delegation of authority by a board of trustees in other areas of responsibility shall be accompanied by appropriate standards of guidance concerning expected objectives in the exercise of such delegated authority and shall be accompanied by periodic review of the exercise of this delegated authority to the end that the public interest, in contrast to any institutional or special interest, shall be served.

Section 381.170. STUDENT SUPPORT SERVICES

The foregoing appropriation item 235502, Student Support Services, shall be distributed by the Chancellor of Higher Education to Ohio's state colleges and universities that incur disproportionate costs in the provision of support services to disabled students.

Section 381.180. WAR ORPHANS SCHOLARSHIPS

The foregoing appropriation item 235504, War Orphans Scholarships, shall be used to reimburse state institutions of higher education for waivers of instructional fees and general fees provided by them, to provide grants to institutions that have received a certificate of authorization from the Chancellor of Higher Education under Chapter 1713. of the Revised Code, in accordance with the provisions of section 5910.04 of the Revised Code, and to fund additional scholarship benefits provided by section 5910.032 of the Revised Code.

During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and
Management the amount of canceled prior-year encumbrances in appropriation item 235504, War Orphans Scholarships. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the War Orphans Scholarship Reserve Fund (Fund 5PW0).

Section 381.190. OHIOLINK

The foregoing appropriation item 235507, OhioLINK, shall be used by the Chancellor of Higher Education to support OhioLINK, a consortium organized under division (T) of section 3333.04 of the Revised Code to serve as the state's electronic library information and retrieval system, which provides access statewide to an extensive set of electronic databases and resources, the library holdings of Ohio's public and participating private nonprofit colleges and universities, and the State Library of Ohio.

Section 381.200. AIR FORCE INSTITUTE OF TECHNOLOGY

The foregoing appropriation item 235508, Air Force Institute of Technology, shall be used to: (A) strengthen the research and educational linkages between the Wright Patterson Air Force Base and institutions of higher education in Ohio; and (B) support the Dayton Area Graduate Studies Institute, an engineering graduate consortium of Wright State University, the University of Dayton, and the Air Force Institute of Technology, with the participation of the University of Cincinnati and The Ohio State University.

Section 381.210. OHIO SUPERCOMPUTER CENTER

The foregoing appropriation item 235510, Ohio Supercomputer Center, shall be used by the Chancellor of Higher Education to support the operation of the Ohio Supercomputer Center, a
consortium organized under division (T) of section 3333.04 of the Revised Code, located at The Ohio State University. The Ohio Supercomputer Center is a statewide resource available to Ohio research universities both public and private. It is also intended that the center be made accessible to private industry as appropriate.

Funds shall be used, in part, to support AweSim, the Ohio Supercomputer Center's industrial outreach program. The Ohio Supercomputer Center's services shall support Ohio's colleges, universities, and businesses to make Ohio a leader in using computational science, modeling, and simulation to promote higher education, research, and economic competitiveness.

Section 381.220. COOPERATIVE EXTENSION SERVICE

The foregoing appropriation item 235511, Cooperative Extension Service, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

Section 381.230. CENTRAL STATE SUPPLEMENT

The foregoing appropriation item 235514, Central State Supplement, shall be disbursed by the Chancellor of Higher Education to Central State University in accordance with the plan developed by the Chancellor and submitted to the Governor and the General Assembly as directed by Am. Sub. H.B. 153 of the 129th General Assembly. Funds shall be used in a manner consistent with the goals of increasing enrollment, improving course completion, and increasing the number of degrees conferred.

The Chancellor shall monitor the implementation of the plan and the use of funds. Central State University shall provide any information requested by the Chancellor related to the
implementation of the plan. If the Chancellor determines that Central State University's use of supplemental funds is not in accordance with the plan or if the plan is not having the desired effect, the Chancellor may notify Central State University that the plan is suspended. Upon receiving such notice, Central State University shall avoid all unnecessary expenditures under the plan. The Chancellor shall notify the Controlling Board of the suspension of the plan and within sixty days prepare a new plan for the use of any remaining funds.

Section 381.240. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE

The foregoing appropriation item 235515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western Reserve University through the Chancellor of Higher Education in accordance with agreements entered into under section 3333.10 of the Revised Code, provided that the state support per full-time medical student shall not exceed that provided to full-time medical students at state universities.

Section 381.250. FAMILY PRACTICE

The Chancellor of Higher Education shall develop plans consistent with existing criteria and guidelines as may be required for the distribution of appropriation item 235519, Family Practice.

Section 381.260. SHAWNEE STATE SUPPLEMENT

The foregoing appropriation item 235520, Shawnee State Supplement, shall be disbursed by the Chancellor of Higher Education to Shawnee State University in accordance with the plan developed by the Chancellor and submitted to the Governor and the General Assembly as directed by Am. Sub. H.B. 153 of the 129th
General Assembly. Funds shall be used in a manner consistent with the goals of improving course completion, increasing the number of degrees conferred, and furthering the university's mission of service to the Appalachian region.

The Chancellor shall monitor the implementation of the plan and the use of funds. Shawnee State University shall provide any information requested by the Chancellor related to the implementation of the plan. If the Chancellor determines that Shawnee State University's use of supplemental funds is not in accordance with the plan or if the plan is not having the desired effect, the Chancellor may notify Shawnee State University that the plan is suspended. Upon receiving such notice, Shawnee State University shall avoid all unnecessary expenditures under the plan. The Chancellor shall notify the Controlling Board of the suspension of the plan and within sixty days prepare a new plan for the use of any remaining funds.

Section 381.270. GERIATRIC MEDICINE

The Chancellor of Higher Education shall develop plans consistent with existing criteria and guidelines as may be required for the distribution of appropriation item 235525, Geriatric Medicine.

Section 381.280. PRIMARY CARE RESIDENCIES

The Chancellor of Higher Education shall develop plans consistent with existing criteria and guidelines as may be required for the distribution of appropriation item 235526, Primary Care Residencies.

The foregoing appropriation item 235526, Primary Care Residencies, shall be distributed in each fiscal year of the biennium, based on whether or not the institution has submitted and gained approval for a plan. If the institution does not have
an approved plan, it shall receive five per cent less funding per student than it would have received from its annual allocation. The remaining funding shall be distributed among those institutions that meet or exceed their targets.

Section 381.290. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER

The foregoing appropriation item 235535, Ohio Agricultural Research and Development Center, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code. The Ohio Agricultural Research and Development Center shall not be required to remit payment to The Ohio State University during the biennium ending June 30, 2019, for cost reallocation assessments. The cost reallocation assessments include, but are not limited to, any assessment on state appropriations to the Center.

The Ohio Agricultural Research and Development Center, an entity of the College of Food, Agricultural, and Environmental Sciences of The Ohio State University, shall further its mission of enhancing Ohio's economic development and job creation by continuing to internally allocate on a competitive basis appropriated funding of programs based on demonstrated performance. Academic units, faculty, and faculty-driven programs shall be evaluated and rewarded consistent with agreed-upon performance expectations as called for in the College's Expectations and Criteria for Performance Assessment.

Section 381.300. STATE UNIVERSITY CLINICAL TEACHING

The foregoing appropriation items 235536, The Ohio State University Clinical Teaching; 235537, University of Cincinnati Clinical Teaching; 235538, University of Toledo Clinical Teaching;
235539, Wright State University Clinical Teaching; 235540, Ohio University Clinical Teaching; and 235541, Northeast Ohio Medical University Clinical Teaching, shall be distributed through the Chancellor of Higher Education.

Section 381.310. CENTRAL STATE AGRICULTURAL RESEARCH AND DEVELOPMENT

The foregoing appropriation item 235546, Central State Agricultural Research and Development, shall be used in conjunction with appropriation item 235548, Central State Cooperative Extension Services, by Central State University for its state match requirement as an 1890 land grant university.

Section 381.320. CAPITAL COMPONENT

The foregoing appropriation item 235552, Capital Component, shall be used by the Chancellor of Higher Education to provide funding for prior commitments made pursuant to the state's former capital funding policy for state colleges and universities that was originally established in Am. H.B. 748 of the 121st General Assembly. Appropriations from this item shall be distributed to all campuses for which the estimated campus debt service attributable to qualifying capital projects was less than the campus's formula-determined capital component allocation. Campus allocations shall be determined by subtracting the estimated campus debt service attributable to qualifying capital projects from the campus's formula-determined capital component allocation. Moneys distributed from this appropriation item shall be restricted to capital-related purposes.

Any campus for which the estimated campus debt service attributable to qualifying capital projects is greater than the campus's formula-determined capital component allocation shall have the difference subtracted from its State Share of Instruction.
allocation in each fiscal year. Appropriation equal to the sum of all such amounts except that of the Ohio Agricultural Research and Development Center shall be transferred from appropriation item 235501, State Share of Instruction, to appropriation item 235552, Capital Component. Appropriation equal to any estimated Ohio Agricultural Research and Development Center debt service attributable to qualifying capital projects that is greater than the Center's formula-determined capital component allocation shall be transferred from appropriation item 235535, Ohio Agricultural Research and Development Center, to appropriation item 235552, Capital Component.

Section 381.330. LIBRARY DEPOSITORIES

The foregoing appropriation item 235555, Library Depositories, shall be distributed to the state's five regional depository libraries for the cost-effective storage of and access to lesser-used materials in university library collections. The depositories shall be administrated by the Chancellor of Higher Education, or by OhioLINK at the discretion of the Chancellor.

Section 381.340. OHIO ACADEMIC RESOURCES NETWORK (OARNET)

The foregoing appropriation item 235556, Ohio Academic Resources Network, shall be used by the Chancellor of Higher Education to support the operations of the Ohio Academic Resources Network, a consortium organized under division (T) of section 3333.04 of the Revised Code, which shall include support for Ohio's colleges and universities in maintaining and enhancing network connections, using new network technologies to improve research, education, and economic development programs, and sharing information technology services. To the extent network capacity is available, OARnet shall support allocating bandwidth to eligible programs directly supporting Ohio's economic
development.

Section 381.350. LONG-TERM CARE RESEARCH

The foregoing appropriation item 235558, Long-term Care Research, shall be disbursed to Miami University for long-term care research.

Section 381.360. OHIO COLLEGE OPPORTUNITY GRANT

(A) Except as provided in division (C) of this section:

Of the foregoing appropriation item 235563, Ohio College Opportunity Grant, $93,104,152 in fiscal year 2018 and $95,241,809 in fiscal year 2019 shall be used by the Chancellor of Higher Education to award need-based financial aid to students enrolled in eligible public and private nonprofit institutions of higher education, excluding early college high school and post-secondary enrollment option participants.

The remainder of the foregoing appropriation item 235563, Ohio College Opportunity Grant, shall be used by the Chancellor to award needs-based financial aid to students enrolled in eligible private for-profit career colleges and schools.

(B)(1) As used in this section:

(a) "Eligible institution" means any institution described in divisions (B)(2)(a) to (c) of section 3333.122 of the Revised Code.

(b) The three "sectors" of institutions of higher education consist of the following:

(i) State colleges and universities, community colleges, state community colleges, university branches, and technical colleges;

(ii) Eligible private nonprofit institutions of higher
(iii) Eligible private for-profit career colleges and schools.

(2) Awards for students attending eligible private nonprofit institutions of higher education shall be determined at twice the rate of the awards for students attending eligible public institutions of higher education.

(3) For students attending an eligible institution year-round, awards may be distributed on an annual basis, once Pell grants have been exhausted.

(4) If the Chancellor determines that the amounts appropriated for support of the Ohio College Opportunity Grant program are inadequate to provide grants to all eligible students as calculated under division (D) of section 3333.122 of the Revised Code, the Chancellor may create a distribution formula for fiscal year 2018 and fiscal year 2019 based on the formula used in fiscal year 2017, or may follow methods established in division (C)(1)(a) or (b) of section 3333.122 of the Revised Code. The Chancellor shall notify the Controlling Board of the distribution method. Any formula calculated under this division shall be complete and established to coincide with the start of the 2017-2018 academic year.

(C) Prior to determining the amount of funds available to award under this section and section 3333.122 of the Revised Code, the Chancellor shall use the foregoing appropriation item 235563, Ohio College Opportunity Grant, to pay for renewals or partial renewals of scholarships students receive under the Ohio Academic Scholarship Program under sections 3333.21 and 3333.22 of the Revised Code. In paying for scholarships under this division, the Chancellor shall deduct funds from the allocations made under division (A) of this section. Deductions shall be proportionate to
the amounts allocated to each sector from the total amounts appropriated for each sector under the foregoing appropriation item 235563, Ohio College Opportunity Grant.

In each fiscal year, with the exception of sections 3333.121 and 3333.124 of the Revised Code and the section of this act entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor shall not distribute or obligate or commit to be distributed an amount greater than what is appropriated under the foregoing appropriation item 235563, Ohio College Opportunity Grant.

(D) The Chancellor shall establish, and post on the Department of Higher Education's web site, award tables based on any formulas created under division (B) of this section. The Chancellor shall notify students and institutions of any reductions in awards under this section.

(E) Notwithstanding section 3333.122 of the Revised Code, no student shall be eligible to receive an Ohio College Opportunity Grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years, less the number of semesters or quarters in which the student received an Ohio Instructional Grant.

(F) During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235563, Ohio College Opportunity Grant. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the Ohio College Opportunity Grant Program Reserve Fund (Fund 5PU0).

Section 381.370. THE OHIO STATE UNIVERSITY CLINIC SUPPORT

The foregoing appropriation item 235572, The Ohio State
University Clinic Support, shall be distributed through the Chancellor of Higher Education to The Ohio State University for support of dental and veterinary medicine clinics.

Section 381.380. NATIONAL GUARD SCHOLARSHIP PROGRAM

The Chancellor of Higher Education shall disburse funds from appropriation item 235599, National Guard Scholarship Program. During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235599, National Guard Scholarship Program. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 5BM0).

Section 381.390. PLEDGE OF FEES

Any new pledge of fees, or new agreement for adjustment of fees, made in the biennium ending June 30, 2019, to secure bonds or notes of a state institution of higher education for a project for which bonds or notes were not outstanding on the effective date of this section shall be effective only after approval by the Chancellor of Higher Education, unless approved in a previous biennium.

Section 381.400. HIGHER EDUCATION GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 235909, Higher Education General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2017, through June 30, 2019, for obligations issued under sections 151.01 and 151.04 of the Revised Code.
Section 381.410. SALES AND SERVICES

The Chancellor of Higher Education is authorized to charge and accept payment for the provision of goods and services. Such charges shall be reasonably related to the cost of producing the goods and services. Except as otherwise provided by law, no charges may be levied for goods or services that are produced as part of the routine responsibilities or duties of the Chancellor. All revenues received by the Chancellor shall be deposited into Fund 4560, and may be used by the Chancellor to pay for the costs of producing the goods and services.

Section 381.420. HIGHER EDUCATIONAL FACILITY COMMISSION ADMINISTRATION

The foregoing appropriation item 235602, Higher Educational Facility Commission Administration, shall be used by the Chancellor of Higher Education for operating expenses related to the Chancellor's support of the activities of the Ohio Higher Educational Facility Commission. Upon the request of the Chancellor, the Director of Budget and Management may transfer up to $50,000 cash in each fiscal year from the HEFC Operating Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 4E80).

Section 381.430. ACCELERATED COMPLETION OF TECHNICAL STUDIES

(A) The foregoing appropriation item, 235550, Accelerated Completion of Technical Studies, shall be used by the Chancellor of Higher Education to work with community colleges, as defined in section 3354.01 of the Revised Code, state community colleges, as defined in section 3358.01 of the Revised Code, and technical colleges, as defined in section 3357.01 of the Revised Code, to develop a highly structured program to accelerate associate degree completion in fields that are either emerging or have in-demand
jobs. For the purposes of this section, the identification of fields and jobs as emerging or in-demand shall be supported by data from sources that may include the Governor's Office of Workforce Transformation, OhioMeansJobs, labor market information from the Department of Job and Family Services, and lists of in-demand occupations. These funds shall be used to support the technical assistance for and the start-up costs of up to seven institutions to develop a structured, intensive program for student success.

(B) The Chancellor shall select the initial Accelerated Completion of Technical Studies (ACTS) cohort of up to seven institutions through a competitive request for proposals process. The request for proposals shall require institutions to demonstrate conditions of readiness that would enable them to implement such a program. Special attention may be given to institutions that develop a regional proposal that builds on the efficiency of multiple institutions and comprehensively addresses the needs of their region through collaboration.

(C) Participating institutions shall do all of the following:

1. Serve at least two hundred fifty students annually in majors that fill in-demand or emerging jobs for their region;
2. Collect program data at the request of the Chancellor;
3. Develop plans for the sustainability of the program through revenue growth from improved student retention and completion metrics; and
4. Attest that students participating in the program will receive all of the support to be provided under division (D) of this section.

(D) Students participating in the program shall receive all of the following:
Tuition waivers that cover any gap between grant aid and tuition and fees;

(2) Textbooks at no cost for all classes;

(3) Incentive cards that cover modest recurring costs such as gas or other transportation;

(4) Specialized courses and scheduling that enable participating students to better manage college and work while building learning communities; and

(5) Comprehensive support services, including advising from advisors with caseloads no larger than one hundred fifty to one, tutoring, and career services that help students manage the transition to employment.

(E) Students participating in the program shall maintain all of the following requirements to receive the program support provided under division (D) of this section:

(1) Select and continue in a major that fills a pre-identified in-demand job in their region;

(2) Enroll full-time at the participating institution and attempt thirty credit hours within a calendar year;

(3) Enroll in no more than two developmental courses, which, if necessary, shall be taken early in the academic progression; and

(4) Participate in student support services, including comprehensive advising, tutoring, and career services.

(F) The Chancellor may collaborate with the Director of Job and Family Services to expand the scope of program services and the number of institutions served through the ACTS program.

Section 381.440. FEDERAL RESEARCH NETWORK

The foregoing appropriation item 235654, Federal Research
Network, shall be allocated to The Ohio State University to collaborate with Wright-Patterson Air Force Base, NASA Glenn Research Center, Ohio's research universities, and the private sector to align the state's research assets with emerging missions and job growth opportunities emanating from the two federal installations, strengthen related workforce development and technology commercialization programs, and better position the state's university system to directly impact new job creation in Ohio. A portion of the foregoing appropriation item 235654, Federal Research Network, shall be used to support the growth of small business federal contractors in the state and to expand the participation of Ohio businesses in the federal Small Business Innovation Research Program and related federal programs.

Section 381.450. OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING LOAN PROGRAM

The foregoing appropriation item 235684, OhioMeansJobs Workforce Development Revolving Loan Program, shall be used by the Chancellor of Higher Education to provide administrative support for the OhioMeansJobs Workforce Development Revolving Loan Program.

Section 381.460. WORKFORCE AND HIGHER EDUCATION PROGRAMS

Of the foregoing appropriation item 235616, Workforce and Higher Education Programs, up to $500,000 in each fiscal year shall be used by the Chancellor of Higher Education to coordinate a statewide effort to promote workforce grant programs. The remainder of the foregoing appropriation item 235616, Workforce and Higher Education Programs, shall be used by the Chancellor to distribute the grant awards under section 3333.93 of the Revised Code.

Section 381.470. COMPLETION AND RETENTION FOR EDUCATIONAL
(A) The foregoing appropriation item 235566, Completion and Retention for Educational Success, shall be used for the Completion and Retention for Educational Success (Ohio CARES) Program, which is hereby created to provide financial support to in-state undergraduate students who have been admitted to a state institution of higher education, as defined in section 3345.011 of the Revised Code, or a private nonprofit institution but are determined by the institution to be in jeopardy of disenrolling due to a short-term lack of financial resources.

(B) An institution wishing to participate in the program shall apply to the Chancellor, who shall administer the program. In reviewing applications and allocating funds under this section, the Chancellor may give priority to applications from institutions that will focus awards on the following:

1. Students pursuing their first degree;
2. Students within thirty semester credit hours of completing the minimum requirements for a degree;
3. Students with a grade point average in excess of 2.0;
4. Students taking more than 10 credit hours per semester; and
5. Students pursuing a degree for an in-demand field according to data, which may include sources such as the Governor's Office of Workforce Transformation, OhioMeansJobs, labor market information from the Department of Job and Family Services, and lists of in-demand occupations.

An allocation to a participating institution under this section shall not exceed $15,000 in any single fiscal year.

(C) Under the program, the Chancellor shall disburse these funds to a participating public or private institution, in which
eligible students are enrolled, to make awards to those eligible students. A student determined to be eligible to participate in the program shall be eligible for a maximum award of $250 per term. A student may not receive more than two awards in any academic year.

(D) Each participating institution shall do all of the following:

(1) Use the funds allocated under this section to augment existing aid programs that are already administered by the institution;

(2) Provide a matching contribution with direct institutional aid at a ratio of one to one;

(3) Limit awards of the funds to allowable student costs, as determined by the institution, within existing aid programs that are already administered by the institution;

(4) Monitor students who receive awards under this section; and

(5) Provide a report, upon the Chancellor's request, summarizing the following metrics for students at the institution who receive awards as compared to students who do not:

(a) Course completion rate;

(b) Retention rate in subsequent semesters;

(c) Cumulative GPA;

(d) Number of credit hours attempted;

(e) Number of credit hours completed;

(f) Other metrics as determined to be appropriate by the Chancellor.

(E) An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 235566, Completion and
Retention for Educational Success, at the end of fiscal year 2018 is hereby reappropriated to the Department of Higher Education for the same purpose in fiscal year 2019.

**Section 381.480. FINISH FOR YOUR FUTURE SCHOLARSHIP PROGRAM**

(A) The foregoing appropriation item 235600, Finish for Your Future Scholarship Program, shall be used to provide scholarship benefits under the Ohio Finish for Your Future Scholarship Program, which is hereby created to encourage eligible individuals that have disenrolled from an eligible institution to re-enroll at an eligible institution in pursuit of the individual's first post-secondary credential. The Chancellor of Higher Education shall administer the program and adopt rules regarding its implementation and operation.

(B) As used in this section:

(1) "Post-secondary credential" means a degree that is approved by or a certificate that has been designated as a technical certificate by the Chancellor of Higher Education.

(2) "Student debt" means money owed by an eligible individual on a loan, note, or other lending instrument for the primary purpose of paying for educational expenses.

(3) "Eligible institution" means a state institution of higher education, as defined in section 3345.011 of the Revised Code, a private nonprofit institution in Ohio holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, or an Ohio Technical Center recognized by the Chancellor that provides post-secondary workforce education.

(4) "Eligible individual" means an Ohio resident that:

(a) Possesses student debt acquired while in pursuit of the individual's first post-secondary credential;

(b) Disenrolled from an eligible institution prior to meeting
the minimum requirements necessary to obtain the individual's first post-secondary credential and desires to re-enroll at an eligible institution in pursuit of the individual's first post-secondary credential;

(c) Disenrolled from an eligible institution at least twelve months prior to receiving scholarship benefits under this section; and

(d) Has the following attested to by an eligible institution in accordance with that institution's minimum requirements:

(i) If pursuing a bachelor or associate degree, needs to complete thirty semester hours or less to obtain the individual's first post-secondary credential at that institution;

(ii) If pursuing a technical certificate, needs to complete fifty per cent or less of the minimum requirements necessary to obtain the individual's first post-secondary credential at that institution.

(C) Under the program, the Chancellor shall disburse these funds to an eligible institution to make awards to eligible individuals. An eligible individual may receive a maximum state scholarship benefit of up to $3,500 annually, which shall be calculated on an academic year basis, to pay for instructional and general fees or tuition at an eligible institution, provided that the scholarship benefit does not exceed the individual's instructional and general fees or tuition that otherwise would be charged to the student for any given term. An eligible institution allocated funds under this section shall reflect an eligible individual's scholarship benefit as a credit on the individual's tuition bill.

(D) Eligible institutions shall provide a matching contribution at a ratio of one to one in the form of direct institutional aid provided to eligible individuals. Eligible
individuals receiving an award under this section shall also match the state scholarship benefit at a ratio of one to one. Matching funds contributed by an eligible individual shall be in a form determined appropriate by the eligible institution, provided that the funds are reflected as a valid form of payment on the individual's tuition bill.

(E) Each eligible institution shall do all of the following:

1. Monitor students who receive awards under this section; and

2. Provide a report, upon the Chancellor's request, summarizing the following metrics for students at the institution who receive awards as compared to students who do not:

   a. Course completion rate;
   b. Retention rate in subsequent semesters;
   c. Number of credit hours attempted;
   d. Number of credit hours completed;
   e. Post-secondary credentials received;
   f. Other metrics as determined to be appropriate by the Chancellor.

(F) An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 235600, Finish for Your Future Scholarship Program, at the end of fiscal year 2018 is hereby reappropriated to the Department of Higher Education for the same purpose in fiscal year 2019.

Section 381.490. COLLEGE READY TRANSITION COURSES

The foregoing appropriation item 235653, College Ready Transition Courses, shall be used by the Chancellor of Higher Education, in consultation with the Superintendent of Public Instruction, to develop college ready transition courses for high
school students who have not met the state's remediation free 103514
thresholds in mathematics, English, or other instructional models. 103515

Section 381.500. STATE FINANCIAL AID RECONCILIATION 103516

By the first day of September in each fiscal year, or as soon 103517
as possible thereafter, the Chancellor of Higher Education shall 103518
certify to the Director of Budget and Management the amount 103519
necessary to pay any outstanding prior year obligations to higher 103520
education institutions for the state's financial aid programs. The 103521
amounts certified are hereby appropriated to appropriation item 103522
235618, State Financial Aid Reconciliation, from revenues received 103523
in the State Financial Aid Reconciliation Fund (Fund 5Y50).

Section 381.510. NURSING LOAN PROGRAM 103525

The foregoing appropriation item 235606, Nursing Loan 103526
Program, shall be used to administer the nurse education 103527
assistance program.

Section 381.520. RESEARCH INCENTIVE THIRD FRONTIER 103529

The foregoing appropriation item 235634, Research Incentive 103530
Third Frontier, shall be used by the Chancellor of Higher 103531
Education to advance collaborative research at institutions of 103532
higher education. Of the foregoing appropriation item 235634, 103533
Research Incentive Third Frontier, up to $2,000,000 in each fiscal 103534
year may be allocated toward research regarding the improvement of 103535
water quality, up to $1,000,000 in each fiscal year may be 103536
allocated toward research regarding the reduction of infant 103537
mortality, up to $1,000,000 in each fiscal year may be allocated 103538
toward research regarding opiate addiction issues in Ohio, up to 103539
$750,000 in each fiscal year may be allocated toward research 103540
regarding cyber security initiatives, and up to $500,000 in each 103541
fiscal year may be allocated toward the I-Corps@Ohio program.
Section 381.530. VETERANS PREFERENCES

The Chancellor of Higher Education shall work with the Department of Veterans Services to develop specific veterans preference guidelines for higher education institutions. These guidelines shall ensure that the institutions' hiring practices are in accordance with the intent of Ohio's veterans preference laws.

Section 381.540. (A) As used in this section:

(1) "Board of trustees" includes the managing authority of a university branch district.

(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) The board of trustees of any state institution of higher education, notwithstanding any rule of the institution to the contrary, may adopt a policy providing for mandatory furloughs of employees, including faculty, to achieve spending reductions necessitated by institutional budget deficits.

Section 381.550. EFFICIENCY REPORTS

In each fiscal year, the board of trustees of each public institution of higher education shall approve the institution's efficiency report submitted to the Chancellor of Higher Education under section 3333.95 of the Revised Code. Each institution's report shall be based on the recommendations of the Ohio Task Force on Affordability and Efficiency in Higher Education, as established by the Governor's executive order, and shall benchmark and document institutional progress towards implementing the recommendations of the Task Force as compared to the institution's prior fiscal year efficiency report.
Section 381.560. The Chancellor of Higher Education, in consultation with institutions of higher education and other parties as determined appropriate by the Chancellor, shall conduct an analysis of income share agreements used to pay for student tuition and higher education-related expenses. Not later than June 30, 2018, the Chancellor shall submit the findings of the analysis to the Governor and the General Assembly in accordance with section 101.68 of the Revised Code.

Section 381.570. Not later than June 30, 2018, the Chancellor of Higher Education, in consultation with representatives from the Inter-University Council of Ohio and the Ohio Association of Community Colleges, shall develop a model for "3+1" baccalaureate degree programs for state universities and state community colleges, community colleges, and technical colleges. The model shall outline how a student may complete the equivalent of three academic years, or ninety semester credit hours, at a state community college, community college, or technical college and then transfer to a state university to complete the final academic year, or thirty semester credit hours, or the remainder of the student's baccalaureate degree program.

In developing the model, the Chancellor shall seek input from administrators of state institutions of higher education currently participating in such a program, as well as faculty leaders in the academic fields or disciplines under consideration for the program.

Further, the Chancellor shall evaluate existing "3+1" baccalaureate degree programs for their cost effectiveness for students.

As used in this section, "state institution of higher education" and "state university" have the same meanings as in
Section 381.580. The Chancellor of Higher Education shall support the continued development of the Ohio Innovation Exchange for the purpose of showcasing the research expertise of Ohio's university and college faculty in a variety of fields, including, but not limited to, engineering, biomedicine, and information technology, and to identify institutional research equipment available in the state.

Section 381.590. The Chancellor of Higher Education shall work with state institutions of higher education, as defined by section 3345.011 of the Revised Code, Ohio Technical Centers, as recognized by the Chancellor, and industry partners to develop program models that include project-based learning to increase continuing education and non-credit program offerings that lead to a credential in order to meet the state's in-demand job needs.

Section 381.600. TRANSFER TO THE ECONOMIC DEVELOPMENT PROGRAMS FUND (FUND 5JC0)

On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management, upon the request of the Chancellor of Higher Education, may transfer up to $5,000,000 cash from the Ohio Incumbent Workforce Job Training Fund (Fund 5HR0) to the Economic Development Programs Fund (Fund 5JC0). In fiscal year 2019, the Director of Budget and Management, upon the request of the Chancellor of Higher Education, may transfer any unobligated, unencumbered cash balance from the Ohio Incumbent Workforce Job Training Fund (Fund 5HR0) to the Economic Development Programs Fund (Fund 5JC0).

Section 381.610. TRANSFERS TO THE COMPLETION, RETENTION, AND COLLEGE READINESS FUND (FUND 5TF0)
On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management may transfer $10,000,000 cash from the Casino Operator Settlement Fund (Fund 5KT0) to the Completion, Retention, and College Readiness Fund (Fund 5TF0) to fully support the appropriations made to the Ohio Finish for Your Future Scholarship Program and the College Ready Transition Courses Program.

On July 1, 2017, or as soon as possible thereafter, the Chancellor of Higher Education shall certify to the Director of Budget and Management the unencumbered balance of the General Revenue Fund appropriations made in the immediately preceding fiscal year for purposes of the Ohio College Opportunity Grant Program created in section 3333.122 of the Revised Code. Upon receipt of the certification, the Director of Budget and Management may transfer cash in an amount not exceeding $2,500,000 from the General Revenue Fund to the Completion, Retention, and College Readiness Fund (Fund 5TF0).

Section 381.620. FUND NAME CHANGES

On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management shall rename the Star Schools Fund (Fund 3BG0) the GEAR-UP Grant Scholarships Fund (Fund 3BG0).

On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management shall rename the Joyce Foundation Grant Fund (Fund 5FR0) the State and Non-Federal Grants and Awards Fund (Fund 5FR0).

On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management shall rename the Federal Grants Fund (Fund 3N60) the John R. Justice Student Loan Repayment Fund (Fund 3N60).

Section 383.10. DRC DEPARTMENT OF REHABILITATION AND
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<td>$82,807,332</td>
</tr>
<tr>
<td>GRF 504321 Administrative Operations</td>
<td>$24,034,553</td>
<td>$24,611,945</td>
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<tr>
<td>GRF 505321 Institution Medical Services</td>
<td>$267,275,288</td>
<td>$273,206,517</td>
</tr>
<tr>
<td>GRF 506321 Institution Education Services</td>
<td>$32,581,211</td>
<td>$33,372,312</td>
</tr>
<tr>
<td><strong>TOTAL GRF General Revenue Fund</strong></td>
<td>$1,751,229,871</td>
<td>$1,781,575,300</td>
</tr>
<tr>
<td>Dedicated Purpose Fund Group</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4B00 501601 Sewer Treatment Services</td>
<td>$2,230,000</td>
<td>$2,230,000</td>
</tr>
<tr>
<td>4D40 501603 Prisoner Programs</td>
<td>$1,300,000</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>4L40 501604 Transitional Control</td>
<td>$1,950,000</td>
<td>$1,950,000</td>
</tr>
<tr>
<td>Category</td>
<td>Fund 1</td>
<td>Fund 2</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>---------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Education Services</td>
<td>$ 4,725,000</td>
<td>$ 4,725,000</td>
</tr>
<tr>
<td>State and Non-Federal Awards</td>
<td>$ 875,000</td>
<td>$ 875,000</td>
</tr>
<tr>
<td>Offender Financial Responsibility</td>
<td>$ 2,500,000</td>
<td>$ 3,110,000</td>
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<tr>
<td>TOTAL DPF Dedicated Purpose Fund</td>
<td>$ 13,580,000</td>
<td>$ 14,190,000</td>
</tr>
<tr>
<td>Internal Service Activity Fund</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Institutional Services</td>
<td>$ 2,925,000</td>
<td>$ 2,925,000</td>
</tr>
<tr>
<td>Ohio Penal Industries</td>
<td>$ 52,900,000</td>
<td>$ 52,900,000</td>
</tr>
<tr>
<td>Leased Property</td>
<td>$ 2,000,000</td>
<td>$ 2,000,000</td>
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<tr>
<td>Corrections Training</td>
<td>$ 480,000</td>
<td>$ 480,000</td>
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<tr>
<td>Information Technology Services</td>
<td>$ 1,300,000</td>
<td>$ 1,300,000</td>
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<tr>
<td>TOTAL ISA Internal Activity Fund</td>
<td>$ 59,605,000</td>
<td>$ 59,605,000</td>
</tr>
<tr>
<td>Federal Grants</td>
<td>$ 1,985,000</td>
<td>$ 1,985,000</td>
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<tr>
<td>Federal Equitable Sharing</td>
<td>$ 455,000</td>
<td>$ 455,000</td>
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<tr>
<td>TOTAL FED Federal</td>
<td>$ 2,440,000</td>
<td>$ 2,440,000</td>
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<tr>
<td>TOTAL ALL BUDGET FUND GROUPS</td>
<td>$ 1,826,854,871</td>
<td>$ 1,857,810,300</td>
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</tbody>
</table>

The foregoing appropriation item 501406, Adult Correctional Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2017, through June 30,
2019, by the Department of Rehabilitation and Correction under the primary leases and agreements for those buildings made under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code.

OSU MEDICAL CHARGES

Notwithstanding section 341.192 of the Revised Code, at the request of the Department of Rehabilitation andCorrection, The Ohio State University Medical Center, including the Arthur G. James Cancer Hospital and Richard J. Solove Research Institute and the Richard M. Ross Heart Hospital, shall provide necessary care to persons who are confined in state adult correctional facilities. The provision of necessary inpatient care billed to the Department shall be reimbursed at a rate not to exceed the authorized reimbursement rate for the same service established by the Department of Medicaid under the Medicaid Program.

Section 385.10. RCB RESPIRATORY CARE BOARD

Dedicated Purpose Fund Group

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>FY 2023</th>
<th>FY 2024</th>
</tr>
</thead>
<tbody>
<tr>
<td>4K90 872609</td>
<td>Operating Expenses</td>
<td>$363,106</td>
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<td>TOTAL DPF Dedicated Purpose</td>
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<td>$363,106</td>
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Section 387.10. RDF STATE REVENUE DISTRIBUTIONS

General Revenue Fund Group

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>FY 2023</th>
<th>FY 2024</th>
</tr>
</thead>
<tbody>
<tr>
<td>GRF 110908</td>
<td>Property Tax</td>
<td>$641,015,200</td>
<td>$645,785,000</td>
</tr>
<tr>
<td></td>
<td>Reimbursement - Local</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Government</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GRF 200903</td>
<td>Property Tax</td>
<td>$1,180,084,800</td>
<td>$1,199,315,000</td>
</tr>
<tr>
<td></td>
<td>Reimbursement -</td>
<td></td>
<td></td>
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### Education

**TOTAL GRF General Revenue Fund**

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Previous Amount</th>
<th>Change</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$1,821,100,000</td>
<td>$1,845,100,000</td>
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</table>

**Revenue Distribution Fund Group**

<table>
<thead>
<tr>
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<th>Amount</th>
<th>Previous Amount</th>
<th>Change</th>
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</thead>
<tbody>
<tr>
<td>5JG0 110633 Gross Casino Revenue Payments-County</td>
<td>$128,400,000</td>
<td>$126,500,000</td>
<td>0</td>
<td>103729</td>
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<tr>
<td>5JH0 110634 Gross Casino Revenue Payments-School Districts</td>
<td>$85,600,000</td>
<td>$84,300,000</td>
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<td>103730</td>
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<tr>
<td>5JJ0 110636 Gross Casino Revenue - Host City</td>
<td>$12,500,000</td>
<td>$12,400,000</td>
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**7047 200902 Property Tax Replacement Phase Out-Education**

<table>
<thead>
<tr>
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<th>Previous Amount</th>
<th>Change</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Indigent Drivers Alcohol Treatment</td>
<td>$2,250,000</td>
<td>$2,250,000</td>
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**7050 762900 International Registration Plan Distribution**

<table>
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<th>Change</th>
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<tbody>
<tr>
<td>Auto Registration</td>
<td>$325,000,000</td>
<td>$325,000,000</td>
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<td>103735</td>
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</table>

**7060 110960 Gasoline Excise Tax Fund**

<table>
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<th>Amount</th>
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<th>Change</th>
<th>Code</th>
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<tbody>
<tr>
<td>Public Library Fund</td>
<td>$381,800,000</td>
<td>$393,500,000</td>
<td>0</td>
<td>103737</td>
</tr>
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</table>

**7066 800966 Undivided Liquor Permits**

<table>
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<tr>
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<th>Amount</th>
<th>Previous Amount</th>
<th>Change</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Undivided Liquor Permits</td>
<td>$14,600,000</td>
<td>$14,600,000</td>
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**7068 110968 State and Local Government Highway Distributions**

<table>
<thead>
<tr>
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<th>Amount</th>
<th>Previous Amount</th>
<th>Change</th>
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<tr>
<td>State and Local Government</td>
<td>$196,000,000</td>
<td>$196,000,000</td>
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</table>

**7069 110969 Local Government Fund**

<table>
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<tr>
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<th>Amount</th>
<th>Previous Amount</th>
<th>Change</th>
<th>Code</th>
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</thead>
<tbody>
<tr>
<td>Local Government Fund</td>
<td>$381,800,000</td>
<td>$393,500,000</td>
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**7081 110907 Property Tax Replacement Phase Out-Local Government**

<table>
<thead>
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<th>Change</th>
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</thead>
<tbody>
<tr>
<td>Property Tax Replacement Phase</td>
<td>$30,844,526</td>
<td>$16,700,147</td>
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<tr>
<td>Code</td>
<td>Description</td>
<td>New</td>
<td>Old</td>
<td>Difference</td>
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<tr>
<td>--------</td>
<td>-------------------------------------------------------</td>
<td>------</td>
<td>--------</td>
<td>------------</td>
</tr>
<tr>
<td>7082</td>
<td>Horse Racing Tax</td>
<td>$60,000</td>
<td>$60,000</td>
<td>0</td>
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<tr>
<td>7083</td>
<td>Ohio Fairs Fund</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
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<tr>
<td>7104</td>
<td>Medicaid Local Sales Tax Transition Fund</td>
<td>$207,000,000</td>
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<td>207,000,000</td>
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<tr>
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<td>TOTAL RDF Revenue Distribution</td>
<td></td>
<td>$2,370,666,193</td>
<td>$2,130,539,288</td>
</tr>
<tr>
<td></td>
<td>Fund Group</td>
<td></td>
<td>$2,370,666,193</td>
<td>$2,130,539,288</td>
</tr>
<tr>
<td></td>
<td>Fiduciary Fund Group</td>
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<tr>
<td>4F80</td>
<td>Cash Management Improvement Fund</td>
<td>$3,100,000</td>
<td>$3,100,000</td>
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</tr>
<tr>
<td>6080</td>
<td>Investment Earnings</td>
<td>$140,000,000</td>
<td>$160,000,000</td>
<td>-20,000,000</td>
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<tr>
<td>7001</td>
<td>Horse Racing Tax Local Government Payments</td>
<td>$240,000</td>
<td>$240,000</td>
<td>0</td>
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<tr>
<td>7062</td>
<td>Resort Area Excise Tax Distribution</td>
<td>$1,200,000</td>
<td>$1,200,000</td>
<td>0</td>
</tr>
<tr>
<td>7063</td>
<td>Permissive Sales Tax Distribution</td>
<td>$2,577,800,000</td>
<td>$2,653,900,000</td>
<td>-76,100,000</td>
</tr>
<tr>
<td>7067</td>
<td>School District Income Tax Distribution</td>
<td>$435,200,000</td>
<td>$451,200,000</td>
<td>-16,000,000</td>
</tr>
<tr>
<td>7085</td>
<td>Volunteer Firemen's Dependents Fund</td>
<td>$300,000</td>
<td>$300,000</td>
<td>0</td>
</tr>
<tr>
<td>7093</td>
<td>Next Generation 9-1-1</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
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</tr>
<tr>
<td>7094</td>
<td>Wireless 9-1-1 Government Assistance</td>
<td>$25,700,000</td>
<td>$25,700,000</td>
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<tr>
<td>7095</td>
<td>Municipal Income Net Profits Tax</td>
<td>$300,000,000</td>
<td>$660,000,000</td>
<td>-360,000,000</td>
</tr>
<tr>
<td>7099</td>
<td>Permission Tax Distribution - Auto Registration</td>
<td>$182,000,000</td>
<td>$182,000,000</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>TOTAL FID Fiduciary Fund Group</td>
<td>$3,666,540,000</td>
<td>$4,138,640,000</td>
<td>-472,100,000</td>
</tr>
<tr>
<td></td>
<td>Holding Account Fund Group</td>
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<td>0</td>
</tr>
</tbody>
</table>
Section 387.20. ADDITIONAL APPROPRIATIONS

Appropriation items in this section shall be used for the purpose of administering and distributing the designated revenue distribution funds according to the Revised Code. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.

GENERAL REVENUE FUND TRANSFERS

Notwithstanding any provision of law to the contrary, in fiscal year 2018 and fiscal year 2019, the Director of Budget and Management may transfer from the General Revenue Fund to the Local Government Tangible Property Tax Replacement Fund (Fund 7081) and the School District Tangible Property Tax Replacement Fund (Fund 7047) in the Revenue Distribution Fund Group, those amounts necessary to reimburse local taxing units and school districts under sections 5709.92 and 5709.93 of the Revised Code. Also, in fiscal year 2018 and fiscal year 2019, the Director of Budget and Management may make temporary transfers from the General Revenue Fund to ensure sufficient balances in the Local Government Tangible Property Tax Replacement Fund (Fund 7081) and the School District Tangible Property Tax Replacement Fund (Fund 7047) and to replenish the General Revenue Fund for such transfers.

MUNICIPAL INCOME NET PROFITS TAX

The foregoing appropriation item 110995, Municipal Income Net Profits Tax, shall be used to make payments to municipal corporations under section 5745.05 of the Revised Code. If it is determined that additional appropriations are necessary to make
such payments, such amounts are hereby appropriated.

PROPERTY TAX REIMBURSEMENT - EDUCATION

The foregoing appropriation item 200903, Property Tax Reimbursement - Education, is appropriated to pay for the state's costs incurred because of the homestead exemption, the property tax rollback, and payments required under division (C) of section 5705.2110 of the Revised Code. In cooperation with the Department of Taxation, the Department of Education shall distribute these funds directly to the appropriate school districts of the state, notwithstanding sections 321.24 and 323.156 of the Revised Code, which provide for payment of the homestead exemption and property tax rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor.

Upon receipt of these amounts, each school district shall distribute the amount among the proper funds as if it had been paid as real or tangible personal property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amount specifically appropriated in appropriation item 200903, Property Tax Reimbursement - Education, for the homestead exemption and the property tax rollback payments, and payments required under division (C) of section 5705.2110 of the Revised Code, which are determined to be necessary for these purposes, are hereby appropriated.

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK

The foregoing appropriation item 110908, Property Tax Reimbursement - Local Government, is hereby appropriated to pay for the state's costs incurred due to the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax.
Rollback. The Tax Commissioner shall distribute these funds directly to the appropriate local taxing districts, except for school districts, notwithstanding the provisions in sections 321.24 and 323.156 of the Revised Code, which provide for payment of the Homestead Exemption, the Manufactured Home Property Tax Rollback, and Property Tax Rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor.

Upon receipt of these amounts, each local taxing district shall distribute the amount among the proper funds as if it had been paid as real property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amounts specifically appropriated in appropriation item 110908, Property Tax Allocation - Local Government, for the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback payments, which are determined to be necessary for these purposes, are hereby appropriated.

MEDICAID LOCAL SALES TAX TRANSITION FUND

(A) There is hereby created in the state treasury the Medicaid Local Sales Tax Transition Fund. The fund shall consist of money transferred to it. The fund shall be used to mitigate the effects of, and assist in the adjustment to, the reduced sales tax revenues of counties and affected transit authorities caused by the repeal of sales tax collected by Medicaid health insuring corporations on health care service transactions.

Amounts provided to counties and transit authorities under this section from the Medicaid Local Sales Tax Transition Fund use...
the jurisdictions' annualized Medicaid sales tax revenues during
the calendar year 2015 and 2016 periods. Based on these figures,
the payments provided in this section provide full replacement of
the calculated foregone Medicaid sales tax revenues in calendar
year 2017, which will occur during the October 2017 through
December 2017 period. The payments under this section also reflect
a computation of the ability of the counties and transit
authorities to reasonably adjust to the effects of foregone
Medicaid sales tax revenues. Over time, each jurisdiction will be
able to absorb an increasing portion of its foregone Medicaid
sales tax revenue until it has adjusted to the full foregone
revenue. Before such full adjustment to the Medicaid sales tax
change finally occurs, for each year in which the jurisdiction's
annualized Medicaid sales tax revenue exceeds the amount it is
computed as being able to reasonably absorb in that year, such
difference becomes part of the overall distribution provided under
this section. The amount the jurisdiction is able to absorb in a
given year is the product derived from multiplying the
jurisdiction's annualized total sales tax revenues for calendar
years 2015 and 2016 by the total absorption rate assigned to the
jurisdiction. The absorption rate, which grows by the same
increment each year, is initially established at a level that
takes into account the relative sales tax capacity of a
jurisdiction; the assigned initial absorption rate is four percent
but is a smaller amount to the extent the jurisdiction's sales tax
capacity is below statewide average sales tax capacity.

(B) If the Tax Commissioner orders the cessation of
collection of sales and use taxes pursuant to division (A)(11)(b)
of section 5739.01 of the Revised Code, the Commissioner shall
certify such result to the Director of Budget and Management.
After receipt of this certification by the Director, the
requirements in divisions (C), (D), and (E) of this section shall
take effect.
(C) On or before October 15, 2017, each county and transit authority that as of January 1, 2017, levies any tax under sections 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 5741.023 of the Revised Code shall establish a County and Transit Authority Medicaid Sales Tax Transition Fund. The fund shall consist of money distributed to it under this section. Money provided to such fund shall be transferred to the general fund or other fund that receives a lawful portion of the county's or transit authority's sales tax revenue in accordance with a resolution adopted by the board of county commissioners, the county transit board, or trustees of a regional transit authority, as appropriate. Money may be transferred from the County and Transit Authority Medicaid Sales Tax Transition Fund at any time and in any quantity as indicated by the resolution.

(D) On or before November 1, 2017, the Tax Commissioner shall provide for payment to each county and transit authority in the amounts provided in division (E) of this section. The county treasurer or transit authority fiscal officer shall deposit such amount into the County and Transit Authority Medicaid Sales Tax Transition Fund within five business days of its receipt.

(E) Distributions made to counties and transit authorities under this section shall equal the following amounts:

<table>
<thead>
<tr>
<th>County</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adams</td>
<td>$2,338,462</td>
</tr>
<tr>
<td>Allen</td>
<td>$499,518</td>
</tr>
<tr>
<td>Ashland</td>
<td>$247,665</td>
</tr>
<tr>
<td>Ashtabula</td>
<td>$1,953,705</td>
</tr>
<tr>
<td>Athens</td>
<td>$1,361,470</td>
</tr>
<tr>
<td>Auglaize</td>
<td>$164,879</td>
</tr>
<tr>
<td>Belmont</td>
<td>$513,695</td>
</tr>
<tr>
<td>Brown</td>
<td>$2,608,692</td>
</tr>
<tr>
<td>Butler</td>
<td>$2,131,220</td>
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<tr>
<td>County</td>
<td>Amount</td>
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<tr>
<td>--------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Carroll</td>
<td>$222,196</td>
</tr>
<tr>
<td>Champaign</td>
<td>$696,332</td>
</tr>
<tr>
<td>Clark</td>
<td>$6,072,014</td>
</tr>
<tr>
<td>Clermont</td>
<td>$1,385,155</td>
</tr>
<tr>
<td>Clinton</td>
<td>$648,501</td>
</tr>
<tr>
<td>Columbiana</td>
<td>$4,912,012</td>
</tr>
<tr>
<td>Coshocton</td>
<td>$1,095,382</td>
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<tr>
<td>Crawford</td>
<td>$1,747,652</td>
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<td>Cuyahoga</td>
<td>$25,041,192</td>
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<td>Darke</td>
<td>$394,752</td>
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<tr>
<td>Defiance</td>
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<tr>
<td>Delaware</td>
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<tr>
<td>Erie</td>
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<tr>
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<td>$868,591</td>
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<tr>
<td>Fayette</td>
<td>$392,342</td>
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<tr>
<td>Franklin</td>
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<tr>
<td>Fulton</td>
<td>$368,374</td>
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<td>Gallia</td>
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<td>Geauga</td>
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<tr>
<td>Greene</td>
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<tr>
<td>Guernsey</td>
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<td>Hamilton</td>
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<td>Henry</td>
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<td>Highland</td>
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<td>Hocking</td>
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<td>Holmes</td>
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<td>Huron</td>
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<tr>
<td>Jackson</td>
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<td>Jefferson</td>
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<tr>
<td>Knox</td>
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<tr>
<td>County</td>
<td>Amount</td>
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<tr>
<td>-------------</td>
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<tr>
<td>Lake</td>
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<td>Lawrence</td>
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<td>Meigs</td>
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<td>Monroe</td>
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<tr>
<td>Montgomery</td>
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<tr>
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<td>Ross</td>
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<td>Sandusky</td>
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<td>Scioto</td>
<td>$6,331,880</td>
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<tr>
<td>Seneca</td>
<td>$904,551</td>
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<tr>
<td>Shelby</td>
<td>$201,342</td>
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</table>
Stark $1,471,853 103984  
Summit $2,309,202 103985  
Trumbull $3,958,878 103986  
Tuscarawas $353,741 103987  
Union $111,287 103988  
Van Wert $300,928 103989  
Vinton $2,803,310 103990  
Warren $317,939 103991  
Washington $521,996 103992  
Wayne $585,869 103993  
Williams $496,855 103994  
Wood $237,910 103995  
Wyandot $121,144 103996  
Transit Authorities: 103997  
Greater Cleveland Regional Transit Authority $20,068,166 103998  
Central Ohio Regional Transit Authority $5,273,867 103999  
Laketran Transit Authority $160,420 104000  
Western Reserve Transit Authority $1,055,799 104001  
Greater Dayton Regional Transit Authority $4,605,453 104002  
Portage Area Regional Transit Authority $234,905 104003  
Stark Area Regional Transit Authority $735,589 104004  
Metro Regional Transit Authority $2,315,641 104005  

Section 389.10. SAN BOARD OF SANITARIAN REGISTRATION 104006

Dedicated Purpose Fund Group 104007

4K90 893609 Operating Expenses $ 174,533 $ 178,120 104008

TOTAL DPF Dedicated Purpose 104009
<table>
<thead>
<tr>
<th>Fund Group</th>
<th>$174,533</th>
<th>$178,120</th>
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<td>TOTAL ALL BUDGET FUND GROUPS</td>
<td>$174,533</td>
<td>$178,120</td>
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</table>

### Section 391.10. OSB OHIO STATE SCHOOL FOR THE BLIND

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<th>$10,302,302</th>
<th>$10,544,099</th>
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<tbody>
<tr>
<td>GRF 226321 Operations</td>
<td>$354,000</td>
<td>$354,000</td>
<td>104018</td>
</tr>
<tr>
<td>4M50 226601 Work Study and Technology Investment</td>
<td>$461,521</td>
<td>$461,521</td>
<td>104019</td>
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<tr>
<td>5NJ0 226622 Food Service Program</td>
<td>$9,500</td>
<td>$9,500</td>
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<td>TOTAL DPF Dedicated Purpose Fund Group</td>
<td>$825,021</td>
<td>$825,021</td>
<td>104022</td>
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### Section 393.10. OSD OHIO SCHOOL FOR THE DEAF

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<thead>
<tr>
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<th>$11,248,544</th>
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</thead>
<tbody>
<tr>
<td>GRF 221321 Operations</td>
<td>$105,000</td>
<td>$105,000</td>
<td>104035</td>
</tr>
<tr>
<td>4M00 221601 Educational Program Expenses</td>
<td>$105,000</td>
<td>$105,000</td>
<td>104035</td>
</tr>
</tbody>
</table>
### Education Reform Grants

- **4M10 221602**: Education Reform Grants $370,000 $370,000

### Even Start Fees and Gifts

- **5H60 221609**: Even Start Fees and Gifts $62,999 $63,000

### Food Service Program

- **5NK0 221610**: Food Service Program $9,500 $9,500

### TOTAL DPF Dedicated Purpose Fund Group

- **Fund Group**: $547,499 $547,500

### Federal Fund Group

- **3110 221625**: Federal Grants $385,000 $385,000

### Medicaid Professional Services Reimbursement

- **3R00 221684**: Medicaid Professional Services $206,000 $206,000

### TOTAL FED Federal Fund Group

- **TOTAL ALL BUDGET FUND GROUPS**: $12,160,821 $12,387,044

---

**Section 395.10. SOS SECRETARY OF STATE**

### Notary Commission

- **4120 050609**: Notary Commission $475,000 $475,000

### Board of Voting Machine Examiners

- **4S80 050610**: Board of Voting Machine Examiners $7,200 $7,200

### Business Services Operating Expenses

- **5990 050603**: Business Services $14,385,400 $14,385,400

### Statewide Voter Registration Database

- **5990 050629**: Statewide Voter Registration Database $700,000 $700,000

### Elections Support Supplement

- **5990 050630**: Elections Support Supplement $2,144,030 $2,144,030

### Precinct Election Officials Training

- **5990 050631**: Precinct Election Officials Training $234,196 $234,196

### BOE Reimbursement and Education

- **5FG0 050620**: BOE Reimbursement and Education $80,000 $80,000

### Address Confidentiality

- **5SN0 050626**: Address Confidentiality $50,000 $50,000
<table>
<thead>
<tr>
<th>GROUP NAME</th>
<th>AMOUNT</th>
<th>ID</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL DPF Dedicated Purpose Fund Group</td>
<td>$ 18,075,826</td>
<td>104057</td>
</tr>
<tr>
<td>Holding Account Fund Group</td>
<td></td>
<td>104058</td>
</tr>
<tr>
<td>R001 050605 Uniform Commercial Code Refunds</td>
<td>$ 30,000</td>
<td>104059</td>
</tr>
<tr>
<td>R002 050606 Corporate/Business Filing Refunds</td>
<td>$ 85,000</td>
<td>104060</td>
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<tr>
<td>TOTAL HLD Holding Account Fund Group</td>
<td>$ 115,000</td>
<td>104061</td>
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<tr>
<td>TOTAL ALL BUDGET FUND GROUPS</td>
<td>$ 18,190,826</td>
<td>104062</td>
</tr>
</tbody>
</table>

**Section 395.20.** PRECINCT ELECTION OFFICIAL TRAINING

The foregoing appropriation item 050631, Precinct Election Official Training, shall be used to reimburse county boards of elections for precinct election official (PEO) training pursuant to section 3501.27 of the Revised Code. At the end of fiscal year 2018, an amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050631, Precinct Election Official Training, is hereby reappropriated in fiscal year 2019 for the same purpose.

**BOARD OF VOTING MACHINE EXAMINERS**

The foregoing appropriation item 050610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses that are authorized to be paid from the Board of Voting Machine Examiners Fund (Fund 4S80) created in section 3506.05 of the Revised Code. Moneys not used shall be returned to the person or entity submitting equipment for examination. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Such amounts are hereby appropriated.
HOLDING ACCOUNT FUND GROUP

The foregoing appropriation items 050605, Uniform Commercial Code Refunds, and 050606, Corporate/Business Filing Refunds, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Such amounts are hereby appropriated.

MISCELLANEOUS FEDERAL GRANTS

Appropriation item 050624, Miscellaneous Federal Grants, shall be used to support programs that are supported by federal grants deposited into the Miscellaneous Federal Grants Fund (Fund 3FM0) pursuant to Section 111.28 of the Revised Code.

ADDRESS CONFIDENTIALITY PROGRAM

Upon the request of the Secretary of State, the Director of Budget and Management may transfer up to $50,000 per fiscal year in cash from the Business Services Operating Expenses Fund (Fund 5990) to the Address Confidentiality Program Fund (Fund 5SN0).

LITIGATION RELATED EXPENSES

Upon the request of the Secretary of State, the Director of Budget and Management may transfer cash and appropriation from any fund and appropriation item used by the Secretary of State to Litigation Related Expenses Fund (Fund 5QE0) appropriation item 050625, Litigation Related Expenses, or Business Services Operating Expenses Fund (Fund 5990) appropriation item 050628, Litigation Related Expenses. The amounts transferred shall be used to pay for any expenses related to lawsuits or legal proceedings against the Secretary of State.

ABSENT VOTER'S BALLOT APPLICATION MAILING
Notwithstanding Division (B) of Section 111.31 of the Revised Code, upon the request of the Secretary of State, the Controlling Board may approve cash transfers from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Absent Voter's Ballot Application Mailing Fund (Fund 5RG0) to be used by the Secretary of State to pay the costs of printing and mailing unsolicited applications for absent voters' ballots.

BALLOT ADVERTISING COSTS

Notwithstanding Division (G) of Section 3501.17 of the Revised Code, upon requests submitted by the Secretary of State, the Controlling Board may approve transfers from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Statewide Ballot Advertising Fund (Fund 5FH0) in order to pay for the cost of public notices associated with statewide ballot initiatives.

Section 397.10. SEN THE OHIO SENATE

<table>
<thead>
<tr>
<th>General Revenue Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>GRF 020321 Operating Expenses $ 15,982,305 $ 15,982,305</td>
</tr>
<tr>
<td>TOTAL GRF General Revenue Fund $ 15,982,305 $ 15,982,305</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Internal Service Activity Fund Group</th>
</tr>
</thead>
<tbody>
<tr>
<td>1020 020602 Senate Reimbursement $ 425,800 $ 425,800</td>
</tr>
<tr>
<td>4090 020601 Miscellaneous Sales $ 34,497 $ 34,497</td>
</tr>
<tr>
<td>TOTAL ISA Internal Service Activity Fund Group $ 460,297 $ 460,297</td>
</tr>
<tr>
<td>TOTAL ALL BUDGET FUND GROUPS $ 16,442,602 $ 16,442,602</td>
</tr>
</tbody>
</table>

OPERATING EXPENSES

On July 1, 2017, or as soon as possible thereafter, the Clerk of the Senate may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 020321, Operating Expenses, at the
end of fiscal year 2017 to be reappropriated to fiscal year 2018. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2018.

On July 1, 2018, or as soon as possible thereafter, the Clerk of the Senate may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 020321, Operating Expenses, at the end of fiscal year 2018 to be reappropriated to fiscal year 2019. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2019.

Section 399.20. CSV COMMISSION ON SERVICE AND VOLUNTEERISM

General Revenue Fund

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>GRF 866321</th>
<th>GRF Total</th>
<th>DPF Dedicated Purpose Fund Group</th>
<th>DPF Total</th>
<th>Federal Fund Group</th>
<th>Federal Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>866321</td>
<td>CSV Operations</td>
<td>$322,547</td>
<td>$322,547</td>
<td>866605 Serve Ohio Support</td>
<td>$7,594</td>
<td>866617 AmeriCorps Programs</td>
<td>$8,462,255</td>
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<tr>
<td>TOTAL</td>
<td>GRF General Revenue Fund</td>
<td>$322,547</td>
<td>$322,547</td>
<td>DPF Dedicated Purpose Fund Group</td>
<td>$7,594</td>
<td>FED Federal Fund Group</td>
<td>$8,462,255</td>
</tr>
<tr>
<td></td>
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<td></td>
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</table>

TOTAL ALL BUDGET FUND GROUPS $8,792,396 $8,785,092

Section 401.10. CSF COMMISSIONERS OF THE SINKING FUND

Debt Service Fund Group

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>7070 155905 Third Frontier</th>
<th>7072 155902 Highway Capital</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>$87,015,000 $95,039,900</td>
<td>$117,606,700 $135,589,800</td>
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<tr>
<td></td>
<td>Research and Development Bond Retirement Fund</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>7070 155905 Third Frontier</th>
<th>7072 155902 Highway Capital</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>$87,015,000 $95,039,900</td>
<td>$117,606,700 $135,589,800</td>
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<tr>
<td></td>
<td>Research and Development Bond Retirement Fund</td>
<td></td>
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</tr>
</tbody>
</table>
Improvement Bond
Retirement Fund
7073 155903 Natural Resources Bond $ 25,450,300 $ 19,317,800 104171
Retirement Fund
7074 155904 Conservation Projects $ 39,367,200 $ 44,001,700 104172
Bond Retirement Fund
7076 155906 Coal Research and $ 6,319,500 $ 7,820,600 104173
Development Bond Retirement Fund
7077 155907 State Capital Improvement Bond $ 232,380,100 $ 229,892,200 104174
Retirement Fund
7078 155908 Common Schools Bond $ 376,134,900 $ 405,025,700 104175
Retirement Fund
7079 155909 Higher Education Bond $ 272,425,600 $ 300,094,600 104176
Retirement Fund
7080 155901 Persian Gulf, $ 7,118,300 $ 5,090,700 104177
Afghanistan, and Iraq Conflict Bond Retirement Fund
7090 155912 Job Ready Site Development Bond $ 15,657,175 $ 15,591,200 104178
Retirement Fund
TOTAL DSF Debt Service Fund Group $ 1,179,474,775 $ 1,257,464,200 104179
TOTAL ALL BUDGET FUND GROUPS $ 1,179,474,775 $ 1,257,464,200 104180
ADDITIONAL APPROPRIATIONS 104181

Appropriation items in this section are for the purpose of paying debt service and financing costs during the period from July 1, 2017 through June 30, 2019 on bonds or notes of the state issued under the Ohio Constitution and acts of the General Assembly. If it is determined that additional amounts are necessary for this purpose, such amounts are hereby appropriated.
### Section 403.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY DEVELOPMENT FOUNDATION

Dedicated Purpose Fund Group

<table>
<thead>
<tr>
<th>Fund Group</th>
<th>Operating Expenses</th>
<th>General Revenue</th>
<th>Total</th>
<th>2022</th>
<th>Total 2023</th>
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<tbody>
<tr>
<td>5M90 945601</td>
<td>$352,930</td>
<td>$352,930</td>
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TOTAL DPF Dedicated Purpose Fund Group

<table>
<thead>
<tr>
<th>Group</th>
<th>Operating Expenses</th>
<th>General Revenue</th>
<th>Total</th>
<th>2022</th>
<th>Total 2023</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$352,930</td>
<td>$352,930</td>
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</table>

TOTAL ALL BUDGET FUND GROUPS

<table>
<thead>
<tr>
<th>Total</th>
<th>Operating Expenses</th>
<th>General Revenue</th>
<th>Total</th>
<th>2022</th>
<th>Total 2023</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$352,930</td>
<td>$352,930</td>
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### Section 405.10. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY

Dedicated Purpose Fund Group

<table>
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<tr>
<th>Fund Group</th>
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TOTAL DPF Dedicated Purpose Fund Group

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<th>General Revenue</th>
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<tbody>
<tr>
<td></td>
<td>$333,269</td>
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TOTAL ALL BUDGET FUND GROUPS

<table>
<thead>
<tr>
<th>Total</th>
<th>Operating Expenses</th>
<th>General Revenue</th>
<th>Total</th>
<th>2022</th>
<th>Total 2023</th>
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<tbody>
<tr>
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<td>$333,269</td>
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### Section 407.10. BTA BOARD OF TAX APPEALS

General Revenue Fund

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<th>Total 2023</th>
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<tr>
<td>GRF 116321</td>
<td>$1,850,307</td>
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TOTAL GRF General Revenue Fund

<table>
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<tr>
<th>Group</th>
<th>Operating Expenses</th>
<th>General Revenue</th>
<th>Total</th>
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<th>Total 2023</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>$1,850,307</td>
<td>$1,886,042</td>
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</table>

TOTAL ALL BUDGET FUND GROUPS

<table>
<thead>
<tr>
<th>Total</th>
<th>Operating Expenses</th>
<th>General Revenue</th>
<th>Total</th>
<th>2022</th>
<th>Total 2023</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$1,850,307</td>
<td>$1,886,042</td>
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### Section 409.10. TAX DEPARTMENT OF TAXATION

General Revenue Fund

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<th>Fund Group</th>
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<tr>
<td>GRF 110404</td>
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TOTAL GRF General Revenue Fund

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<tr>
<td></td>
<td>$67,940,382</td>
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Dedicated Purpose Fund Group

<table>
<thead>
<tr>
<th>Fund Group</th>
<th>Operating Expenses</th>
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<tr>
<td>2280 110628</td>
<td>CAT Administration</td>
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TOTAL DPF Dedicated Purpose Fund Group

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<tr>
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<th>Operating Expenses</th>
<th>General Revenue</th>
<th>Total</th>
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<th>Total 2023</th>
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TOTAL ALL BUDGET FUND GROUPS

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<th>General Revenue</th>
<th>Total</th>
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<td>Amount 2</td>
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5W70 110627  Exempt Facility Administration $ 49,500 $ 49,500
6390 110614  Cigarette Tax Enforcement $ 1,965,511 $ 1,797,944
6880 110615  Local Excise Tax Administration $ 500,000 $ 500,000
TOTAL DPF Dedicated Purpose Fund $ 73,466,578 $ 74,399,011

Fiduciary Fund Group

4250 110635  Tax Refunds $1,911,472,500 $1,876,628,500
5CZ0 110631  Vendor's License Application $ 380,000 $ 380,000
6420 110613  Ohio Political Party Distributions $ 180,000 $ 180,000
TOTAL FID Fiduciary Fund Group $1,912,032,500 $1,877,188,500

Holding Account Fund Group

R010 110611  Tax Distributions $ 25,000 $ 25,000
R011 110612  Miscellaneous Income Tax Receipts $ 500 $ 500
TOTAL HLD Holding Account Fund Group $ 25,500 $ 25,500

TOTAL ALL BUDGET FUND GROUPS $ 2,053,464,960 $ 2,022,220,960

Section 409.20. TAX REFUNDS

The foregoing appropriation item 110635, Tax Refunds, shall be used to pay refunds under section 5703.052 of the Revised Code.
If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.

VENDOR'S LICENSE PAYMENTS

The foregoing appropriation item 110631, Vendor's License Application, shall be used to make payments to county auditors under section 5739.17 of the Revised Code. If it is determined
that additional appropriations are necessary to make such
payments, such amounts are hereby appropriated.

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION

The foregoing appropriation item 110616, International
Registration Plan Administration, shall be used under section
5703.12 of the Revised Code for audits of persons with vehicles
registered under the International Registration Plan.

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT

Of the foregoing appropriation item 110607, Local Tax
Administration, the Tax Commissioner may disburse funds, if
available, for the purposes of paying travel expenses incurred by
members of Ohio's delegation to the Streamlined Sales Tax Project,
as appointed under section 5740.02 of the Revised Code. Any travel
expense reimbursement paid for by the Department of Taxation shall
be done in accordance with applicable state laws and guidelines.

TOBACCO SETTLEMENT ENFORCEMENT

The foregoing appropriation item 110404, Tobacco Settlement
Enforcement, shall be used by the Tax Commissioner to pay costs
incurred in the enforcement of divisions (F) and (G) of section
5743.03 of the Revised Code. In fiscal year 2018, expenses
associated with these enforcement activities will be covered by
appropriation item 110614, Cigarette Tax Enforcement.

STARS DEVELOPMENT AND IMPLEMENTATION FUND

The foregoing appropriation item 110638, STARS Development
and Implementation, shall be used to pay costs incurred in the
development and implementation of the department's State Tax
Accounting and Revenue System. The Director of Budget and
Management, under a plan submitted by the Tax Commissioner, or as
otherwise determined by the Director of Budget and Management,
shall set a schedule to transfer cash from the Revenue Enhancement
Fund, Local Sales Tax Administrative Fund, General School District Income Tax Administrative Fund, Motor Vehicle Sales Audit Fund, Property Tax Administration Fund, and the Motor Fuel Tax Administration Fund to the credit of the STARS Development and Implementation Fund (Fund 5MN0). The transfers of cash shall not exceed $6,000,000 in the biennium.

APPROPRIATION INCREASE AND CASH TRANSFER TO THE MUNICIPAL INCOME TAX ADMINISTRATION FUND

(A) During fiscal year 2018 and fiscal year 2019, if the Tax Commissioner determines that the Municipal Income Tax Administration Fund (Fund 5N50) created in section 5745.03 of the Revised Code has insufficient cash balances to pay expenses required by administering the new tax imposed by section 5718.041 of the Revised Code, the Tax Commissioner shall certify to the Director of Budget and Management the additional cash necessary to carry out the duties imposed by section 5718.041 of the Revised Code. After receiving the certification from the Commissioner and if the Director determines that sufficient funds are available in the General Revenue Fund, the Director shall transfer cash from the General Revenue Fund to Fund 5N50 in an amount that will enable the Commissioner to carry out the duties imposed by section 5718.041 of the Revised Code.

(B) If a cash transfer is made from the General Revenue Fund to the Municipal Income Tax Administration Fund under division (A) of this section, the Director of Budget and Management and the Tax Commissioner shall jointly develop a plan to repay the General Revenue Fund as soon as is deemed practical.

(C) During fiscal year 2018 and fiscal year 2019, if the Tax Commissioner determines that the Municipal Income Tax Administration Fund (Fund 5N50) has insufficient appropriations due to the new tax administration obligations imposed by section 5718.041 of the Revised Code, the Tax Commissioner shall certify...
to the Director of Budget and Management the additional
appropriations necessary to carry out the duties imposed by
section 5718.041 of the Revised Code. After receiving the
certification from the Commissioner and if the Director determines
that sufficient funds are available in Fund 5N50, the Director
shall approve the certified appropriation increase. Any approved
appropriation increase is hereby appropriated.

Section 411.10. DOT DEPARTMENT OF TRANSPORTATION

General Revenue Fund
GRF 775451 Public Transportation $ 7,309,348 $ 7,309,348 104325
   - State
GRF 776465 Rail Development $ 1,000,000 $ 2,000,000 104326
GRF 777471 Airport Improvements $ 6,000,000 $ 6,000,000 104327
   - State
TOTAL GRF General Revenue Fund $ 14,309,348 $ 15,309,348 104328
TOTAL ALL BUDGET FUND GROUPS $ 14,309,348 $ 15,309,348 104329

Section 411.20. AIRPORT IMPROVEMENTS - STATE

The foregoing appropriation item 777471, Airport Improvements
- State, shall be used by the Department of Transportation to
continue the Ohio Airport Grant Program in supporting capital
improvements, maintaining infrastructure, and ensuring safety at
publicly owned, public use airports in the state, provided that
the airports receive neither Federal Aviation Administration Air
Carrier Enplanement Funds nor Air Cargo Entitlements.

Section 413.10. TOS TREASURER OF STATE

General Revenue Fund
GRF 090321 Operating Expenses $ 8,119,779 $ 8,119,029 104341
GRF 090401 Office of the Sinking Fund $ 502,304 $ 502,304 104342
### GRF General Revenue Fund

| Code     | Description                        | Amount   | Amount   | Code  
|----------|------------------------------------|----------|----------|-------
| 090402   | Continuing Education               | $325,000 | $325,000 | 104343
| 090406   | Treasury Management System Lease Rental Payments | $1,113,900 | $1,114,700 | 104344
| 090407   | ABLE Promotion                     | $250,000 | $250,000 | 104345
| 090613   | ABLE Account Administration        | $1,750,000 | $1,750,000 | 104346

**TOTAL GRF General Revenue Fund** $12,060,983 $12,061,033 104347

### Dedicated Purpose Fund Group

| Code     | Description                        | Amount   | Amount   | Code  
|----------|------------------------------------|----------|----------|-------
| 090603   | Securities Lending Income          | $5,200,000 | $5,200,000 | 104349
| 090605   | Investment Pool Reimbursement      | $1,050,000 | $1,050,000 | 104350
| 090602   | County Treasurer Education         | $170,057  | $170,057  | 104351
| 090610   | OhioMeansJobs Workforce Development | $23,250,000 | $0 | 104352
| 090609   | Treasurer of State Administrative Fund | $700,000 | $700,000 | 104353

**TOTAL DPF Dedicated Purpose Fund Group** $30,370,057 $7,120,057 104354

### Fiduciary Fund Group

| Code     | Description                        | Amount   | Amount   | Code  
|----------|------------------------------------|----------|----------|-------
| 090635   | Tax Refunds                        | $12,000,000 | $12,000,000 | 104357

**TOTAL FID Fiduciary Fund Group** $12,000,000 $12,000,000 104358

**TOTAL ALL BUDGET FUND GROUPS** $54,431,040 $31,181,090 104359

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**Section 413.20. OFFICE OF THE SINKING FUND**

The foregoing appropriation item 090401, Office of the Sinking Fund, shall be used for costs incurred by or on behalf of the Commissioners of the Sinking Fund and the Ohio Public Facilities Commission with respect to State of Ohio general obligation bonds or notes, and the Treasurer of State with respect...
to State of Ohio general obligation and special obligation bonds or notes, including, but not limited to, printing, advertising, delivery, rating fees and the procurement of ratings, professional publications, membership in professional organizations, and other services referred to in division (D) of section 151.01 of the Revised Code. The General Revenue Fund shall be reimbursed for such costs relating to the issuance and administration of Highway Capital Improvement bonds or notes authorized under Ohio Constitution, Article VIII, Section 2m and Chapter 151. of the Revised Code. That reimbursement shall be made from appropriation item 155902, Highway Capital Improvement Bond Retirement Fund, by intrastate transfer voucher pursuant to a certification by the Office of the Sinking Fund of the actual amounts used. The amounts necessary to make such a reimbursement are hereby appropriated from the Highway Capital Improvement Bond Retirement Fund created in section 151.06 of the Revised Code.

ABLE ACCOUNT ADMINISTRATION

The foregoing appropriation item 090613, ABLE Account Administration, shall be used for administration of an Achieve a Better Living Experience (ABLE) account program.

TAX REFUNDS

The foregoing appropriation item 090635, Tax Refunds, shall be used to pay refunds under section 5703.052 of the Revised Code. If the Director of Budget and Management determines that additional amounts are necessary for this purpose, such amounts are hereby appropriated.

Section 413.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL PAYMENTS

The foregoing appropriation item 090406, Treasury Management System Lease Rental Payments, shall be used for payments during
the period from July 1, 2017, through June 30, 2019, pursuant to leases and agreements entered into under Section 701.20 of Am. Sub. H.B. 497 of the 130th General Assembly with respect to financing the costs associated with the acquisition and implementation of the Treasury Management System. If it is determined that additional appropriations are necessary for this purpose, the amounts are hereby appropriated.

**Section 413.40. OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVERSING LOAN PROGRAM**

The foregoing appropriation item 090610, OhioMeansJobs Workforce Development Revolving Loan Program, shall be used for the OhioMeansJobs Workforce Development Revolving Loan Program to provide loans to individuals for workforce training.

Of the foregoing appropriation item 090610, OhioMeansJobs Workforce Development Revolving Loan Program, up to $250,000 in fiscal year 2018 may be used by the Treasurer of State to administer the program.

Any unexpended and unencumbered portion of the foregoing appropriation item 090610, OhioMeansJobs Workforce Development Revolving Loan Program, at the end of fiscal year 2018 is hereby reappropriated for the same purpose in fiscal year 2019. To the extent that reappropriated funds are available, of the foregoing appropriation item 090610, OhioMeansJobs Workforce Development Revolving Loan Program, up to $250,000 in fiscal year 2019 may be used by the Treasurer of State to administer the program.

**Section 415.10. DVS DEPARTMENT OF VETERANS SERVICES**

General Revenue Fund

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>FY 2018</th>
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<td>Veterans' Homes</td>
<td>$27,853,594</td>
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<td>GRF 900402</td>
<td>Hall of Fame</td>
<td>$114,980</td>
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<td>GRF 900408</td>
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<td>$2,842,545</td>
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Veterans Services

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<th>GRF</th>
<th>900501</th>
<th>Veterans</th>
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<td>900901</td>
<td>Veterans Compensation</td>
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Dedicated Purpose Fund Group

| 4840  | 900603  | Veterans' Homes  | $990,000 | $995,000 | 104431 |
| 4E20  | 900602  | Veterans' Homes  | $13,389,605 | $13,400,000 | 104432 |
| 5DB0  | 900643  | Military Injury  | $1,000,000 | $1,000,000 | 104433 |
| 5PH0  | 900642  | Veterans Initiatives | $70,000 | $70,000 | 104434 |
| 6040  | 900604  | Veterans' Homes  | $500,000 | $500,000 | 104435 |
| TOTAL | DPF Dedicated Purpose Fund | $15,949,605 | $15,965,000 | 104436 |

Debt Service Fund Group

| 7041  | 900615  | Veteran Bonus Program  | $330,163 | $272,687 | 104438 |
| 7041  | 900641  | Persian Gulf, Afghanistan, and Iraq Compensation | $1,132,362 | $1,132,706 | 104439 |
| TOTAL | DSF Debt Service  | $1,462,525 | $1,405,393 | 104441 |

Federal Fund Group

| 3680  | 900614  | Veterans Training  | $782,898 | $805,851 | 104443 |
| 3740  | 900606  | Troops to Teachers  | $125,002 | $130,001 | 104444 |
| 3BX0  | 900609  | Medicare Services  | $3,352,135 | $3,578,278 | 104445 |
| 3L20  | 900601  | Veterans' Homes  | $32,021,561 | $33,378,119 | 104446 |
### Operations - Federal

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<td>TOTAL ALL BUDGET FUND GROUPS</td>
<td>$93,511,131</td>
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#### VETERANS ORGANIZATIONS' RENT

The foregoing appropriation item 900408, Department of Veterans Services, shall be used to pay veterans organizations' rent in buildings managed by the Department of Administrative Services.

#### VETERANS ORGANIZATIONS' SUBSIDIES

Of the foregoing appropriation item 900501, Veterans Organizations, in fiscal year 2018, $28,910 shall be allocated to the American Ex-Prisoners of War, $63,539 shall be allocated to the Army Navy Union, USA, Inc., $57,118 shall be allocated to the Korean War Veterans, $34,321 shall be allocated to the Jewish War Veterans, $66,978 shall be allocated to the Catholic War Veterans, $65,116 shall be allocated to the Military Order of the Purple Heart, $214,776 shall be allocated to the Vietnam Veterans of America, $349,189 shall be allocated to the American Legion of Ohio, $332,547 shall be allocated to the AMVETS, $249,836 shall be allocated to the Disabled American Veterans, $133,947 shall be allocated to the Marine Corps League, $6,868 shall be allocated to the 37th Division Veterans' Association, and $284,841 shall be allocated to the Veterans of Foreign Wars.

Not later than July 30, 2017, each organization listed in the preceding paragraph shall submit a report to the Director of Veterans Services that meets the requirements established by the Director. The Director may request that an organization supplement any report with additional information to sufficiently meet the established requirements. No funds shall be disbursed from appropriation item 900501, Veterans Organizations, to any organization listed in the preceding paragraph, until the Director determines that the organization has provided information to the
Director that sufficiently meets the established requirements.

In fiscal year 2019, the foregoing appropriation item 900501, Veterans Organizations, shall be used to provide grants to veterans organizations pursuant to division (W) of section 5902.02 of the Revised Code to improve access for veterans and their families to benefits and resources from the United States Department of Veterans Affairs or programs that enhance access to employment services and opportunities, or other resources.

VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 900901, Veterans Compensation General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2017, through June 30, 2019, on obligations issued under sections 151.01 and 151.12 of the Revised Code.

Section 417.10. DVM STATE VETERINARY MEDICAL LICENSING BOARD

Dedicated Purpose Fund Group

4K90 888609 Operating Expenses $ 396,369 $ 439,369
TOTAL DPF Dedicated Purpose

Fund Group $ 396,369 $ 439,369

Internal Service Activity Fund Group

5BU0 888602 Veterinary Student Loan Program

TOTAL ISA Internal Service Activity

Fund Group $ 30,000 $ 30,000
TOTAL ALL BUDGET FUND GROUPS $ 426,369 $ 469,369

Section 419.10. VHP STATE VISION AND HEARING PROFESSIONAL BOARD

Dedicated Purpose Fund Group

4K90 129609 Operating Expenses $ 627,824 $ 1,128,095
TOTAL DPF Dedicated Purpose Fund $ 627,824 $ 1,128,095 104507

TOTAL ALL BUDGET FUND GROUPS $ 627,824 $ 1,128,095 104508

**Section 421.10. DYS DEPARTMENT OF YOUTH SERVICES**

General Revenue Fund

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<td>470401</td>
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<td>470412</td>
<td>Juvenile Correction Facilities Lease Rental Bond Payments</td>
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<td>Youth Services</td>
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<td>472321</td>
<td>Parole Operations</td>
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<td>477321</td>
<td>Administrative Operations</td>
<td>$11,574,760</td>
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TOTAL GRF General Revenue Fund $ 214,615,622 $ 218,346,926 104517

Dedicated Purpose Fund Group

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<td>Vocational Education</td>
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TOTAL DPF Dedicated Purpose Fund Group $ 5,513,519 $ 5,344,220 104526

Federal Fund Group

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<td>Nutrition</td>
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H. B. No. 49
As Introduced
3FC0  470642  Federal Juvenile Programs FFY 12
  $  1,000 $  0  104532

3GB0  470643  Federal Juvenile Programs FFY 13
  $  16,352 $  200  104533

3V50  470604  Juvenile Justice/Delinquency Prevention
  $  1,720,000 $  1,720,000  104534

TOTAL FED Federal Fund Group  104535
Fund Group $  11,525,791 $  11,610,876  104536
TOTAL ALL BUDGET FUND GROUPS $  231,654,932 $  235,302,022  104537

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS  104538

The foregoing appropriation item 470412, Juvenile Correctional Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2017, through June 30, 2019, by the Department of Youth Services under the leases and agreements for facilities made under Chapters 152. and 154. of the Revised Code. This appropriation is the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code.

EDUCATION SERVICES  104539

The foregoing appropriation item 470613, Education Services, shall be used to fund the operating expenses of providing educational services to youth supervised by the Department of Youth Services. Operating expenses include, but are not limited to, teachers' salaries, maintenance costs, and educational equipment.

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES  104540

In collaboration with the county family and children first council, the juvenile court of that county that receives allocations from one or both of the foregoing appropriation items 470401, RECLAIM Ohio, and 470510, Youth Services, may transfer
portions of those allocations to a flexible funding pool as authorized by the section of this act titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL."

Section 503.10. PERSONAL SERVICE EXPENSES

Unless otherwise prohibited by law, any appropriation from which personal service expenses are paid shall bear the employer's share of public employees' retirement, workers' compensation, disabled workers' relief, and insurance programs; and the costs of centralized financial services, centralized payroll processing, and related reports and services; centralized human resources services, including affirmative action and equal employment opportunity programs; the Office of Collective Bargaining; centralized information technology management services; administering the enterprise resource planning system; and administering the state employee merit system as required by section 124.07 of the Revised Code. These costs shall be determined in conformity with the appropriate sections of law and paid in accordance with procedures specified by the Office of Budget and Management. Expenditures from appropriation item 070601, Public Audit Expense - Intra-State, may be exempted from the requirements of this section.

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS AGAINST THE STATE

Except as otherwise provided in this section, an appropriation in this act or any other act may be used for the purpose of satisfying judgments, settlements, or administrative awards ordered or approved by the Court of Claims or by any other court of competent jurisdiction in connection with civil actions against the state. This authorization does not apply to appropriations to be applied to or used for payment of guarantees.
by or on behalf of the state, or for payments under lease agreements relating to, or debt service on, bonds, notes, or other obligations of the state. Notwithstanding any other statute to the contrary, this authorization includes appropriations from funds into which proceeds of direct obligations of the state are deposited only to the extent that the judgment, settlement, or administrative award is for, or represents, capital costs for which the appropriation may otherwise be used and is consistent with the purpose for which any related obligations were issued or entered into. Nothing contained in this section is intended to subject the state to suit in any forum in which it is not otherwise subject to suit, and is not intended to waive or compromise any defense or right available to the state in any suit against it.

Section 503.30. CAPITAL PROJECT SETTLEMENTS

This section specifies an additional and supplemental procedure to provide for payments of judgments and settlements if the Director of Budget and Management determines, pursuant to division (C)(4) of section 2743.19 of the Revised Code, that sufficient unencumbered moneys do not exist in the fund to support a particular appropriation to pay the amount of a final judgment rendered against the state or a state agency, including the settlement of a claim approved by a court, in an action upon and arising out of a contractual obligation for the construction or improvement of a capital facility if the costs under the contract were payable in whole or in part from a state capital projects appropriation. In such a case, the Director may either proceed pursuant to division (C)(4) of section 2743.19 of the Revised Code or apply to the Controlling Board to increase an appropriation or create an appropriation out of any unencumbered moneys in the state treasury to the credit of the capital projects fund from which the initial state appropriation was made. The amount of an
increase in appropriation or new appropriation approved by the Controlling Board is hereby appropriated from the applicable capital projects fund and made available for the payment of the judgment or settlement.

If the Director does not make the application authorized by this section or the Controlling Board disapproves the application, and the Director does not make application under division (C)(4) of section 2743.19 of the Revised Code, the Director shall for the purpose of making that payment make a request to the General Assembly as provided for in division (C)(5) of that section.

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS

In order to provide funds for the reissuance of voided warrants under section 126.37 of the Revised Code, there is hereby appropriated, out of moneys in the state treasury from the fund credited as provided in section 126.37 of the Revised Code, that amount sufficient to pay such warrants when approved by the Office of Budget and Management.

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED BALANCES OF OPERATING APPROPRIATIONS

(A) Notwithstanding the original year of appropriation or encumbrance the unexpended balance of an operating appropriation or reappropriation that a state agency lawfully encumbered prior to the close of fiscal year 2017 or fiscal year 2018 is hereby reappropriated on the first day of July of the following fiscal year from the fund from which it was originally appropriated or reappropriated for the period of time listed in this section and shall remain available only for the purpose of discharging the encumbrance:

(1) For an encumbrance for personal services, maintenance, equipment, or items for resale not otherwise identified in this
section for a period of not more than five months from the end of

the fiscal year;

(2) For an encumbrance for an item of special order

manufacture not available on state contract or in the open market,

for a period of not more than five months from the end of the

fiscal year or, with the written approval of the Director of

Budget and Management, for a period of not more than twelve months

from the end of the fiscal year;

(3) For an encumbrance for reclamation of land or oil and gas

wells, for a period ending when the encumbered appropriation is

expended provided such period does not extend beyond the FY 2018 –

FY 2019 biennium;

(4) For an encumbrance for any other expense not otherwise

identified in this section, for such period as the Director

approves, provided such period does not extend beyond the FY 2018

– FY 2019 biennium.

(B) Any operating appropriations for which unexpended

balances are reappropriated in fiscal year 2018 or fiscal year

2019 pursuant to division (A)(2) of this section shall be reported

to the Controlling Board by the Director of Budget and Management

by the thirty-first day of December of each year. The report shall

include the item, the cost of the item, and the name of the

vendor. The report shall be updated on a quarterly basis for

encumbrances remaining open.

(C) Upon the expiration of the reappropriation period set out

in division (A) of this section, a reappropriation made by this

section lapses, and the Director of Budget and Management shall

cancel the encumbrance of the unexpended reappropriation not later

than the end of the weekend following the expiration of the

reappropriation period.

(D) If the Controlling Board approved a purchase, that
approval remains in effect so long as the appropriation used to make that purchase remains encumbered.

Section 503.60. CORRECTION OF ACCOUNTING ERRORS

(A) The Director of Budget and Management may correct accounting errors committed by the staff of the Office of Budget and Management, such as reestablishing encumbrances or appropriations canceled in error, during the cancellation of operating encumbrances in November and of non-operating encumbrances in December.

(B) The Director of Budget and Management may at any time correct accounting errors committed by staff or a state agency or state institution of higher education, as defined in section 3345.011 of the Revised Code, such as reestablishing prior year non-operating encumbrances canceled or modified in error. The reestablished encumbrance amounts are hereby appropriated.

Section 503.70. TEMPORARY REVENUE HOLDING

The Director of Budget and Management may create funds in the state treasury solely for the purpose of temporarily holding revenue required to be credited to a fund in the state treasury, whose disposition is not immediately known at the time of receipt. Once identified, the Director shall credit the revenue to the appropriate fund in the state treasury.

Section 503.80. APPROPRIATIONS RELATED TO CASH TRANSFERS AND RE-ESTABLISHMENT OF ENCUMBRANCES

Any cash transferred by the Director of Budget and Management under section 126.15 of the Revised Code is hereby appropriated. Any amounts necessary to re-establish appropriations or encumbrances under section 126.15 of the Revised Code are hereby appropriated.
Section 503.90. TRANSFERS OF THIRD FRONTIER APPROPRIATIONS

The Director of Budget and Management may transfer appropriations between the Third Frontier Research and Development Fund (Fund 7011) and the Third Frontier Research and Development Taxable Bond Fund (Fund 7014) as necessary to maintain the exclusion from the calculation of gross income for federal income taxation purposes under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1 et seq., with respect to obligations issued to fund projects appropriated from the Third Frontier Research and Development Fund (Fund 7011).

The Director may also create new appropriation items within the Third Frontier Research and Development Taxable Bond Fund (Fund 7014) and make transfers of appropriations to them for projects originally funded from appropriations made from the Third Frontier Research and Development Fund (Fund 7011).

Section 503.100. INCOME TAX DISTRIBUTION TO COUNTIES

There are hereby appropriated out of any moneys in the state treasury to the credit of the General Revenue Fund, which are not otherwise appropriated, funds sufficient to make any payment required by division (B)(2) of section 5747.03 of the Revised Code.

Section 503.110. EXPENDITURES AND APPROPRIATION INCREASES APPROVED BY THE CONTROLLING BOARD

Any money that the Controlling Board approves for expenditure or any increase in appropriation that the Controlling Board approves under sections 127.14, 131.35, and 131.39 of the Revised Code or any other provision of law is hereby appropriated for the period ending June 30, 2019.
Section 503.120. FUNDS RECEIVED FOR USE OF GOVERNOR'S RESIDENCE

If the Governor's Residence Fund (Fund 4H20) receives payment for use of the residence pursuant to section 107.40 of the Revised Code, the amounts so received are hereby appropriated to appropriation item 100604, Governor's Residence Gift.

Section 506.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS

Unless the agency and nuclear electric utility mutually agree to a higher amount by contract, the maximum amounts that may be assessed against nuclear electric utilities under division (B)(2) of section 4937.05 of the Revised Code and deposited into the specified funds are as follows:

<table>
<thead>
<tr>
<th>Fund</th>
<th>User</th>
<th>FY 2018</th>
<th>FY 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Radiological Safety Fund</td>
<td>Department of Agriculture</td>
<td>$125,000</td>
<td>$125,000</td>
</tr>
<tr>
<td>Radiation Emergency Response Fund</td>
<td>Department of Health</td>
<td>$1,086,098</td>
<td>$1,086,098</td>
</tr>
<tr>
<td>ER Radiological Safety Fund</td>
<td>Environmental Protection Agency</td>
<td>$298,304</td>
<td>$303,174</td>
</tr>
<tr>
<td>Emergency Response Plan Fund</td>
<td>Department of Public Safety</td>
<td>$1,200,000</td>
<td>$1,200,000</td>
</tr>
</tbody>
</table>

Section 512.10. TRANSFERS TO THE GENERAL REVENUE FUND OF INTEREST EARNED

Notwithstanding any provision of law to the contrary, the
Director of Budget and Management, through June 30, 2019, may transfer interest earned by any state fund to the General Revenue Fund. This section does not apply to funds whose source of revenue is restricted or protected by the Ohio Constitution, federal tax law, or the "Cash Management Improvement Act of 1990," 104 Stat. 1058 (1990), 31 U.S.C. 6501 et seq., as amended.

**Section 512.20. CASH TRANSFERS TO THE GENERAL REVENUE FUND FROM NON-GRF FUNDS**

Notwithstanding any provision of law to the contrary, the Director of Budget and Management may transfer up to $200,000,000 in cash, during the biennium ending June 30, 2019, from non-General Revenue Funds that are not constitutionally restricted to the General Revenue Fund.

**Section 512.30. RACETRACK RELOCATION FUND**

On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance of the Racetrack Relocation Fund (Fund 5MG0) to the General Revenue Fund. Upon completion of the transfer, the Racetrack Relocation Fund is hereby abolished. On and after July 1, 2017, any payment that is otherwise required to be credited to the Racetrack Relocation Fund shall be credited to the General Revenue Fund.

**Section 512.40. UNCLAIMED FUND REMITTANCE**

Notwithstanding division (A) of section 169.05 of the Revised Code, during the biennium ending June 30, 2019, the Director of Budget and Management may request the Director of Commerce to remit to the General Revenue Fund, up to $200,000,000 of unclaimed funds that have been reported by holders of unclaimed funds under section 169.05 of the Revised Code, irrespective of the allocation.
of the unclaimed funds under that section. The Director of Commerce shall remit the funds at the time requested by the Director of Budget and Management.

Section 512.50. Fiscal Year 2017 General Revenue Fund Ending Balance

Notwithstanding divisions (B) and (C) of section 131.44 of the Revised Code, the Director of Budget and Management shall determine the surplus General Revenue Fund revenue that existed on June 30, 2017, in excess of the amount required under division (A)(3) of section 131.44 of the Revised Code, and allocate that amount, to the extent of the amount so determined, as follows:

(A) First, the Director of Budget and Management shall transfer a cash amount of up to $207,000,000 to the Medicaid Local Sales Tax Transition Fund;

(B) Second, the Director shall transfer a cash amount of up to $273,415 to the Lake Erie Protection Fund.

Section 512.60. General Revenue Fund Transfer to Tourism Fund

Not later than October 20, 2018, the Tax Commissioner shall calculate the growth in fiscal year 2017 revenue relative to the prior fiscal year from the sales tax imposed under section 5739.02 of the Revised Code on categories that have been determined to be related to tourism and certify that amount to the Director of Budget and Management. On or before the last day of October 2018, the Director of Budget and Management may transfer from the General Revenue Fund to the Tourism Fund (Fund 5MJ0) the amount certified by the Commissioner under this division, except that the transfer shall not exceed the amount transferred from the General Revenue Fund to the Tourism Fund in fiscal year 2018.

Section 512.70. Medical Marijuana Control Program Repayments
On October 1, 2017, or as soon as possible thereafter, the Director of Commerce and the Executive Director of the Board of Pharmacy shall consult with the Director of Budget and Management to determine a repayment schedule for the biennium ending June 30, 2019, to fully repay the fiscal year 2017 transfer on behalf of each agency from the Emergency Purposes/Contingency Fund (Fund 5KM0) to the Medical Marijuana Control Program Fund (Fund 5YS0). Payments made by the Department of Commerce and the Board of Pharmacy in accordance with this repayment schedule shall be credited to the General Revenue Fund.

**Section 512.80. DIESEL EMISSIONS REDUCTION GRANT PROGRAM**

There is hereby established in the Highway Operating Fund (Fund 7002), used by the Department of Transportation, a Diesel Emissions Reduction Grant Program. The Director of Environmental Protection shall administer the program and shall solicit, evaluate, score, and select projects submitted by public and private entities that are eligible for the federal Congestion Mitigation and Air Quality (CMAQ) Program. The Director of Transportation shall process Federal Highway Administration-approved projects as recommended by the Director of Environmental Protection.

In addition to the allowable expenditures set forth in section 122.861 of the Revised Code, Diesel Emissions Reduction Grant Program funds also may be used to fund projects involving the purchase or use of hybrid and alternative fuel vehicles that are allowed under guidance developed by the Federal Highway Administration for the CMAQ Program.

Public entities eligible to receive funds under section 122.861 of the Revised Code and CMAQ shall be reimbursed from moneys in Fund 7002 designated for the Department of Transportation's Diesel Emissions Reduction Grant Program.
Private entities eligible to receive funds under section 122.861 of the Revised Code and CMAQ shall be reimbursed at the direction of the local public agency sponsor and upon approval of the Department of Transportation, through direct payments. These reimbursements shall be made from moneys in Fund 7002 designated for the Department of Transportation's Diesel Emissions Reduction Grant Program. Total expenditures from Fund 7002 for the Diesel Emissions Reduction Grant Program shall not exceed $10,000,000 in both fiscal year 2018 and fiscal year 2019.

Any allocations under this section represent CMAQ program moneys within the Department of Transportation for use by the Diesel Emissions Reduction Grant Program by the Environmental Protection Agency. These allocations shall not reduce the amount of such moneys designated for metropolitan planning organizations.

The Director of Environmental Protection, in consultation with the Director of Transportation, shall develop guidance for the distribution of funds and for the administration of the Diesel Emissions Reduction Grant Program. The guidance shall include a method of prioritization for projects, acceptable technologies, and procedures for awarding grants.

Section 512.90. CASH TRANSFERS AND ABOLISHMENT OF FUNDS

(A) On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance from each of the funds as indicated in the table below to the fund also indicated in the table below. Upon completion of each transfer and on the effective date of its repeal by this act, where applicable, the fund from which the cash balance was transferred is hereby abolished.

<table>
<thead>
<tr>
<th>User Transfer from:</th>
<th>Transfer to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency Fund</td>
<td>Fund</td>
</tr>
<tr>
<td>Code</td>
<td>Code</td>
</tr>
<tr>
<td>Fund Name</td>
<td>Fund Name</td>
</tr>
<tr>
<td></td>
<td>Description</td>
</tr>
<tr>
<td>----------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>AGE 4J40</td>
<td>Passport/Preferred Choices</td>
</tr>
<tr>
<td>AGE 5AA0</td>
<td>Ohio's Best Rx Administration</td>
</tr>
<tr>
<td>AGE 5R50</td>
<td>Ohio Reads/Stars</td>
</tr>
<tr>
<td>AGR 5880</td>
<td>Brand Registration</td>
</tr>
<tr>
<td>AGR 5CP0</td>
<td>Ohio Agriculture License Scholarship</td>
</tr>
<tr>
<td>BOR 3BE0</td>
<td>AEFLA Incentive Grant</td>
</tr>
<tr>
<td>BOR 3T00</td>
<td>Ohio Loan Repayment</td>
</tr>
<tr>
<td>BOR 5FN0</td>
<td>College Access Challenge Grant</td>
</tr>
<tr>
<td>BOR 5HZ0</td>
<td>Distance Learning Clearinghouse</td>
</tr>
<tr>
<td>BOR HJT0</td>
<td>Health Care Assessment Fee</td>
</tr>
<tr>
<td>BOR 5JV0</td>
<td>Ohio Articulation and Transfer Network</td>
</tr>
<tr>
<td>BOR 5QF0</td>
<td>Student Debt Reduction</td>
</tr>
<tr>
<td>BOR 5SF0</td>
<td>STEM Degree Loan Repayment</td>
</tr>
<tr>
<td>BOR 5X20</td>
<td>STEM and Foreign Language Academy</td>
</tr>
<tr>
<td>COM 7043</td>
<td>Liquor Control</td>
</tr>
<tr>
<td>COM 5450</td>
<td>Savings Institution</td>
</tr>
<tr>
<td>DAS 5RT0</td>
<td>Electronic Pollbook</td>
</tr>
<tr>
<td>DAS 5C30</td>
<td>Minor Construction</td>
</tr>
<tr>
<td>DDD 5CT0</td>
<td>Intensive Behavioral Needs</td>
</tr>
<tr>
<td>DDD 3M70</td>
<td>Community Alternative</td>
</tr>
</tbody>
</table>
(B) On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management shall cancel any existing encumbrances against each appropriation item as indicated in the table below and reestablish them against the appropriation item also indicated in the table below. In addition, if any other existing encumbrances must be cancelled and reestablished to
properly close out the funds identified in division (A) of this section, the Director is hereby authorized to carry out those necessary transactions. These amounts are hereby appropriated.

Cancel existing encumbrances against:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Code</th>
<th>Appropriation Item</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5CT0</td>
<td>653607 - Intensive Behavioral Needs</td>
</tr>
<tr>
<td></td>
<td>3M70</td>
<td>653650 - CAFS Medicaid</td>
</tr>
<tr>
<td>3G60</td>
<td>653639 - Medicaid Waiver Program Support</td>
<td></td>
</tr>
<tr>
<td>2070</td>
<td>725690 - Real Estate Services</td>
<td></td>
</tr>
<tr>
<td>5EN0</td>
<td>725614 - Watercraft Law Enforcement</td>
<td></td>
</tr>
<tr>
<td>4J20</td>
<td>725628 - Injection Well Review</td>
<td></td>
</tr>
<tr>
<td>5260</td>
<td>725610 - Strip Mining Administration Fee</td>
<td></td>
</tr>
<tr>
<td>5270</td>
<td>725637 - Surface Mining Administration</td>
<td></td>
</tr>
<tr>
<td>5B30</td>
<td>725674 - Mining Reclamation</td>
<td></td>
</tr>
<tr>
<td>4M70</td>
<td>725686 - Wildfire Suppression</td>
<td></td>
</tr>
<tr>
<td>3F50</td>
<td>715641 - Nonpoint Source Pollution Management</td>
<td></td>
</tr>
<tr>
<td>3540</td>
<td>715614 - Hazardous Waste</td>
<td></td>
</tr>
</tbody>
</table>

Reestablish encumbrances against:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Code</th>
<th>Appropriation Item</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5GE0</td>
<td>653606 - ICF/IID and Waiver Match</td>
</tr>
<tr>
<td></td>
<td>3A40</td>
<td>653605 - DC and Residential Facilities Services and Support</td>
</tr>
<tr>
<td>3A40</td>
<td>653605 - DC and Residential Facilities Services and Support</td>
<td></td>
</tr>
<tr>
<td>1550</td>
<td>725601 - Departmental Projects</td>
<td></td>
</tr>
<tr>
<td>5EM0</td>
<td>725613 - Natural Resources Law Enforcement</td>
<td></td>
</tr>
<tr>
<td>5110</td>
<td>725646 - Ohio Geological Mapping</td>
<td></td>
</tr>
<tr>
<td>5290</td>
<td>725639 - Mining Regulation and Safety</td>
<td></td>
</tr>
<tr>
<td>5290</td>
<td>725639 - Mining Regulation and Safety</td>
<td></td>
</tr>
<tr>
<td>5290</td>
<td>725639 - Mining Regulation and Safety</td>
<td></td>
</tr>
<tr>
<td>5090</td>
<td>725602 - State Forest</td>
<td></td>
</tr>
<tr>
<td>3F30</td>
<td>715632 - Federally Supported Cleanup and Response</td>
<td></td>
</tr>
<tr>
<td>3F30</td>
<td>715632 - Federally</td>
<td></td>
</tr>
<tr>
<td>3F30</td>
<td>715632 - Federally</td>
<td></td>
</tr>
</tbody>
</table>
(C) The following funds, used by the Department of Aging, shall be abolished on the effective date of their repeal by this act: the General Operations Fund (Fund 4H10) and the Special Projects Fund (Fund 5CE0).

(D) The following fund, used by the Facility Construction Commission shall be abolished on the effective date of its repeal by this act: the Cultural Facilities Commission Administration Fund (Fund 4T80).

(E) The following fund, used by the Environmental Protection Agency, shall be abolished on the effective date of its repeal by this act: the Clean Diesel School Bus Fund (Fund 5CD0).

(F) The following fund, used by the Department of Natural Resources, shall be abolished on the effective date of their repeal by this act: the Water Resources Council Fund (Fund 4X80).

Section 512.100. CASH TRANSFER FROM THE SMALL BUSINESS ASSISTANCE FUND TO THE TITLE V CLEAN AIR FUND

On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management may transfer up to $1,500,000 cash from the Small Business Assistance Fund (Fund 5A00) used by the Air Quality Development Authority to the Title V Clean Air Fund (Fund 4T30) used by the Environmental Protection Agency.
Section 512.120. CASH TRANSFER FROM SAVINGS INSTITUTION FUND

On the effective date of section 1121.30 of the Revised Code, as amended by this act, or as soon as possible thereafter, the Director of Budget and Management, upon the written request of the Director of the Department of Commerce, may transfer the cash balance in the Savings Institution Fund (Fund 5450) to the Banks Fund (Fund 5440). Upon completion of the transfer, Fund 5450 is hereby abolished.

Section 515.10. (A) On the effective date of this section, the Ohio School Facilities Commission is hereby abolished and all of its functions, assets, and liabilities are transferred to the Ohio Facilities Construction Commission. The Ohio Facilities Construction Commission is successor to, assumes the power and obligations and authority of, and otherwise constitutes the continuation of the Ohio School Facilities Commission as if completed by the Ohio School Facilities Commission. Whenever the Ohio School Facilities Commission is referred to in any law, contract, or other document, the reference shall be deemed to refer to the Ohio Facilities Construction Commission.

(B) Any business commenced but not completed by the Ohio School Facilities Commission shall be completed by the Ohio Facilities Construction Commission in the same manner and with the same effect as if completed by the Ohio School Facilities Commission. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer and shall be recognized, administered, performed, or enforced by the Ohio Facilities Construction Commission. All rules, orders, resolutions, and determinations of the Ohio School Facilities Commission continue in effect as rules, orders, resolutions, and determinations of the Ohio Facilities Construction Commission until modified or rescinded by the Ohio Facilities Construction Commission.
Facilities Construction Commission. If necessary to ensure the integrity of the numbering system of the Ohio Administrative Code, the Director of the Legislative Service Commission shall renumber the Ohio School Facilities Commission's rules to reflect their transfer to the Ohio Facilities Construction Commission.

(C) No judicial or administrative action or proceeding to which the Ohio School Facilities Commission or an authorized officer of the Ohio School Facilities Commission is a party that is pending on the effective date of this section, or on such later date as may be established by an authorized officer of the Ohio Facilities Construction Commission, is affected by the abolition. Any such action or proceeding shall be prosecuted or defended in the name of the Ohio Facilities Construction Commission. On application to the court or agency, the Ohio Facilities Construction Commission or an authorized officer of the Ohio Facilities Construction Commission may be substituted for the Ohio School Facilities Commission or an authorized officer of the Ohio School Facilities Commission as a party to the action or proceeding.

(D) Notwithstanding any provision of the law to the contrary, on or after the effective date of this section, the Director of Budget and Management shall make budget and accounting changes made necessary by the abolition, if any, including administrative organization, program transfers, the renaming of funds, the creation of new funds, the transfer of state funds, and the consolidation of funds as authorized by this section. The Director may, if necessary, cancel or establish encumbrances or parts of encumbrances in fiscal years 2018 and 2019 in the appropriate fund and appropriation items for the same purpose and for payment to the same vendor. The established encumbrances are hereby appropriated.

(E) All records, documents, files, equipment, assets, and
other materials of the Ohio School Facilities Commission are transferred to the Ohio Facilities Construction Commission.

**Section 515.20.** (A) On January 21, 2018, the Manufactured Homes Commission is abolished. The Department of Commerce is successor to, assumes the obligations, and assumes the authority of the Manufactured Homes Commission. Any business commenced but not completed by the Manufactured Homes Commission on that date shall be completed by the Department of Commerce. Any validation, right, cure, privilege, remedy, obligation, or liability is not lost or impaired solely by this abolishment and shall be administered by the Department of Commerce. Any action or proceeding pending on the effective date of this section is not affected by the abolishment of the Commission and shall be prosecuted or defended in the name of the Department. In all such actions and proceedings, the Department may be substituted as a party upon application to the court or other tribunal.

(B) Whenever the Manufactured Homes Commission is referred to in any law, contract, or other document, the reference shall be deemed to refer to the Department of Commerce or the Director of Commerce, whichever is appropriate in context.

(C) The Department of Commerce shall designate the positions and employees of the Manufactured Homes Commission, if any, to be transferred to the Department, along with any equipment assigned to those positions and employees. Any employee transferred to the Department retains the employee's respective classification, however the Department may reassign and reclassify the employee's position and compensation as the Department determines to be in the best interest of administration.

(D) Notwithstanding section 145.297 of the Revised Code, the Department of Commerce may, at the Department's discretion and with approval from the Office of Budget and Management, establish
a retirement incentive plan for eligible employees of the Manufactured Homes Commission who are members of the Public Employees Retirement System. Any retirement incentive plan established pursuant to this section shall remain in effect until January 20, 2018.

(E) On January 21, 2018, all equipment, assets, supplies, records, and other property of the Manufactured Homes Commission are transferred to the Department of Commerce.

(F) All rules, orders, and determinations made or undertaken by the Manufactured Homes Commission shall continue in effect as the rules, orders, and determinations of the Department of Commerce until modified, rescinded, or replaced. If necessary to ensure the integrity of the administrative code, the Director of the Legislative Service Commission shall renumber the rules relating to the Manufactured Homes Commission to reflect its abolition pursuant to this section and the transfer of duties to the Department of Commerce pursuant to this act. Within one hundred eighty days after the effective date of this section, the Department of Commerce shall submit proposed rules to the Joint Committee on Agency Rule Review addressing fees and fines previously assessed by the Manufactured Homes Commission pursuant to Chapter 4781. of the Revised Code and, where reasonably possible, shall reduce the amount and frequency of collection and assessment.

Section 515.21. MANUFACTURED HOMES COMMISSION TRANSFER TO DEPARTMENT OF COMMERCE

On January 21, 2018, or as soon as possible thereafter, in accordance with Section 515.20 of this act, the Director of Budget and Management shall transfer the cash balance in the Manufactured Homes Commission Regulatory Fund (Fund 5MC0) used by the Manufactured Homes Commission to the Industrial Compliance
Operating Fund (Fund 5560) used by the Department of Commerce. Upon completion of the transfer, Fund 5MC0 is hereby abolished. The Director of Budget and Management shall cancel any existing encumbrances against appropriation item 996610, Manufactured Homes Regulation, and reestablish them against appropriation item 800615, Industrial Compliance. The reestablished amounts are hereby appropriated. Any business commenced but not completed under appropriation item 996610, Manufactured Homes Regulation, shall be completed under appropriation item 800615, Industrial Compliance.

On or before March 21, 2018, the Director of the Department of Commerce shall certify to the Director of Budget and Management an amount of cash in the Occupational Licensing Regulatory Fund (Fund 4K90) representing the amount of remaining receipts deposited into the fund by reducing the revenue deposited to the fund by the Manufactured Homes Commission from the expenditures charged to the fund by the Manufactured Homes Commission. The Director of Budget and Management may transfer up to the amount certified to the Manufactured Homes Regulatory Fund (Fund 5SU0). The Director of Budget and Management shall cancel any existing encumbrances against appropriation item 996609, Manufactured Homes Operating Expenses, and reestablish them against appropriation item 800649, Manufactured Homes Regulation. The reestablished amounts are hereby appropriated. Any business commenced but not completed under appropriation item 996609, Manufactured Homes Operating Expenses, shall be completed under appropriation item 800649, Manufactured Homes Regulation. Upon written request of the Director of Commerce, the Director of Budget and Management may transfer up to $200,000 in cash from the Industrial Compliance Operating Fund (Fund 5560) to the Manufactured Homes Regulatory Fund (Fund 5SU0) in fiscal year 2018 to support the additional regulatory and licensing functions required under Chapter 4781. of the Revised Code.
Notwithstanding any provision of law to the contrary, on and after January 21, 2018, the Director of Budget and Management may make budget changes necessary by Section 515.20 of this act, if any, including administrative reorganization or program transfers. If it is determined by the Director of Commerce that additional appropriation is necessary in appropriation item 800615, Industrial Compliance, or appropriation item 800649, Manufactured Homes Regulation, to carry out the regulatory and licensing functions required by the amendments to Chapter 4781 of the Revised Code as enacted herein, the Director of Commerce shall certify the amount of additional appropriation needed to the Director of Budget and Management. Upon the approval of the Director of Budget and Management, amounts up to those certified by the Director of Commerce are hereby appropriated.

Section 515.30. (A) Effective January 21, 2018, the Chemical Dependency Professionals Board, the Counselor, Social Worker, and Marriage and Family Therapist Board, and the State Board of Psychology are abolished.

(B) Any business commenced but not completed by January 21, 2018, by the Chemical Dependency Professionals Board, the Counselor, Social Worker, and Marriage and Family Therapist Board, and the State Board of Psychology or by the executive directors of those boards shall be completed by the State Behavioral Health and Social Work Board or the Executive Director of the State Behavioral Health and Social Work Board in the same manner, and with the same effect, as if completed by the Chemical Dependency Professionals Board, the Counselor, Social Worker, and Marriage and Family Therapist Board, and the State Board of Psychology, or by the executive directors of those boards.

(C) All rules, orders, and determinations of the Chemical Dependency Professionals Board, the Counselor, Social Worker, and
Marriage and Family Therapist Board, and the State Board of Psychology, or by the executive directors of those boards shall continue in effect as rules, orders, and determinations of the State Behavioral Health and Social Work Board until modified or rescinded by the State Behavioral Health and Social Work Board. If necessary to ensure the integrity of the numbering of the Administrative Code, the Director of the Legislative Service Commission shall renumber any rule to reflect its transfer to the State Behavioral Health and Social Work Board.

Any licenses, certificates, permits, registrations, or endorsements issued before January 21, 2018, by the Chemical Dependency Professionals Board, the Counselor, Social Worker, and Marriage and Family Therapist Board, and the State Board of Psychology shall continue in effect as if issued by the State Behavioral Health and Social Work Board.

(D) Effective January 21, 2018, whenever the term "Chemical Dependency Professionals Board," "Counselor, Social Worker, and Marriage and Family Therapist Board," or "State Board of Psychology" is used in any statute, rule, contract, or other document, the use shall be construed to mean the "State Behavioral Health Professionals Board."

Whenever the Executive Director of the "Chemical Dependency Professionals Board," "Counselor, Social Worker, and Marriage and Family Therapist Board," or "State Board of Psychology" is used in any statute, rule, contract, or other document, the use shall be construed to mean the Executive Director of the State Behavioral Health Professionals Board.

(E) (1) Subject to the lay-off provisions of sections 124.321 to 124.382 of the Revised Code, all employees of the Chemical Dependency Professionals Board, the Counselor, Social Worker, and Marriage and Family Therapist Board, and the State Board of Psychology are transferred to the State Behavioral Health and
Social Work Board. The employees shall retain their positions and benefits.

(2) During the period beginning January 21, 2018, and ending June 30, 2019, the Executive Director of the State Behavioral Health and Social Work Board may establish, change, and abolish positions on the Board and assign, reassign, classify, reclassify, transfer, reduce, promote, or demote all employees of the Board who are not subject to Chapter 4117. of the Revised Code.

(3) The authority granted to the Executive Director of the Board under division (E)(2) of this section includes assigning or reassigning an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification that the Executive Director determines is the proper classification for that employee. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification during the period specified in this section, the Executive Director, or in the case of a transfer to a position outside the Board, the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(4) Actions taken by the Executive Director pursuant to division (E) of this section are not subject to appeal to the State Personnel Board of Review.

(F) Notwithstanding section 145.297 of the Revised Code, the Chemical Dependency Professionals Board, the Counselor, Social Worker, and Marriage and Family Therapist Board, and the State Board of Psychology may, at that board's discretion and with approval from the Office of Budget and Management, establish a retirement incentive plan for eligible employees of those boards.
who are members of the Public Employees Retirement System. Any 105215
retirement incentive plan established pursuant to this section 105216
shall remain in effect until January 20, 2018.

(G) No validation, cure, right, privilege, remedy, 105218
obligation, or liability is lost or impaired by reason of the 105219
transfer required by this section and shall be administered by the 105220
State Behavioral Health and Social Work Board. No action or 105221
proceeding pending on the effective date of this act is affected 105222
by the transfer, and shall be prosecuted or defended in the name 105223
of the State Behavioral Health and Social Work Board or the 105224
Board's Executive Director, as appropriate. In all such actions 105225
and proceedings, the State Behavioral Health and Social Work Board 105226
or the Board's Executive Director shall be substituted as a party. 105227

(H) Effective January 21, 2018, all records, documents, 105228
files, equipment, assets, and other materials of the Chemical 105229
Dependency Professionals Board, the Counselor, Social Worker, and 105230
Marriage and Family Therapist Board, and the State Board of 105231
Psychology are transferred to the State Behavioral Health and 105232
Social Work Board.

Section 515.31. (A) Effective January 21, 2018, the Ohio 105234
Board of Dietetics is abolished.

(B) Any business commenced but not completed by January 21, 105236
2018, by the Ohio Board of Dietetics, or by the Executive 105237
Secretary of the Board, shall be completed by the State Medical 105238
Board or the Executive Director of the State Medical Board in the 105239
same manner, and with the same effect, as if completed by the Ohio 105240
Board of Dietetics, or by the Executive Secretary of the Board.

(C) All rules, orders, and determinations of the Ohio Board 105242
of Dietetics, or by the Executive Secretary of the Board shall 105243
continue in effect as rules, orders, and determinations of the 105244
State Medical Board until modified or rescinded by the State 105245
Medical Board. If necessary to ensure the integrity of the numbering of the Administrative Code, the Director of the Legislative Service Commission shall renumber any rule to reflect its transfer to the State Medical Board.

Any licenses, certificates, permits, registrations, or endorsements issued before January 21, 2018, by the Ohio Board of Dietetics shall continue in effect as if issued by the State Medical Board.

(D) Effective January 21, 2018, whenever the term "Ohio Board of Dietetics" is used in any statute, rule, contract, or other document, the use shall be construed to mean the "State Medical Board."

Whenever the Executive Secretary of the Ohio Board of Dietetics is used in any statute, rule, contract, or other document, the use shall be construed to mean the Executive Director of the State Medical Board.

(E)(1) Subject to the lay-off provisions of sections 124.321 to 124.382 of the Revised Code, all employees of the Ohio Board of Dietetics are transferred to the State Medical Board. The employees shall retain their positions and benefits.

(2) During the period beginning January 21, 2018, and ending June 30, 2019, the Executive Director of the State Medical Board may establish, change, and abolish positions on the Board and assign, reassign, classify, reclassify, transfer, reduce, promote, or demote all employees transferred to the Board under this section who are not subject to Chapter 4117. of the Revised Code.

(3) The authority granted to the Executive Director of the Board under division (E)(2) of this section includes assigning or reassigning an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification that the Executive Director determines is the proper classification for.
that employee. If an employee in the E-1 pay range is to be
assigned, reassigned, classified, reclassified, transferred,
reduced, or demoted to a position in a lower classification during
the period specified in this section, the Executive Director, or
in the case of a transfer to a position outside the Board, the
Director of Administrative Services, shall assign the employee to
the appropriate classification and place the employee in Step X.
The employee shall not receive any increase in compensation until
the maximum rate of pay for that classification exceeds the
employee's compensation.

(4) Actions taken by the Executive Director pursuant to
division (E) of this section are not subject to appeal to the
State Personnel Board of Review.

(F) Notwithstanding section 145.297 of the Revised Code, the
Ohio Board of Dietetics may, at that Board's discretion and with
approval from the Office of Budget and Management, establish a
retirement incentive plan for eligible employees of the Board who
are members of the Public Employees Retirement System. Any
retirement incentive plan established pursuant to this section
shall remain in effect until January 20, 2018.

(G) No validation, cure, right, privilege, remedy,
obligation, or liability is lost or impaired by reason of the
transfer required by this section and shall be administered by the
State Medical Board. No action or proceeding pending on the
effective date of this act is affected by the transfer, and shall
be prosecuted or defended in the name of the State Medical Board
or the Board's Executive Director, as appropriate. In all such
actions and proceedings, the State Medical Board or the Board's
Executive Director shall be substituted as a party.

(H) Effective January 21, 2018, all records, documents,
files, equipment, assets, and other materials of the Ohio Board of
Dietetics are transferred to the State Medical Board.
Section 515.32. (A) Effective January 21, 2018, the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board and the State Board of Orthotics, Prosthetics, and Pedorthics are abolished.

(B) Any business commenced but not completed by January 21, 2018, by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board and the State Board of Orthotics, Prosthetics, and Pedorthics, or by the executive directors of those boards shall be completed by the State Physical Health Services Board or the Executive Director of the State Physical Health Services Board in the same manner, and with the same effect, as if completed by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board or the State Board of Orthotics, Prosthetics, and Pedorthics, or by the executive directors of those boards.

(C) All rules, orders, and determinations of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board and the State Board of Orthotics, Prosthetics, and Pedorthics, or by the executive directors of those boards continue in effect as rules, orders, and determinations of the State Physical Health Services Board until modified or rescinded by the State Physical Health Services Board. If necessary to ensure the integrity of the numbering of the Administrative Code, the Director of the Legislative Service Commission shall renumber any rule to reflect its transfer to the State Physical Health Services Board.

Any licenses, certificates, permits, registrations, or endorsements issued before January 21, 2018, by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board or the State Board of Orthotics, Prosthetics, and Pedorthics shall continue in effect as if issued by the State Physical Health Services Board.
Services Board.

(D) Effective January 21, 2018, whenever the term "Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board" or "State Board of Orthotics, Prosthetics, and Pedorthics" is used in any statute, rule, contract, or other document, the use shall be construed to mean the "State Physical Health Services Board."

Whenever the Executive Director of the "Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board" or "State Board of Orthotics, Prosthetics, and Pedorthics" is used in any statute, rule, contract, or other document, the use shall be construed to mean the Executive Director of the State Physical Health Services Board.

(E)(1) Subject to the lay-off provisions of sections 124.321 to 124.382 of the Revised Code, all employees of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board and the State Board of Orthotics, Prosthetics, and Pedorthics are transferred to the State Physical Health Services Board. The employees shall retain their positions and benefits.

(2) During the period beginning January 21, 2018, and ending June 30, 2019, the Executive Director of the State Physical Health Services Board may establish, change, and abolish positions on the Board and assign, reassign, classify, reclassify, transfer, reduce, promote, or demote all employees of the Board who are not subject to Chapter 4117. of the Revised Code.

(3) The authority granted to the Executive Director of the Board under division (E)(2) of this section includes assigning or reassigning an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification that the Executive Director determines is the proper classification for that employee. If an employee in the E-1 pay range is to be
assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification during the period specified in this section, the Executive Director, or in the case of a transfer to a position outside the Board, the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(4) Actions taken by the Executive Director pursuant to division (E) of this section are not subject to appeal to the State Personnel Board of Review.

(F) Notwithstanding section 145.297 of the Revised Code, the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board and the State Board of Orthotics, Prosthetics, and Pedorthics may, at that board's discretion and with approval from the Office of Budget and Management, establish a retirement incentive plan for eligible employees of those boards who are members of the Public Employees Retirement System. Any retirement incentive plan established pursuant to this section shall remain in effect until January 20, 2018.

(G) No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section and shall be administered by the State Physical Health Services Board. No action or proceeding pending on the effective date of this act is affected by the transfer, and shall be prosecuted or defended in the name of the State Physical Health Services Board or the Board's Executive Director, as appropriate. In all such actions and proceedings, the State Physical Health Services Board or the Board's Executive Director shall be substituted as a party.

(H) Effective January 21, 2018, all records, documents,
files, equipment, assets, and other materials of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board and the State Board of Orthotics, Prosthetics, and Pedorthics are transferred to the State Physical Health Services Board.

Section 515.33. (A) Effective January 21, 2018, the State Board of Optometry, the Ohio Optical Dispensers Board, the Hearing Aid Dealers and Fitters Licensing Board, and the Board of Speech-Language Pathology and Audiology are abolished.

(B) Any business commenced but not completed by January 21, 2018, by the State Board of Optometry, the Ohio Optical Dispensers Board, the Hearing Aid Dealers and Fitters Licensing Board, and the Board of Speech-Language Pathology and Audiology or by the executive directors, executive secretary-treasurer, or secretary of those boards, as applicable, shall be completed by the State Vision and Hearing Professionals Board or the Executive Director of the State Vision and Hearing Professionals Board in the same manner, and with the same effect, as if completed by the State Board of Optometry, the Ohio Optical Dispensers Board, the Hearing Aid Dealers and Fitters Licensing Board, or the Board of Speech-Language Pathology and Audiology or by the executive directors, executive secretary-treasurer, or secretary of those boards, as applicable.

(C) All rules, orders, and determinations of the State Board of Optometry, the Ohio Optical Dispensers Board, the Hearing Aid Dealers and Fitters Licensing Board, and the Board of Speech-Language Pathology and Audiology or by the executive directors, executive secretary-treasurer, or secretary of those boards, as applicable, shall continue in effect as rules, orders, and determinations of the State Vision and Hearing Professionals Board until modified or rescinded by the State Vision and Hearing Professionals Board.
Professionals Board. If necessary to ensure the integrity of the numbering of the Administrative Code, the Director of the Legislative Service Commission shall renumber any rule to reflect its transfer to the State Vision and Hearing Professionals Board.

Any licenses, certificates, permits, registrations, or endorsements issued before January 21, 2018, by the State Board of Optometry, the Ohio Optical Dispensers Board, the Hearing Aid Dealers and Fitters Licensing Board, or the Board of Speech-Language Pathology and Audiology shall continue in effect as if issued by the State Vision and Hearing Professionals Board.

(D) Effective January 21, 2018, whenever the term "State Board of Optometry," "Ohio Optical Dispensers Board," "Hearing Aid Dealers and Fitters Licensing Board," or "Board of Speech-Language Pathology and Audiology" is used in any statute, rule, contract, or other document, the use shall be construed to mean the "State Vision and Hearing Professionals Board."

Whenever the term "Executive Director of the State Board of Optometry," "Executive Secretary-Treasurer of the Ohio Optical Dispensers Board," "Secretary of the Hearing Aid Dealers and Fitters Licensing Board," or "Executive Director of the Board of Speech-Language Pathology and Audiology" is used in a statute, rule, contract, or other document, the use shall be construed to mean the Executive Director of the State Vision and Hearing Professionals Board.

(E)(1) Subject to the lay-off provisions of sections 124.321 to 124.382 of the Revised Code, all employees of the State Board of Optometry, the Ohio Optical Dispensers Board, the Hearing Aid Dealers and Fitters Licensing Board, and the Board of Speech-Language Pathology and Audiology are transferred to the State Vision and Hearing Professionals Board. The employees shall retain their positions and benefits.
(2) During the period beginning January 21, 2018, and ending June 30, 2019, the Executive Director of the State Vision and Hearing Professionals Board may establish, change, and abolish positions on the Board and assign, reassign, classify, reclassify, transfer, reduce, promote, or demote all employees of the Board who are not subject to Chapter 4117. of the Revised Code.

(3) The authority granted to the Executive Director of the Board under division (E)(2) of this section includes assigning or reassigning an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification that the Executive Director determines is the proper classification for that employee. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification during the period specified in this section, the Executive Director, or in the case of a transfer to a position outside the Board, the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(4) Actions taken by the Executive Director pursuant to division (E) of this section are not subject to appeal to the State Personnel Board of Review.

(F) Notwithstanding section 145.297 of the Revised Code, the State Board of Optometry, the Ohio Optical Dispensers Board, the Hearing Aid Dealers and Fitters Licensing Board, and the Board of Speech-Language Pathology and Audiology may, at that board's discretion and with approval from the Office of Budget and Management, establish a retirement incentive plan for eligible employees of those boards who are members of the Public Employees Retirement System. Any retirement incentive plan established...
pursuant to this section shall remain in effect until January 20, 2018.

(G) No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section and shall be administered by the State Vision and Hearing Professionals Board. No action or proceeding pending on the effective date of this act is affected by the transfer, and shall be prosecuted or defended in the name of the State Vision and Hearing Professionals Board or the Board's Executive Director, as appropriate. In all such actions and proceedings, the State Vision and Hearing Professionals Board or the Board's Executive Director shall be substituted as a party.

(H) Effective January 21, 2018, all records, documents, files, equipment, assets, and other materials of the State Board of Optometry, the Ohio Optical Dispensers Board, the Hearing Aid Dealers and Fitters Licensing Board, and the Board of Speech-Language Pathology and Audiology are transferred to the State Vision and Hearing Professionals Board.

Section 515.34. (A) Effective January 21, 2018, the Ohio Respiratory Care Board is abolished.

(B) Any business commenced but not completed by January 21, 2018, by the Ohio Respiratory Care Board, or by the Executive Director of the Board, shall be completed by the State Board of Pharmacy, with respect to implementing Chapter 4752. of the Revised Code, and the State Medical Board, with respect to implementing Chapter 4761. of the Revised Code, or by the executive directors of those boards in the same manner, and with the same effect, as if completed by the Ohio Respiratory Care Board, or by the Executive Director of the Board.

(C) All rules, orders, and determinations of the Ohio Respiratory Care Board, or by the Executive Director of the Board
shall continue in effect as rules, orders, and determinations of 105528
the State Board of Pharmacy, with respect to implementing Chapter 105529
4752. of the Revised Code, and the State Medical Board, with 105530
respect to implementing Chapter 4761. of the Revised Code, until 105531
modified or rescinded by the State Board of Pharmacy or the State 105532
Medical Board. If necessary to ensure the integrity of the 105533
numbering of the Administrative Code, the Director of the 105534
Legislative Service Commission shall renumber any rule to reflect 105535
its transfer to the State Board of Pharmacy or the State Medical 105536
Board.

Any licenses, certificates, permits, registrations, or 105537
endorsements issued before January 21, 2018, by the Ohio 105538
Respiratory Care Board shall continue in effect as if issued by 105539
the State Board of Pharmacy, with respect to implementing Chapter 105540
4752. of the Revised Code, and the State Medical Board, with 105541
respect to implementing Chapter 4761. of the Revised Code.

(D) Effective January 21, 2018, whenever the term "Ohio 105542
Respiratory Care Board" is used in any statute, rule, contract, or 105543
other document, the use shall be construed to mean the "State 105544
Board of Pharmacy," with respect to implementing Chapter 4752. of 105545
the Revised Code, or the "State Medical Board," with respect to 105546
implementing Chapter 4761. of the Revised Code.

Whenever the Executive Director of the Ohio Respiratory Care 105547
Board is used in any statute, rule, contract, or other document, 105548
the use shall be construed to mean the Executive Director of the 105549
State Board of Pharmacy, with respect to implementing Chapter 105550
4752. of the Revised Code, or the Executive Director of the State 105551
Medical Board, with respect to implementing Chapter 4761. of the 105552
Revised Code.

(E)(1) Subject to the lay-off provisions of sections 124.321 105553
to 124.382 of the Revised Code, all employees of the Ohio 105554
Respiratory Care Board are transferred to the State Board of 105555

Pharmacy, with respect to implementing Chapter 4752. of the Revised Code, or the State Medical Board, with respect to implementing Chapter 4761. of the Revised Code. The employees shall retain their positions and benefits.

(2) During the period beginning January 21, 2018, and ending June 30, 2019, the executive directors of the State Board of Pharmacy and the State Medical Board may establish, change, and abolish positions on those boards and assign, reassign, classify, reclassify, transfer, reduce, promote, or demote all employees transferred to those boards under this section who are not subject to Chapter 4117. of the Revised Code.

(3) The authority granted to the executive directors of the State Board of Pharmacy and the State Medical Board under division (E)(2) of this section includes assigning or reassigning an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification that the executive directors determine is the proper classification for that employee. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification during the period specified in this section, the executive directors, or in the case of a transfer to a position outside those boards, the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(4) Actions taken by the executive directors pursuant to division (E) of this section are not subject to appeal to the State Personnel Board of Review.

(F) Notwithstanding section 145.297 of the Revised Code, the Ohio Respiratory Care Board may, at the Board's discretion and
with approval from the Office of Budget and Management, establish a retirement incentive plan for eligible employees of the Board who are members of the Public Employees Retirement System. Any retirement incentive plan established pursuant to this section shall remain in effect until January 20, 2018.

(G) No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section and shall be administered by the State Board of Pharmacy, with respect to implementing Chapter 4752. of the Revised Code, and the State Medical Board, with respect to implementing Chapter 4761. of the Revised Code. No action or proceeding pending on the effective date of this act is affected by the transfer, and shall be prosecuted or defended in the name of the State Board of Pharmacy or the State Medical Board, as applicable, or that board's executive director, as appropriate. In all such actions and proceedings, the State Board of Pharmacy or the State Medical Board, as applicable, or that board's executive director shall be substituted as a party.

(H) Effective January 21, 2018, all records, documents, files, equipment, assets, and other materials of the Ohio Respiratory Care Board are transferred to the State Board of Pharmacy, with respect to implementing Chapter 4752. of the Revised Code and the State Medical Board, with respect to implementing Chapter 4761. of the Revised Code.

Section 515.35. Notwithstanding any provision of the law to the contrary, on or after the effective date of this section, the Director of Budget and Management shall make any accounting changes made necessary by the transfers and consolidations contained in Sections 515.30 to 515.34 of this act.

On or after January 21, 2018, the Director of Budget and Management may cancel any existing encumbrances of any agency
abolished in Sections 515.30 to 515.34 of this act and reestablish those encumbrances to a licensing board established in Chapter 4744. of the Revised Code, the State Pharmacy Board, or the State Medical Board as necessary. The reestablished encumbrance amounts are hereby appropriated.

Section 515.40. (A) On January 21, 2018, the Barber Board is abolished. The State Cosmetology and Barber Board is successor to, assumes the obligations, and authority of the Barber Board. Any business commenced but not completed by the Barber Board shall be completed by the State Cosmetology and Barber Board. Any validation, right, cure, privilege, remedy, obligation, or liability is not lost or impaired solely by this abolishment and shall be administered by the State Cosmetology and Barber Board. Any action or proceeding pending on January 21, 2018, that is not affected by the abolishment of the Barber Board and shall be prosecuted or defended in the name of the State Cosmetology and Barber Board. In all such actions and proceedings, the State Cosmetology and Barber Board may be substituted as a party upon application to the court or other tribunal.

(B)(1) Subject to the layoff provisions of sections 124.321 to 124.382 of the Revised Code, on January 21, 2018, all employees of the Barber Board are transferred to the State Cosmetology and Barber Board. The employees shall retain their positions and benefits.

(2) During the period beginning January 21, 2018, and ending June 30, 2019, the Executive Director of the State Cosmetology and Barber Board may establish, change, and abolish positions of the State Cosmetology and Barber Board and assign, reassign, classify, reclassify, transfer, reduce, promote, or demote all employees of the Board who are not subject to Chapter 4117. of the Revised Code.
(3) The authority granted under division (B)(2) of this section includes assigning or reassigning an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification if the Executive Director determines that the bargaining unit classification is the proper classification for that employee. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification during the period specified in division (B)(2) of this section, the Executive Director, or in the case of a transfer outside the Board the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(4) Actions taken by the Executive Director pursuant to division (B) of this section are not subject to appeal to the State Personnel Board of Review.

(C) Notwithstanding section 145.297 of the Revised Code, the Barber Board may at the Board's discretion and with approval from the Office of Budget and Management, establish a retirement incentive plan for eligible employees of the Barber Board who are members of the Public Employees Retirement System. Any retirement incentive plan established pursuant to this section shall remain in effect until January 20, 2018.

(D) On January 21, 2018, all equipment, assets, supplies, records, and other property of the Barber Board is transferred to the State Cosmetology and Barber Board.

(E) All rules, orders, and determinations made or undertaken by the Barber Board shall continue in effect as the rules, orders, and determinations of the State Cosmetology and Barber Board until modified, rescinded, or replaced. If necessary to ensure the
integrity of the Administrative Code, the Director of the Legislative Service Commission shall renumber the rules relating to the Barber Board to reflect its abolishment pursuant to this provision and transfer of duties to the State Cosmetology and Barber Board pursuant to the provisions contained within this act. Within one hundred eighty days after the effective date of this section, the State Cosmetology and Barber Board shall submit proposed rules to the Joint Committee on Agency Rule Review addressing fees and fines previously assessed by the Barber Board pursuant to Chapter 4709. of the Revised Code, and where reasonably possible, shall reduce the amount and frequency of collection and assessment.

(F) Any licenses, certificates, permits, registrations, or endorsements issued before January 21, 2018, by the Barber Board shall continue in effect as if issued by the State Cosmetology and Barber Board.

(G) On or after January 21, 2018, notwithstanding any provision of law to the contrary, the Director of Budget and Management may make budget changes made necessary by this section, including cancelling encumbrances of the Barber Board and reestablishing them as encumbrances of the State Cosmetology and Barber Board. Any reestablished encumbrances are hereby appropriated.

Section 518.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS

Certain appropriations are in this act for the purpose of paying debt service and financing costs on general obligation bonds or notes of the state issued pursuant to the Ohio Constitution and acts of the General Assembly. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.
Section 518.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE

Certain appropriations are in this act for the purpose of making lease rental payments pursuant to leases and agreements relating to bonds or notes issued by the Treasurer of State, or previously by the Ohio Building Authority, pursuant to the Ohio Constitution and acts of the General Assembly. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.

Section 518.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS

The Office of Budget and Management shall process payments from general obligation and lease rental payment appropriation items during the period from July 1, 2017, through June 30, 2019, relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 2n, 2o, 2p, 2q, 2r, 2s, and 15 of Article VIII, Ohio Constitution, and Chapters 151., 152., and 154. of the Revised Code. Payments shall be made upon certification by the Treasurer of State of the dates and the amounts due on those dates.

Section 521.10. STATE AND LOCAL REBATE AUTHORIZATION

If it is determined that a payment is necessary in the amount computed at the time to represent the portion of investment income to be rebated or amounts in lieu of or in addition to any rebate amount to be paid to the federal government in order to maintain the exclusion from gross income for federal income tax purposes of interest on those state obligations under section 148(f) of the Internal Revenue Code, such an amount is hereby appropriated from those funds designated by or pursuant to the applicable proceedings authorizing the issuance of state obligations.

Payments for this purpose shall be approved and vouchered by
the Office of Budget and Management.

Section 521.20. STATEWIDE INDIRECT COST RECOVERY

Whenever the Director of Budget and Management determines that an appropriation made to a state agency from a fund of the state is insufficient to provide for the recovery of statewide indirect costs under section 126.12 of the Revised Code, the amount required for such purpose is hereby appropriated from the available receipts of such fund.

Section 521.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT COST ALLOCATION PLAN

The total transfers made from the General Revenue Fund by the Director of Budget and Management under this section shall not exceed the amounts transferred into the General Revenue Fund under section 126.12 of the Revised Code.

The director of an agency may certify to the Director of Budget and Management the amount of expenses not allowed to be included in the Statewide Indirect Cost Allocation Plan under federal regulations, from any fund included in the Statewide Indirect Cost Allocation Plan, prepared as required by section 126.12 of the Revised Code.

Upon determining that no alternative source of funding is available to pay for such expenses, the Director of Budget and Management may transfer cash from the General Revenue Fund into the fund for which the certification is made, up to the amount of the certification. The director of the agency receiving such funds shall include, as part of the next budget submission prepared under section 126.02 of the Revised Code, a request for funding for such activities from an alternative source such that further federal disallowances would not be required.

The director of an agency may certify to the Director of
Budget and Management the amount of expenses paid in error from a fund included in the Statewide Indirect Cost Allocation Plan. The Director of Budget and Management may transfer cash from the fund from which the expenditure should have been made into the fund from which the expenses were erroneously paid, up to the amount of the certification.

The director of an agency may certify to the Director of Budget and Management the amount of expenses or revenues not allowed to be included in the Statewide Indirect Cost Allocation Plan under federal regulations, for any fund included in the Statewide Indirect Cost Allocation Plan, for which the federal government requires payment. If the Director of Budget and Management determines that an appropriation made to a state agency from a fund of the state is insufficient to pay the amount required by the federal government, the amount required for such purpose is hereby appropriated from the available receipts of such fund, up to the amount of the certification.

Section 521.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS

Notwithstanding any provision of law to the contrary, on or before the first day of September of each fiscal year, the Director of Budget and Management, in order to reduce the payment of adjustments to the federal government, as determined by the plan prepared under division (A) of section 126.12 of the Revised Code, may designate such funds as the Director considers necessary to retain their own interest earnings.

Section 521.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT

Pursuant to the plan for compliance with the Federal Cash Management Improvement Act required by section 131.36 of the Revised Code, the Director of Budget and Management may cancel and re-establish all or part of encumbrances in like amounts within
the funds identified by the plan. The amounts necessary to re-establish all or part of encumbrances are hereby appropriated.

Section 610.10. That Section 369.540 of Am. Sub. H.B. 64 of the 131st General Assembly be amended and that Section 369.540 of Am. Sub. H.B. 64 of the 131st General Assembly be amended to codify it as section 3333.95 of the Revised Code to read as follows:

Sec. 369.540 3333.95. EFFICIENCY ADVISORY COMMITTEE

The Chancellor chancellor of Higher Education higher education shall maintain an efficiency advisory committee for the purpose of generating optimal institutional efficiency plans reports for campuses, identifying shared services opportunities, streamlining administrative operations, and sharing best practices in efficiencies among public institutions of higher education. The committee shall meet at the call of the Chancellor chancellor or the Chancellor's chancellor's designee. Each state institution of higher education shall designate an employee to serve as its efficiency officer responsible for the evaluation and improvement of operational efficiencies on campus. Each efficiency officer shall serve on the efficiency advisory committee.

By the thirty-first day of December 31 of each year, the Chancellor chancellor of Higher Education higher education shall provide a report to the Office office of Budget budget and Management management, the Governor governor, and the General Assembly president of the senate, and the speaker of the house of representatives compiling efficiency reports from all public institutions of higher education and benchmarking efficiency gains realized over the preceding year. The reports from each institution shall identify efficiencies at each public institution of higher education, and quantify revenue enhancements,
reallocating resources, expense reductions, and cost avoidance where possible in the areas of general operational functions, academic program delivery, energy usage, and information technology and procurement reforms. The reports shall particularly emphasize areas where these reforms are demonstrating savings or cost avoidance to students. The report shall also be made available to the public on the Department of Higher Education's web site.

Section 610.11. That existing Section 369.540 of Am. Sub. H.B. 64 of the 131st General Assembly is hereby repealed.

Section 610.20. That Section 529.10 of S.B. 310 of the 131st General Assembly be amended and that Section 529.10 of S.B. 310 of the 131st General Assembly be amended to codify it as section 123.211 of the Revised Code to read as follows:

Sec. 529.10 123.211. AGENCY ADMINISTRATION OF CAPITAL FACILITIES PROJECTS

(A) Notwithstanding any contrary provision of section 123.21 of the Revised Code, the Executive Director of the Ohio Facilities Construction Commission may authorize any of the Departments of Mental Health and Addiction Services, Developmental Disabilities, Agriculture, Job and Family Services, Rehabilitation and Correction, Youth Services, Public Safety, Transportation, Veterans Services, and the Bureau of Workers' Compensation following agencies to administer any capital facilities project, the estimated cost of which, including design fees, construction, equipment, and contingency amounts, is less than $1,500,000:

(1) The department of mental health and addiction services;
(2) The department of developmental disabilities;

(3) The department of agriculture;

(4) The department of job and family services;

(5) The department of rehabilitation and correction;

(6) The department of youth services;

(7) The department of public safety;

(8) The department of transportation;

(9) The department of veterans services;

(10) The bureau of workers' compensation;

(11) The department of administrative services;

(12) The state school for the deaf;

(13) The state school for the blind. Requests

(B) A state agency that wishes to administer a project under division (A) of this section shall submit a request for authorization to administer capital facilities projects shall be made through the OAKS-CI Ohio administrative knowledge system capital improvements application by the applicable state agency. Upon the release of funds for the projects by the Controlling Board or the Director of Budget and Management, the agency may administer the capital project or projects for which agency administration has been authorized without the supervision, control, or approval of the Executive Director of the Ohio Facilities Construction Commission.

(C) A state agency authorized by the Executive Director of the Ohio Facilities Construction Commission to administer capital facilities projects pursuant to this section shall comply with the applicable procedures and guidelines established in Chapter 153.
of the Revised Code and shall track all project information in

Ohio administrative knowledge system capital improvements application pursuant to Ohio Facilities Construction Commission facilities construction commission guidelines.

Section 610.21. That existing Section 529.10 of S.B. 310 of the 131st General Assembly is hereby repealed.

Section 610.30. That Section 203.10 of S.B. 310 of the 131st General Assembly, as amended by Sub. H.B. 390 of the 131st General Assembly, be amended to read as follows:

Sec. 203.10. ADJ ADJUTANT GENERAL

Army National Guard Service Contract Fund (Fund 3420)

C74537 Renovation Projects - Federal Share $ 7,100,000
C74539 Renovations and Improvements - Federal $ 15,000,000
TOTAL Army National Guard Service Contract Fund $ 22,100,000

Administrative Building Fund (Fund 7026)

C74528 Camp Perry Improvements $ 2,250,000
C74535 Renovations and Improvements $ 5,100,000
C74540 Aerial Port of Embarkation/Debarkation $ 250,000
TOTAL Administrative Building Fund $ 7,600,000
TOTAL ALL FUNDS $ 29,700,000

RENOVATIONS AND IMPROVEMENTS - FEDERAL

The foregoing appropriation item C74539, Renovations and Improvements - Federal, shall be used to fund capital projects that are coded as receiving one hundred per cent federal support pursuant to the agreement support code identified in the Facilities Inventory and Support Plan between the Office of the Adjutant General and the Army National Guard. Notwithstanding section 131.35 of the Revised Code, if after the effective date of this section, additional federal funds are made available to the
Adjutant General to carry out the Facilities Inventory Support Plan, the Adjutant General may request that the Director of Budget and Management authorize expenditures in excess of the amounts appropriated to appropriation item C74539, Renovations and Improvements – Federal. Upon approval of the Director of Budget and Management the additional amounts are hereby appropriated. Notwithstanding section 126.14 of the Revised Code, if the Adjutant General is approved by the federal government to complete additional, unanticipated one hundred per cent federally funded projects after July 1, 2017, and before October 1, 2017, the appropriations for these additional projects may be released upon written approval of the Director of Budget and Management.

AERIAL PORT OF EMBARKATION/DEBARKATION

The foregoing appropriation item C74540, Aerial Port of Embarkation/Debarkation, shall be used to acquire a cargo facility, tarmac, and the surrounding property from the Western Reserve Port Authority.

Section 610.31. That existing Section 203.10 of S.B. 310 of the 131st General Assembly, as amended by Sub. H.B. 390 of the 131st General Assembly, is hereby repealed.

Section 610.40. That Sections 125.10 and 125.11 of Am. Sub. H.B. 59 of the 130th General Assembly, as amended by Am. Sub. H.B. 64 of the 131st General Assembly, be amended to read as follows:

Sec. 125.10. (A) Sections 5168.01, 5168.02, 5168.03, 5168.04, 5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 5168.13, 5168.99, and 5168.991 of the Revised Code are hereby repealed, effective October 16, 2017 2019.

(B) Notwithstanding the repeal by this act of section 5168.12 of the Revised Code, any money remaining in the Legislative Budget
Services Fund on the effective date of the repeal of that section shall be used solely for the purposes stated in then former section 5168.12 of the Revised Code. When all money in the Legislative Budget Services Fund has been spent after then former section 5168.12 of the Revised Code is repealed, the fund shall cease to exist.

Sec. 125.11. Sections 5168.20, 5168.21, 5168.22, 5168.23, 5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised Code are hereby repealed, effective October 1, 2017 2019.

Section 610.41. That existing Sections 125.10 and 125.11 of Am. Sub. H.B. 59 of the 130th General Assembly, as amended by Am. Sub. H.B. 64 of the 131st General Assembly, are hereby repealed.

Section 610.50. That Section 2 of Am. Sub. S.B. 1 of the 130th General Assembly, as amended by Am. Sub. H.B. 64 of the 131st General Assembly, be amended to read as follows:

Sec. 2. (A) As used in this section:

(1) "Institution" means any of the following:

(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code;

(b) A private career school, as defined in section 3332.01 of the Revised Code;

(c) A private, nonprofit institution in this state holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code;

(d) A private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, if the program has a certificate of authorization pursuant to Chapter 1713. of the Revised Code;
(e) A career-technical center, joint vocational school district, comprehensive career-technical center, or compact career-technical center offering adult training.

(2) "Workforce training program" includes any of the following:

(a) Courses, programs, or a degree from an institution;

(b) Vocational education classes offered to adult learners;

(c) Non-Credit certificate programs that align with the state's in-demand jobs, as determined by the list of in-demand jobs posted to the website of OhioMeansJobs.

(d) Any other training program designed to meet the special requirements of a particular employer.

(B)(1) The OhioMeansJobs Workforce Development Revolving Loan Program is hereby established for the purpose of assisting with job growth and advancement through training and retraining. The Chancellor of Higher Education shall award funds to an institution that the institution shall use to award loans to participants in a workforce training program that is approved by the Chancellor and that is administered by the institution.

(2) In awarding funds under this section, the Chancellor shall give a preference to an institution for a workforce training program in which the institution partners with a business that is willing to repay all or part of the loan on behalf of a program participant or with a business that also provides funding for the program, in comparison to a program that does not have such a partnership. The Chancellor shall consider a program that has employment opportunities in areas that are in demand, including, but not limited to, energy exploration.

(3) The Chancellor also shall consider all of the following factors when determining whether to award funds under this section.
to an institution for a workforce training program, to the extent that these factors apply to the program:

(a) The success rate of the workforce training program offered by the institution;

(b) The cost of the workforce training program based upon a comparison of similar workforce training programs offered in this state;

(c) The rate that the workforce training program participants obtain employment in the field in which they receive training under the program;

(d) The willingness of the institution to assist a participant in paying for the costs of participating in the workforce training program;

(e) The extent to which the program has demonstrated support from business partners.

(4) After the initial funds are awarded to institutions under this section, the Chancellor, in awarding subsequent funds under this section, shall give greater weight to the factors listed in division (B)(3)(a) of this section in comparison to the other factors listed in division (B)(3) of this section, but shall not give that factor greater weight than the preference given in division (B)(2) of this section.

(C) Funds shall be disbursed to successful applicants using moneys from the OhioMeansJobs Workforce Development Revolving Loan Fund established in section 6301.14 of the Revised Code. The Chancellor shall not award to an institution more than one two hundred fifty thousand dollars per workforce training program per year under this section. An institution receiving funds under this section shall establish, in consultation with the Department of Higher Education, eligibility requirements that a participant in the workforce training program for which the institution received
the funds shall satisfy to receive a loan under this section, and the institution shall apply the loan proceeds to program costs for those participants who satisfy those requirements. A loan applied by an institution to program costs for a participant under this section shall not exceed ten thousand dollars per program in which the participant participates.

(D) Except as provided in the rules adopted by the Treasurer of State pursuant to division (G) of this section, a loan to a program participant shall remain interest-free until six months after the date the participant successfully completes the workforce training program, if the participant also continues to reside in this state. Beginning on the earlier of the date that is six months after the individual completes the workforce training program for which the participant received a loan under this section, the date the individual terminates enrollment in the workforce training program without completion, or the date the participant ceases to reside in this state, the Treasurer of State shall assess a rate of interest of not more than four per cent per annum on any outstanding principal balance of that loan. The Treasurer of State shall not assess a zero per cent interest rate. The Treasurer of State shall establish a payment schedule not to exceed seven years after the date a participant successfully completes the workforce training program.

(E) The Chancellor shall prescribe, by rule adopted in accordance with Chapter 119. of the Revised Code, procedures necessary to carry out this section, including all of the following:

(1) Application procedures for funds under this section, which shall require an applicant to include a description of the workforce training program for which the institution intends to award loans and the number of individuals who will be participating in that program;
(2) A method to determine the amount of funds awarded to an institution based on the costs of the workforce training program for which a program participant receives a loan and the number of individuals the institution estimates will participate in the program;

(3) The process by which the Chancellor approves workforce training programs for which loans are granted under this section.

(F) The Treasurer of State shall be responsible for making deposits and withdrawals and maintaining records pertaining to the OhioMeansJobs Workforce Development Revolving Loan Fund.

(G) The Treasurer of State shall service the loans described in this section and may designate a third party to serve as an agent of the Treasurer of State in servicing the loans. A third party designated by the Treasurer of State is authorized to take such actions, to enter into such contracts, and to execute all instruments necessary or appropriate to service those loans. The Treasurer of State shall adopt rules pursuant to section 111.15 of the Revised Code to do all of the following:

(1) Establish a fee to be charged to a loan recipient to offset the cost of servicing the loan;

(2) Establish terms of repayment for a loan;

(3) Assess interest on loans for a participant who fails to comply with continuing eligibility requirements, who fails to complete the workforce training program for which the participant received the loan, or whose participation in the program is on a staggered basis;

(4) Disburse funds to an institution.

(H) The Treasurer of State may adopt any additional rules pursuant to section 111.15 of the Revised Code that the Treasurer of State considers necessary to implement division (G) of this section.
section.

(I) The loan servicing fee established pursuant to division (G)(1) of this section shall not exceed the actual cost of servicing the loan.

(J)(1) The Chancellor shall prepare a report outlining the amount each institution received under this section during the previous year, including the amount awarded to each individual workforce training program.

(2) Beginning on July 1, 2014, and continuing every year thereafter for so long as the Chancellor awards funds under the Program, the Chancellor shall submit the report prepared in division (J)(1) of this section to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate.

Section 610.51. That existing Section 2 of Am. Sub. S.B. 1 of the 130th General Assembly, as amended by Am. Sub. H.B. 64 of the 131st General Assembly, is hereby repealed.

Section 620.10. That Section 7 of Am. Sub. H.B. 52 of the 131st General Assembly is hereby repealed.

Section 733.10. Notwithstanding division (O)(6)(a) of section 3301.0711 of the Revised Code, as amended by this act, in 2017, the Department of Education shall not release as public records any questions and corresponding preferred answers from the English language arts and mathematics assessments prescribed under division (A) of section 3301.0710 of the Revised Code that were administered in the 2015–2016 school year.

Section 733.20. The revisions by this act to section 3365.03 of the Revised Code shall first apply to students seeking to
participate in the College Credit Plus program during the 2018-2019 school year. For participation during the 2017-2018 school year, students shall meet the eligibility requirements prescribed by section 3365.03 of the Revised Code, as it existed prior to the effective date of this section.

Section 733.30. The revisions by this act to section 3365.07 of the Revised Code regarding textbooks, and the provisions of section 3365.072 of the Revised Code, shall first apply to textbook arrangements under the College Credit Plus program for the 2018-2019 school year. For the 2017-2018 school year, textbook arrangements under the program shall be governed by section 3365.07 of the Revised Code, as it existed prior to the effective date of this section.

Section 733.40. Not later than July 1, 2018, the Department of Education, in consultation with the Department of Higher Education and the Governor's Office of Workforce Transformation, shall develop both of the following:

(A) A plan that permits and encourages school districts and chartered nonpublic schools to integrate academic content in subject areas for which the State Board of Education adopts standards under section 3301.079 of the Revised Code into other coursework so that students may earn simultaneous credit in accordance with division (I) of section 3313.603 of the Revised Code;

(B) Guidance to assist school districts and schools that choose to implement integrated coursework under division (I) of section 3313.603 of the Revised Code that includes guidance on appropriate licensure teachers must have to teach integrated coursework and guidance on appropriately integrating subject area content into course curriculum to ensure that students receive...
instruction in the academic content necessary to meet graduation requirements.

Section 733.50. The Chancellor of Higher Education, in consultation with the Director of the Governor's Office of Workforce Transformation and the Superintendent of Public Instruction, shall work with the business community and higher education institutions to develop a program targeted at increasing the number of high school students in Ohio who pursue certificates or degrees in the field of advanced technology and cyber security.

Section 737.10. All money received by the Director of Environmental Protection under section 3751.05 of the Revised Code as that section existed prior to its amendment by this act shall remain in the Toxic Chemical Release Reporting Fund, to be used exclusively for purposes of implementing, administering, and enforcing Chapter 3751. of the Revised Code and rules adopted and orders issued under it. In addition, any money received by the Director after the act's effective date under section 3751.05 of the Revised Code for filing fees or late fees required to be paid under that section prior to the act's effective date shall be deposited in the Fund and used for those purposes.

Section 749.10. (A) The Public Utilities Commission shall explore, in whatever format it considers appropriate, the latest technological and regulatory innovations for the electric distribution system, which may include researching the following:

1. Distributed energy resources, including battery storage;
2. Advanced metering infrastructure;
3. Electric distribution automation, sensors, controls, and data exchange and use;
4. Associated electric rate design;
(5) Any other available technological and regulatory innovations, including those that may be developed in the future.

(B) Upon completion of the research under division (A) of this section, and if the Commission finds it necessary, the Commission may examine any resulting work product and issue a report that summarizes the major findings and recommends a course of action to implement cost-effective distribution system innovations.

Section 753.10. (A) The Governor may execute one or more deeds in the name of the state conveying to a purchaser or purchasers, their heirs, successors, and assigns, to be determined in the manner provided in division (C) of this section, all of the state's right, title, and interest in the following described real estate:

Warren County, Lebanon

Begin at the northwest corner of Warren County parcel number 11052000120, said corner also being on the south right-of-way line of State Route 63 (SR63) and the east line of Norfolk Southern Railroad lands (Warren County parcel number 11055020030), thence westerly along the south right-of-way line of State Route 63 (SR63) 465 +/- feet to a fence line projected from the south, thence southerly along the fence line 650 +/- feet to the east line of the said Norfolk Southern Railroad lands, thence northerly along the said east line of the said Norfolk Southern Railroad lands 320 +/- feet to an angle point in the east line of the said Norfolk Southern Railroad lands, thence westerly along the said east line of the said Norfolk Southern Railroad lands 140 +/- feet to an angle point in the east line of the said Norfolk Southern Railroad lands, thence northwesterly along the said east line of the said Norfolk Southern Railroad lands 570 +/- feet to the beginning and containing approximately 3.2 acres.
Begin at the southeast corner of lands now or formerly owned by Warren General Property (Warren County parcel number 11064000201) said corner also being on the north right-of-way line of State Route 63 (SR 63), thence northerly along the east line of said Warren General Property lands 2035 +/- feet to the northeast corner of said Warren General Property lands, thence westerly along the north line of said Warren General Property lands 2635 +/- feet to the easterly right-of-way of North Union Road, thence along the easterly right-of-way of North Union Road 3475 +/- feet to the southwest corner of lands now or formerly owned by Warren County Commissioners (Warren County parcel number 08313000040), thence easterly along the south line of said Commissioners lands and lands now or formerly owned by FRL Real Estate LLC (Warren County parcel number 08313000082) 2420 +/- feet to a point on the south line of said FRL Real Estate lands and the northwest corner of lands now or formerly owned by Grand Communities LTD. (Warren County parcel number 12362000190), thence southerly along the west line of said Grand Communities LTD. lands 1400 +/- feet to a corner of Grand Communities LTD. lands, thence westerly along said Grand Communities LTD. lands 585 +/- feet to a corner of said Grand Communities LTD. lands, thence southerly along said Grand Communities LTD. lands extended 3685 +/- feet extended to a fence line that surrounds a wastewater treatment facility, thence westerly along the fence line 195 +/- feet to the southerly top of bank of Shaker Creek, thence southwesterly along the top of bank 270 +/- feet to a point, thence southerly 125 +/- feet to the north right-of-way line of State Route 63 (SR 63), thence westerly along the north right-of-way line of State Route 63 (SR 63) 750 +/- feet to the beginning and containing 292 acres.
63 (SR 63) 1255 +/- feet to the extension of a fence line from the north that surrounds a wastewater treatment facility, thence northerly along the fence line 280 +/- feet to a fence corner, thence westerly along the fence line 205 +/- feet to a point where the extension of the west line of lands now or formerly owned by Grand Communities LTD. (Warren County parcel number 12362000190), thence northerly along said extended line 1870 +/- feet to a southwest corner of said Grand Communities LTD. lands, thence easterly along the south line of said Grand Communities, LTD. lands and the south line of lands now or formerly owned by Shaker Run Capital Funding (Warren County parcel number 12301000040), 6030 feet to a point on the west line of lands now or formerly owned by Otterbein Lebanon LLC (Warren County parcel number 12302000031), thence southerly along the west line of said Otterbein Lebanon LLC lands 1700 +/- feet to the extension of a fence line from the west that surrounds a Department of Transportation Outpost facility, thence westerly along the fence line 310 +/- feet to a fence corner, thence southerly along the fence line 435 +/- feet to the centerline of State Route 63 (SR 63), thence westerly along the centerline of State route 63 (SR 63) 455 +/- feet to the southeast corner of lands now or formerly owned by Cincinnati Gas & Electric (Warren County parcel number 12303000020), thence with the boundaries of the said Cincinnati Gas & Electric lands the following three (3) courses and distances: (1) northerly 330 +/- feet, (2) northwesterly 405 +/- feet, (3) southerly 560 +/- feet to the centerline of State Route 63 (SR 63), thence westerly along the centerline of State Route 63 (SR 63) 2155 +/- feet to the extension of a fence line projected from the northeast, thence northeasterly along the fence line 675 +/- feet to an angle point in the fence, thence northerly along the fence line 200 +/- feet to a fence corner, thence southwesterly along the fence line 320 +/- feet to a point on the north line of the above referenced Warren County Commissioners
lands (Warren County parcel number 12364000010), thence with the boundaries of said County Commissioners lands the following two courses and distances: (1) westerly 550 +/- feet, (2) southerly 435 +/- feet to the place of beginning containing approximately 273 acres.

Begin at the northeast corner of lands now or formerly owned by Leah Margaret White (Warren County parcel number 12294000010), said corner also being in the centerline of State Route 741 (SR 741), thence westerly along the north line of said White lands 2655 +/- feet to the northeast corner of said White lands, thence northerly along the projected west line of said White lands 3850 +/- feet to the southerly right-of-way line of State Route 63 (SR 63), thence with the said southerly right-of-way the following eleven (11) courses and distances: (1) easterly 1815 +/- feet, (2) southeasterly 52.09 feet, (3) southeasterly 201.00 feet, (4) southeasterly 253.18 feet, (5) southeasterly 50.25 feet, (6) southeasterly 33.54 feet, (7) northeasterly 276.16 feet, (8) easterly 100.04 feet, (9) easterly 150.01 feet, (10) easterly 250.20 feet, (11) southeasterly 32.74 feet to the westerly right-of-way of State Route 741 (SR 741), thence along the westerly right-of-way of State Route 741 (SR 741) the following eight (8) courses and distances: (1) southwesterly 388.87 feet, (2) southwesterly 186.75 feet, (3) southwesterly 187.79 feet, (4) southwesterly 300.37 feet, (5) southwesterly 201.00 feet, (6) southwesterly 654.38 feet, (7) southerly 52.04 feet, (8) southwesterly 240 +/- feet to the northeast corner of lands owned by The State of Ohio – Department of Transportation (Warren County parcel number 12294000020), thence with the boundaries of said Department of Transportation lands the following three (3) courses and distances: (1) westerly 1645 +/- feet, (2) southerly 700 +/- feet, (3) easterly 1600 +/- feet to the centerline of State Route 741 (SR 741), thence southerly along the centerline of State Route 741 (SR 741) 880 +/- feet to the beginning and containing...
approximately 216 acres.

All of Warren County parcel number 12281000030

The foregoing legal descriptions may be corrected or modified by the Department of Administrative Services as necessary in order to facilitate the recording of the deed or deeds to define the description of the real estate identified as no longer obligatory by the state.

(B)(1) The conveyance or conveyances include improvements and chattels situated on the real estate, and is or are subject to all easements, covenants, conditions, and restrictions of record; all legal highways and public rights-of-way; zoning, building, and other laws, ordinances, restrictions, and regulations; and real estate taxes and assessments not yet due and payable. The real estate shall be conveyed in "as-is, where-is, with all faults" condition.

(2) The deed or deeds for the conveyance of the real estate may contain restrictions, covenants, exceptions, reservations, reversionary interests, and other terms and conditions the Director of Administrative Services determines to be in the best interest of the state.

(3) Subsequent to the conveyance or conveyances, any restrictions, exceptions, reservations, reversionary interests, or other terms and conditions contained in the deed or deeds may be released by the state or the Department of Rehabilitation and Correction without the necessity of further legislation.

(4) The deed or deeds shall contain restrictions prohibiting the purchaser or purchasers from occupying, using, developing, or selling the real estate if the occupation, use, development, or sale will interfere with the quiet enjoyment of neighboring state-owned land.

(5) The real estate described in division (A) of this section
shall be conveyed only if the Director of Administrative Services and the Director of Rehabilitation and Correction first have determined that the real estate is surplus real property no longer needed by the state and that the conveyance or conveyances are in the best interest of the state.

(C)(1) The Director of Administrative Services and the Director of Rehabilitation and Correction shall offer the sale of the real estate in the manner described in divisions (C)(2) or (C)(3) of this section.

(2) The Director of Administrative Services may offer the sale of the real estate to a purchaser or purchasers to be determined, through a negotiated real estate purchase agreement or agreements.

Consideration for the conveyance of the real estate shall be at a price and at terms and conditions acceptable to the Director of Administrative Services and the Director of Rehabilitation and Correction. The consideration shall be paid at closing.

(3) The Director of Administrative Services shall conduct a sale of the real estate by sealed bid auction or public auction, and the real estate shall be sold to the highest bidder at a price acceptable to the Director of Administrative Services and the Director of Rehabilitation and Correction. The Director of Administrative Services shall advertise the sealed bid auction or public auction by publication in a newspaper of general circulation in Warren County, once a week for three consecutive weeks before the date on which the sealed bids are to be opened or the public auction is to be held. The Director of Administrative Services shall notify the successful bidder in writing. The Director of Administrative Services may reject any or all bids.

The purchaser or purchasers shall pay ten percent of the purchase price to the Director of Administrative Services not
later than five business days after receiving the notice the bid has been accepted, and shall enter into a real estate purchase agreement, in the form prescribed by the Department of Administrative Services. Payment may be made by bank draft or certified check made payable to the Treasurer of State. The purchaser or purchasers shall submit the balance of the purchase price to the Director of Administrative Services not later than sixty days after receiving notice the bid has been accepted. A purchaser who does not complete the conditions of the sale as prescribed in this division shall forfeit as liquidated damages the ten percent of the purchase price paid to the state. If a purchaser fails to complete the purchase of the real estate, the Director of Administrative Services may accept the next highest bid, subject to the foregoing conditions. If the Director of Administrative Services rejects all bids, the Director may repeat the sealed bid auction or public auction, or may use an alternative sale process that is acceptable to the Director of Administrative Services and the Director of Rehabilitation and Correction.

The Department of Rehabilitation and Correction shall pay advertising costs incident to the sale of the real estate.

(D) The real estate described in division (A) of this section may be conveyed as an entire tract or as multiple parcels as determined by the Director of Administrative Services and the Director of Rehabilitation and Correction. The real estate described in division (A) of this section may be conveyed to a single purchaser or multiple purchasers as determined by the Director of Administrative Services and the Director of Rehabilitation and Correction.

(E) Except as otherwise specified in this section, the purchaser or purchasers shall pay all costs associated with the purchase, closing, and conveyance of the real estate, including
surveys, appraisals, title evidence, title insurance, transfer costs and fees, recording costs and fees, taxes, and any other fees, assessments, and costs that may be imposed.

(F) The proceeds of the conveyance of facilities and interest in real estate sale or sales shall be deposited into the state treasury to the credit of the Adult and Juvenile Correctional Facilities Bond Retirement Fund in accordance with section 5120.092 of the Revised Code.

(G) Upon payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed or deeds to the real estate described in division (A) of this section. The deed or deeds shall state the consideration and shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the purchaser or purchasers. The purchaser or purchasers shall present the deed or deeds for recording in the Office of the Warren County Recorder.

(H) This section expires three years after its effective date.

Section 757.10. (A) As used in this section, "net additional tax" means, in the case of a wholesale dealer, the net additional amount of tax resulting from the amendment by this act of section 5743.02 of the Revised Code, less the discount allowed under section 5743.05 of the Revised Code as a commission for affixing stamps, that is due on all packages of Ohio stamped cigarettes and on all unaffixed Ohio cigarette tax stamps that the wholesale dealer has on hand as of the beginning of business on July 1, 2017, and, in the case of a retail dealer, means the net additional amount of tax resulting from the amendment by this act of section 5743.02 of the Revised Code that is due on all packages.
of Ohio stamped cigarettes that the retail dealer has on hand as of the beginning of business on July 1, 2017.

(B) In addition to the return required under section 5743.03 of the Revised Code, each wholesale dealer and each retail dealer shall make and file a return on forms prescribed by the Tax Commissioner showing the net additional tax due and any other information that the commissioner considers necessary to apply sections 5743.01 to 5743.20 of the Revised Code in the administration of the net additional tax. On or before September 30, 2017, each wholesale dealer and each retail dealer shall deliver the return to the Commissioner, together with remittance of the net additional tax.

(C) Any wholesale or retail dealer who fails to file a return or remit net additional tax as required under this section shall forfeit and pay into the state treasury a late charge equal to fifty dollars or ten per cent of the net additional tax due, whichever is greater.

(D) Unpaid or unreported net additional taxes and late charges may be collected by assessment in the manner prescribed under sections 5743.081 and 5743.082 of the Revised Code.

(E) All amounts collected under this section shall be considered revenue arising from the tax imposed by section 5743.02 of the Revised Code.

Section 757.20. (A) Notwithstanding the requirements of division (B) of section 5747.50 of the Revised Code, the Tax Commissioner shall reduce the amount available for distribution to counties under that section by one million dollars in each month of the period beginning with July 2017, and ending with December 2017, before calculating the amount to be distributed to each county.
(B) On or before the tenth day of each month in the period beginning with July 2017 and ending with December 2017, the tax commissioner shall provide for payment to each county undivided local government fund of a supplement for townships. The commissioner shall determine the amounts paid to each fund as follows:

(1) Four hundred sixteen thousand six hundred sixty-six dollars and sixty-seven cents shall be divided among every county fund so that each township in the state receives an equal amount.

(2) Four hundred sixteen thousand six hundred sixty-six dollars and sixty-six cents shall be divided among every county fund so that each township receives a proportionate share based on the proportion that the total township road miles in the township is of the total township road miles in all townships in the state.

(C)(1) As used in this division, "qualifying village" means a village with a population of less than one thousand according to the most recent federal decennial census.

(2) On or before the tenth day of each month in the period beginning with July 2017, and ending with December 2017, the tax commissioner shall provide for payment to each county undivided local government fund of a supplement for qualifying villages. The commissioner shall determine the amounts paid to each fund as follows:

(a) Eighty-three thousand three hundred thirty-three dollars and thirty-four cents shall be divided among every county fund so that each qualifying village in the state receives an equal amount.

(b) Eighty-three thousand three hundred thirty-three dollars and thirty-three cents shall be divided among every county fund so that each qualifying village receives a proportionate share based on the proportion that the total village road miles in the
qualifying village is of the total village road miles in all qualifying villages in the state.

(D) The tax commissioner shall separately identify to the county treasurer the amounts to be allocated to each township under divisions (B)(1) and (2) of this section and to each qualifying village under divisions (C)(2)(a) and (b) of this section. The treasurer shall transfer those amounts to townships and qualifying villages from the undivided local government fund.

Section 757.21. (A) Notwithstanding division (C)(2) of section 5747.50 of the Revised Code, each municipal corporation shall receive in each month of the period beginning with July 2017, and ending with December 2017, an amount equal to the amount it received under that section in that same month during the period beginning with July 2016, and ending with December 2016.

(B) Notwithstanding division (C)(1) of section 5747.50 of the Revised Code, for the purpose of calculating the distributions to be made to counties under division (B) of that section, for each month during the period beginning with July 2017, and ending with December 2017, the "total amount available for distribution to municipal corporations during the current month" means the total amount to be distributed to municipal corporations in that month under this section.

Section 757.22. (A) As used in this section, "municipal tax liability" has the same meaning as in division (B)(2)(a) of section 5747.504 of the Revised Code as enacted by this act.

(B) For the purpose of assisting the Tax Commissioner in estimating the amounts required under section 5747.504 of the Revised Code, on or before November 15, 2017, each municipal corporation shall certify to the Commissioner the municipal corporation's municipal tax liability for taxable years 2012,
2013, 2014, 2015, and 2016. If the municipal corporation did not levy an income tax for one or more of those taxable years, the municipal corporation shall certify the years in which no tax was levied and, if applicable, the municipal tax liability for the years in which a tax was levied.

(C) A municipal corporation that levied an income tax for any one of the taxable years specified in division (B) of this section and that fails to certify the amounts required under that division for the years in which a tax was levied shall not receive any direct distribution under section 5747.504 of the Revised Code during the 2018 distribution year.

Section 757.23. (A) The Tax Commissioner shall compute the estimates required to be certified on or before July 25, 2017, under section 5747.501 of the Revised Code as if section 5747.50 of the Revised Code, as amended by this act, was already in effect. If the Commissioner computes the estimates that may be completed in December of 2017, under section 5747.501 of the Revised Code, such estimates shall be computed as if sections 5747.50 and 5747.504 of the Revised Code, as amended or enacted by this act, were already in effect.

(B) Notwithstanding any provision of section 5747.504 of the Revised Code to the contrary, the Tax Commissioner shall perform any computations necessary to make the payments required under that section for the 2018 calendar year on or before January 10, 2018.

Section 757.30. (A) As used in this section, "vapor distributor" and "vapor products" have the same meanings as in section 5743.01 of the Revised Code.

(B) Notwithstanding division (B) of section 5743.61 of the Revised Code, a vapor distributor shall apply for the license
described in division (A)(1)(b) of that section on or before December 31, 2017, or on the day preceding the first day the vapor distributor engages in the business of distributing vapor products within this state, whichever is later. The initial vapor products license issued under this section shall be valid until January 31, 2019, or, if it is issued after that date, the last day of January of the ensuing calendar year.

(C) Vapor products licenses issued under this section are subject to the same rules and procedures as vapor products licenses issued under section 5743.61 of the Revised Code, and may be suspended by the Tax Commissioner under division (D) of that section.

Section 757.40. In order to facilitate an understanding of business incentive tax credits, as defined in section 107.036 of the Revised Code, the following table provides an estimate of the amount of credits that may be authorized in each fiscal year of the 2018-2019 biennium, an estimate of the credits expected to be claimed in each fiscal year of that biennium, and an estimate of the amount of credits authorized that will remain outstanding at the end of that biennium. In totality, this table provides an estimate of the state revenue forgone due to business incentive tax credits in the 2018-2019 biennium and future biennia.

Biennial Business Incentive Tax Credit Estimates

<table>
<thead>
<tr>
<th>Estimate of total value</th>
<th>Estimate of tax credits issued/claimed</th>
<th>Expected Outstanding credits</th>
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<td>(All figures in thousands of dollars)</td>
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Tax FY 2018 FY 2019 FY 2018 FY 2019 End of
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<tr>
<td>Job Creation Tax Credit</td>
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<tr>
<td>Historic Preservation Tax Credit</td>
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<tr>
<td>Motion Picture Tax Credit</td>
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<tr>
<td>New Markets Tax Credit</td>
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<tr>
<td>R&amp;D Loan Tax Credit</td>
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<tr>
<td>InvestOhio Tax Credit</td>
<td>$12,500</td>
</tr>
</tbody>
</table>
Credit

*The Job Creation Tax Credit (JCTC) estimate of credits outstanding is not just for tax credit certificates already issued, but also for the estimated potential value of certificates to be issued under the program through 2035 when looking at the existing portfolio of approved and active incentives. The estimate assumes that the companies receiving credits will continue to meet the performance objectives required to continue receiving the credit.

Section 761.10. It is the intent of the General Assembly that the amendment of section 6111.03 and enactment of section 6111.561 of the Revised Code by this act do all of the following:

(A) Supersede the effect of the holding of the Ohio Supreme Court in Fairfield County Board of Commissioners v. Nally, 2015-Ohio 991, 2015;

(B) Exclude from rulemaking under Chapter 119. of the Revised Code total maximum daily load (TMDL) drafts, established TMDLs, and the submission of a TMDL to the United States Environmental Protection Agency;

(C) Make the establishment of a final TMDL appealable to the Environmental Review Appeals Commission;

(D) Retain, in full force and effect, TMDLs submitted and approved by the United States Environmental Protection Agency prior to March 24, 2015.

Section 763.10. Not later than June 30, 2019, the governor's office of workforce transformation, in conjunction with the Ohio library council or its successor organization, may develop a brand...
for public libraries as "continuous learning centers" that serve
as hubs for information about local in-demand jobs and relevant
education and job training resources.

Not later than June 30, 2019, the state library of Ohio shall
strengthen the online education resources of the Ohio digital
library to provide more accessible job training materials to adult
learners.

Section 803.10. (A) The member of the Ohio Facilities
Construction Commission appointed by the Governor under division
(B) of section 123.20 of the Revised Code as it existed prior to
the amendments to that section made by this act shall serve the
remainder of the member's term. Upon the expiration of the term,
the Governor shall appoint a member to the Commission in the
manner provided by section 123.20 of the Revised Code as amended
by this act.

(B) If the member serving the unexpired term under division
(A) of this section is unable to fulfill the term, the Governor
shall appoint a member to fill the vacancy in the manner provided
by section 123.20 of the Revised Code as amended by this act.

Section 803.20. EXCHANGE OF CERTAIN INFORMATION BETWEEN
SPECIFIED STATE AGENCIES; HEALTH TRANSFORMATION INITIATIVES

Until the amendments to sections 191.04 and 191.06 of the
Revised Code made by this act take effect in accordance with
section 101.01 of this act, and notwithstanding any provision of
the Revised Code to the contrary, the provisions in sections
191.04 and 191.06 of the Revised Code apply for fiscal years 2013
through 2019.

A portion of the foregoing appropriation items 651425,
Medicaid Program Support-State, 651525, Medicaid/Health Care
Section 803.30. Notwithstanding section 1123.01 of the Revised Code, as amended by this act, both of the following apply:

(A) The appointed members who are serving on the Banking Commission as of the effective date of this section shall serve until the end of the term for which the member was appointed. The terms of office set forth in division (B) of that section and the qualifications for membership set forth in division (D) of that section shall first apply to the members appointed on or after the effective date of this section.

(B) The Banking Commission shall, on the effective date of this section, additionally consist of the six members appointed to the Savings and Loan Associations and Savings Banks Board under section 1181.16 of the Revised Code. Each such member shall serve until the end of the term for which the member was appointed.

Section 803.40. A certificate to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery issued under Chapter 4731. of the Revised Code, as that chapter existed immediately prior to the effective date of this section, satisfies the requirements for licensure created by this act until the certificate is required to be renewed. Any
renewal shall be in the form of a license issued under Chapter 4731. of the Revised Code.

Section 803.50. The amendment by this act of section 3517.17 of the Revised Code applies to the first distribution to be made under that section after designations under section 5747.081 of the Revised Code for taxable years beginning in 2017 are available to the Tax Commissioner, and to every distribution thereafter.

Section 803.60. The amendment by this act of section 4301.42 striking "and are entitled to the privileges" and of section 4303.33 of the Revised Code applies to tax reporting periods prescribed under section 4303.33 of the Revised Code beginning on or after July 1, 2017.

Section 803.70. The amendment by this act of sections 4303.332 and 4303.333 of the Revised Code applies on and after January 1, 2018.

Section 803.80. The amendment by this act of section 4301.42 changing the rates of taxation and of sections 4301.43 and 4305.01 of the Revised Code applies on and after July 1, 2017.

Section 803.90. The amendments by this act of sections 1514.11, 5703.052, 5703.19, and 5749.02 of the Revised Code apply on and after October 1, 2017.

Section 803.100. The amendment, enactment, or repeal by this act of sections 113.061, 709.023, 715.691, 715.70, 715.71, 715.72, 718.01, 718.02, 718.04, 718.05, 718.051, 718.06, 718.08, 718.27, 718.41, 5701.11, 5703.052, 5703.053, 5703.19, 5703.21, 5703.50, 5703.57, 5703.70, 5703.90, 5718.01, 5718.02, 5718.04, 5718.041, 5718.05, 5718.051, 5718.06, 5718.07, 5718.08, 5718.10, 5718.12,
5718.13, 5718.15, 5718.19, 5718.23, 5718.24, 5718.27, 5718.35, 5718.41, 5718.97, and 5718.99 of the Revised Code applies to taxable years beginning on or after January 1, 2018.

Section 803.110. The amendment by this act of sections 319.54, 321.27, 5731.46, and 5731.49 of the Revised Code applies to all settlements required under section 5731.46 of the Revised Code on and after the effective date of this section.

Section 803.120. The amendment by this act of sections 3734.9011, 5735.02, 5743.15, and 5743.61 of the Revised Code applies on and after January 1, 2018.

Section 803.140. The amendment by this act of sections 5739.01, 5739.02, 5739.10, and 5741.02 of the Revised Code applies on and after October 1, 2017.

Section 803.150. The amendment by this act of section 5739.30 of the Revised Code applies on and after January 1, 2018.

Section 803.160. The amendment by this act of division (J) of section 5743.01 and the amendment of sections 5743.51, 5743.62, and 5743.63 of the Revised Code concerning specialty cigars apply to invoices dated on or after October 1, 2017.

Section 803.170. The amendment by this act of sections 5743.01, 5743.025, 5743.14, 5743.20, 5743.41, 5743.44, 5743.51, 5743.52, 5743.53, 5743.54, 5743.55, 5743.59, 5743.60, 5743.61, 5743.62, and 5743.63 of the Revised Code concerning vapor products only applies on and after January 1, 2018.

Section 803.180. The amendment by this act of sections 5743.02, 5743.03, 5743.081, and 5743.32 of the Revised Code
Section 803.190. The amendment by this act of division (A) of section 5743.52 and division (C) of section 5743.62 of the Revised Code concerning discounts applies to reporting periods beginning on or after July 1, 2017.

Section 803.200. The repeal by this act of section 5747.29 of the Revised Code applies to taxable years beginning on or after January 1, 2017.

Section 803.210. The amendment or enactment by this act of sections 131.44, 131.51, 5747.50, 5747.501, 5747.502, 5747.503, and 5747.504 of the Revised Code applies to distributions made from the Local Government Fund on or after January 1, 2018.

The amendment by this act of section 5747.51 of the Revised Code shall apply beginning October 1, 2017.

Section 803.220. The amendment or repeal by this act of sections 1509.01, 1509.02, 1509.11, 1509.34, 1509.50, 1513.08, 1513.182, 5749.01, 5749.03, 5749.04, 5749.06, 5749.07, 5749.08, 5749.10, 5749.11, 5749.12, 5749.13, 5749.14, 5749.15, and 5749.17 shall apply on and after October 1, 2017.

Section 803.230. The amendment by this act of division (F)(2)(a) of section 5751.01 of the Revised Code applies to tax periods beginning on or after July 1, 2017.

The amendment by this act of division (F)(2)(z) of section 5751.01 of the Revised Code applies to qualifying certificates issued for qualifying year 2017 and thereafter.

Section 806.10. The items of law contained in this act, and
their applications, are severable. If any item of law contained in this act, or if any application of any item of law contained in this act, is held invalid, the invalidity does not affect other items of law contained in this act and their applications that can be given effect without the invalid item of law or application.

Section 809.10. An item of law, other than an amending, enacting, or repealing clause, that composes the whole or part of an uncodified section contained in this act has no effect after June 30, 2019, unless its context clearly indicates otherwise.

Section 812.10. Except as otherwise provided in this act, the amendment, enactment, or repeal by this act of a section is subject to the referendum under Ohio Constitution, Article II, section 1c and therefore takes effect on the ninety-first day after this act is filed with the Secretary of State or, if a later effective date is specified below, on that date.

Section 5743.05 of the Revised Code takes effect July 1, 2017.

Sections 3701.83, 3704.035, 3710.01, 3710.02, 3710.04, 3710.05, 3710.051, 3710.06, 3710.07, 3710.08, 3710.09, 3710.10, 3710.11, 3710.12, 3710.13, 3710.14, 3710.15, 3710.17, 3710.19, and 3710.99 of the Revised Code take effect January 1, 2018.

Sections 119.06, 125.22, 125.92, 1923.02, 2135.01, 2305.113, 3313.608, 3781.06, 4505.181, 4709.01, 4709.02, 4709.04, 4709.05, 4709.06, 4709.07, 4709.08, 4709.09, 4709.10, 4709.12, 4709.13, 4709.14, 4709.23, 4709.26, 4709.27, 4713.01, 4713.02, 4713.03, 4713.04, 4713.05, 4713.06, 4713.07, 4713.071, 4713.08, 4713.081, 4713.082, 4713.09, 4713.11, 4713.13, 4713.141, 4713.17, 4713.20, 4713.22, 4713.24, 4713.25, 4713.28, 4713.29, 4713.30, 4713.31, 4713.32, 4713.34, 4713.35, 4713.37, 4713.39, 4713.41, 4713.44, 4713.45, 4713.48, 4713.50, 4713.51, 4713.55, 4713.57, 4713.58,
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4757.321, 4757.33, 4757.34, 4757.36, 4757.361, 4757.37, 4757.38, 106835
Section 5124.01 of the Revised Code takes effect July 1, 2018.

Section 812.20. The amendment, enactment, or repeal by this act of the sections listed below is exempt from the referendum under Ohio Constitution, Article II, section 1d and therefore takes effect immediately when this act becomes law or, if a later effective date is specified below, on that date.

Sections 1509.01, 1509.02, 1509.11, 1509.34, 1509.50,
The amendment by this act of divisions (B)(3), (B)(13), and (D)(5) of section 5739.02 of the Revised Code.

The amendment by this act of division (P) of section 5743.01 of the Revised Code.

The amendment by this act of divisions (A)(1) and (2) of section 5743.51 of the Revised Code.

The amendment by this act of division (A) of section 5743.52 of the Revised Code.

The amendment by this act of divisions (A)(1) and (2) of section 5743.63 of the Revised Code.

The amendment by this act of division (F)(2)(a) of section 5751.01 of the Revised Code.

Sections of this act prefixed with section numbers in the 200s, 300s, and 400s.

Sections 610.20, 610.21, 610.30, 610.31, 610.50, and 610.51 of this act.

Sections 757.10, 757.20, 757.21, 757.22, and 757.23 of this act.


Sections or parts of sections that state that referenced sections in whole or in part are exempt from the referendum.
Section 812.30. The sections that are listed in the left-hand column of the following table combine amendments by this act that are and that are not exempt from the referendum under Ohio Constitution, Article II, sections 1c and 1d and section 1.471 of the Revised Code.

The middle column identifies the amendments to the listed sections that are subject to the referendum under Ohio Constitution, Article II, section 1c and therefore take effect on the ninety-first day after this act is filed with the Secretary of State or, if a later effective date is specified, on that date.

The right-hand column identifies the amendments to the listed sections that are exempt from the referendum under Ohio Constitution, Article II, section 1d and section 1.471 of the Revised Code and therefore take effect immediately when this act becomes law or, if a later effective date is specified, on that date.

<table>
<thead>
<tr>
<th>Section of law</th>
<th>Amendments subject to the referendum</th>
<th>Amendments exempt from the referendum</th>
</tr>
</thead>
<tbody>
<tr>
<td>1514.11</td>
<td>All amendments in the first paragraph</td>
<td>All amendments except as described in the middle column</td>
</tr>
<tr>
<td>5703.052</td>
<td>The amendments in division (A) except for &quot;former&quot; and &quot;as that section existed before its repeal by ...B... of the 131st general assembly&quot;</td>
<td>All amendments except as described in the middle column</td>
</tr>
<tr>
<td>5703.19</td>
<td>All amendments to division (B)</td>
<td>All amendments except as described in the middle column</td>
</tr>
</tbody>
</table>
All amendments except for those described in the right-hand column

The amendment in divisions (A)(1) and (2);

The following amendment in division (C): "If the return is filed and the amount of the tax shown on the return to be due is paid on or before the date the return is required to be filed, the seller is entitled to a discount equal to two and five tenths percent of the amount shown on the return to be due."

All amendments in division (B) except for the amendments to divisions (B)(4) and (6);

The amendments in divisions (B)(5) and (7) substituting the Mining Regulation and Safety Fund;

The amendment in division (C) striking through ", plus estimated transfers to it from the coal
Section 812.40. (A) The repeal of sections 5115.01, 5115.02, 5115.03, 5115.04, 5115.05, 5115.06, 5115.07, 5115.20, 5115.22, and 5115.23 and the amendment of sections 126.35, 131.23, 323.01, 323.32, 329.01, 329.051, 2151.43, 2151.49, 3111.04, 3113.06, 3113.07, 3119.05, 5101.16, 5101.17, 5101.18, 5101.181, 5101.184, 5101.26, 5101.27, 5101.28, 5101.33, 5101.35, 5101.36, 5117.10, 5123.01, 5168.02, 5168.09, 5168.14, 5168.26, 5502.13, 5709.64, and 5747.122 of the Revised Code take effect on December 31, 2017.

(B) Notwithstanding the provisions of Chapter 5115. of the Revised Code, on and after the effective date of this section and until December 31, 2017, all of the following apply to the Disability Financial Assistance Program:

(1) Beginning July 1, 2017, the Department of Job and Family Services shall not accept any new application for disability financial assistance.

(2) Before July 31, 2017, the Department shall notify the following individuals that benefits shall terminate on July 31, 2017:

   (a) Recipients who have applications for Supplemental Security Income or Social Security Disability Insurance benefits pending before the federal Social Security Administration and who have received a denial of reconsideration from the Administration on or before July 1, 2017;

   (b) Recipients who do not have applications for Supplemental Security Income or Social Security Disability Insurance benefits pending before the Social Security Administration and who have
received from the Administration on or before July 1, 2017, an initial denial of benefits or denial of reconsideration.

(3) Beginning on July 1, 2017, and ending on October 1, 2017, the Department shall provide disability financial assistance benefits only to recipients who have not received a denial of reconsideration from the Social Security Administration.

(4) After October 1, 2017, the Department shall provide disability financial assistance benefits only to recipients who have applications for Supplemental Security Income or Social Security Disability Insurance benefits pending before the Social Security Administration and have not received a denial of reconsideration from the Administration.

(C) Until July 1, 2019, the Department, or the county department of job and family services at the request of the Department, may take any action described in former section 5115.23 of the Revised Code to recover erroneous payments, including instituting a civil action.

(D) Beginning December 31, 2017, the Executive Director of the Governor's Office of Health Transformation, in cooperation with the Directors of the Departments of Job and Family Services and Mental Health and Addiction Services, the Medicaid Director, and the Executive Director of the Opportunities for Ohioans with Disabilities Agency, shall ensure the establishment of a program to do both of the following:

(1) Refer adult Medicaid recipients who have been assessed to have health conditions to employment readiness or vocational rehabilitation services;

(2) Assist adult Medicaid recipients who have been assessed to have disabling health conditions to expedite applications for Supplemental Security Income or Social Security Disability Insurance benefits.
Section 812.50. (A) The following are subject to the referendum and take effect on the ninety-first day after this act is filed with the Secretary of State:

The amendment to division (D) of section 5124.15 of the Revised Code.

The amendment to division (A) of section 5124.21 of the Revised Code.

(B) The following are subject to the referendum and take effect on July 1, 2018:

The amendment to sections 5124.01, 5124.101, 5124.151, 5124.155, 5124.19, 5124.191, 5124.30, and 5124.39 of the Revised Code.

The amendment to section 5124.15 of the Revised Code, except for division (D) of the section.

The amendment to section 5124.21 of the Revised Code, except for division (A) of the section.

Section 815.10. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 105.41 of the Revised Code as amended by both Am. Sub. H.B. 64 and Am. H.B. 141 of the 131st General Assembly.


Section 121.22 of the Revised Code as amended by both Sub.
H.B. 158 and Sub. H.B. 413 of the 131st General Assembly.


Section 2329.66 of the Revised Code as amended by both H.B. 155 and Sub. S.B. 11 of the 131st General Assembly.

Section 3302.03 of the Revised Code as amended by both Am. Sub. H.B. 2 and Am. Sub. H.B. 64 of the 131st General Assembly.


Section 3742.01 of the Revised Code as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly.

Section 4725.09 of the Revised Code as amended by both Am. Sub. H.B. 104 and Sub. H.B. 149 of the 127th General Assembly.


Section 4729.51 of the Revised Code as amended by both Sub. H.B. 290 and Sub. S.B. 319 of the 131st General Assembly.

Section 4731.07 of the Revised Code as amended by both Am. Sub. H.B. 64 and Sub. S.B. 110 of the 131st General Assembly.

Section 4731.22 of the Revised Code as amended by Sub. H.B. 104.

   Section 4731.295 of the Revised Code as amended by both Sub. H.B. 320 of the 130th General Assembly and Am. Sub. H.B. 64 of the 131st General Assembly.


   Section 4757.41 of the Revised Code as amended by both Sub. H.B. 158 and H.B. 230 of the 131st General Assembly.


   Section 5703.57 of the Revised Code as amended by both Sub. H.B. 5 and Am. Sub. S.B. 243 of the 130th General Assembly.

   Section 5739.01 of the Revised Code as amended by both Sub. H.B. 390 and H.B. 466 of the 131st General Assembly.


   Section 5747.02 of the Revised Code as amended by both Sub. H.B. 182 and Sub. S.B. 208 of the 131st General Assembly.

   Section 5747.51 of the Revised Code as amended by both Sub. H.B. 166 and Sub. H.B. 390 of the 131st General Assembly.